

ACTS
AND
RESOLVES
PASSED BY THE

General Court of Massachusetts

IN THE YEAR

1978

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



Printed by The Nimrod Press, Boston, MA
1979

ACTS AND RESOLVES

OF

MASSACHUSETTS

1978

The General Court, which was chosen November 2, 1976, assembled on Wednesday, the fourth day of January, 1978, 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 1978.

ACTS

Chap. 1. AN ACT EXTENDING THE TIME WITHIN WHICH THE TOWN OF AMESBURY MAY BORROW THE SUM OF NINETY-FIVE THOUSAND THIRTY-FIVE DOLLARS IN ANTICIPATION OF STATE GRANTS FOR THE CONSTRUCTION OF THE SEWERAGE TREATMENT PLANT.

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

SECTION 1. Notwithstanding any 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, is hereby authorized to renew a state aid anticipation note of said town in the amount of ninety-five thousand thirty-five dollars in order to pay the balance of the state aid anticipation note of said town dated January twenty-second, nineteen hundred and seventy-six, and which was most recently renewed on September fifteenth, nineteen hundred and seventy-seven and payable January twentieth, nineteen hundred and seventy-eight. Notes issued under this act for a period of less than two years may be renewed or paid from time to time by the issue of other notes; provided, that the period from the date of an original note issued under this act to the maturity of any note issued to renew or pay the same debt shall not exceed two years.

SECTION 2. This act shall take effect upon its passage.
Approved January 19, 1978

Chap. 2. AN ACT AUTHORIZING THE TOWN OF COHASSET 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 town of Cohasset, with the approval of the selectmen of said town, is hereby authorized to issue federal aid anticipation notes of the town, in the principal amount of one hundred thousand dollars, payable in not more than one year from their dates, in order to pay the federal aid anticipation notes of the town in the same amount dated January twenty-seventh, nineteen hundred and seventy-six, which were renewed on January twenty-seventh, nineteen hundred and seventy-seven and which are payable January twenty-seventh, nineteen hundred and seventy-eight. Notes issued under this act for a period of less than one year may be renewed or paid from time to time by the issue of other notes, provided that the period from the date of an original note issued under this act to the maturity of any note issued to renew or pay the same debt shall not exceed one year.

SECTION 2. This act shall take effect upon its passage.
Approved January 27, 1978

Chap. 3. AN ACT REGULATING THE LABELING, DISTRIBUTION, SALE, STORAGE, TRANSPORTATION, USE AND APPLICATION AND DISPOSAL OF PESTICIDES.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to conform to the laws of the commonwealth with federal requirements on registration and certification of pesticides, 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 nine A of chapter seventeen of the General Laws is hereby repealed.

SECTION 2. Sections eleven to twenty-two, inclusive, of chapter ninety-four B of the General Laws are hereby repealed.

SECTION 3. The General Laws are hereby amended by inserting after chapter 132A the following chapter:-

CHAPTER 132B.

MASSACHUSETTS PESTICIDE CONTROL ACT.

Section 1. This chapter shall be known and may be cited as the Massachusetts Pesticide Control Act.

Section 2. Unless the context clearly requires otherwise, when used in this chapter, the following words and phrases shall have the following meanings:-

"Active ingredient", in the case of a pesticide other than a plant regulator, defoliant, or desiccant, an ingredient which prevents, destroys, repels, or mitigates any pest; in the case of a plant regulator, an ingredient which through physiological action accelerates or retards the rate of growth or rate of maturation or otherwise alters the behavior of ornamental or crop plants or the products thereof; in the case of a defoliant, an ingredient which causes the leaves or foliage to drop from a plant; and, in the case of a desiccant, an ingredient which artificially accelerates the drying of plant tissue.

"Administrator", the Administrator of the United States Environmental Protection Agency.

"Adulterated", when used with reference to a pesticide, any pesticide the strength or purity of which falls below the professed standard of purity as expressed on its labeling under which it is sold; a pesticide for which any substance has been substituted wholly or in part; or a pesticide from which any valuable constituent has been wholly or in part abstracted.

"Advisory council", a council established by regulations adopted by the department for the purposes set forth in section five.

"Agricultural commodity", a plant, or part thereof, or animal or animal product produced by a person primarily for sale, consumption, propagation, or other use by man or animals.

"Animal", all vertebrate and invertebrate species, including

but not limited to man and other mammals, birds, fish and shellfish.

"Certified applicator", an individual who is certified under the provisions of section ten as authorized to use or supervise the use of any pesticide which is classified by the department as being for restricted use.

"Private applicator", a certified applicator who uses or supervises the use of any pesticide which is classified by the department as being for restricted use for purposes of producing any agricultural commodity on property owned or rented by him or his employer or if applied without compensation other than trading of personal services between producers of agricultural commodities on the land of another person.

"Commercial applicator", a certified applicator, whether or not he is a private applicator with respect to some users, who uses or supervises the use of any pesticide which is classified by the department as being for restricted use for any purpose or on any land other than as provided in the preceding paragraph.

"Licensed applicator", an individual who is licensed under the provisions of section ten as authorized to be present while pesticides classified by the department as being for restricted use are being applied under the direct supervision of a certified applicator, or to use or to be present to supervise the use or land of another for hire any pesticide classified by the department as being for general use.

"Beneficial insects", insects which, during their life cycle, are effective pollinators of plants, are parasites or predators of pests, or are otherwise beneficial.

"Board", the pesticide board, established by section three.

"Commissioner", the commissioner of food and agriculture.

"Defoliant", a substance or mixture of substances intended to cause the leaves or foliage to drop from a plant, with or without causing abscission.

"Department", the department of food and agriculture.

"Desiccant", a substance or mixture of substances intended to artificially accelerate the drying of plant tissue.

"Device", an instrument or contrivance, other than a firearm, intended to hold or dispense a pesticide and used in conjunction with a pesticide, the purpose of which is to trap, destroy, repel, or mitigate any pest or any other form of plant or animal life, other than man and other than bacteria, virus, or other micro-organism on or in living man or other living animals, but not including equipment used for the application of pesticides when sold separately therefrom.

"Director", the pesticides program director established by section four.

"Distribution" or "Distribute", to offer for sale, hold for sale, sell, barter, ship, deliver for shipment, or receive.

"Environment", includes water, air, land, and all plants and man and other living animals therein, and the interrelationships which exist among these.

"Federally registered pesticide", a pesticide which is registered pursuant to FIFRA.

"FIFRA", the Federal Insecticide, Fungicide, and Rodenticide Act, Public Law 92-516, as amended.

"Fungi" or "Fungus", non-chlorophyll-bearing thallophytes of a lower order than mosses and liver-worts, as, for example, rusts, smuts, mildews, molds, yeasts, and bacteria, except those on or in living man or other living animals, and except those in or on processed food, beverages, or pharmaceuticals.

"Imminent hazard", a situation in which the continued use of a pesticide would result in unreasonable adverse effects on the environment.

"Inert ingredient", an ingredient which is not active.

"Insect", a small invertebrate animal generally having the body more or less obviously segmented, for the most part belonging to the class insecta, comprising six-legged, usually winged forms, as for example, moths, beetles, bugs, bees, flies, and their immature stages, and to other allied classes of arthropods whose members are wingless and usually have more than six legs, as for example, spiders, mites, ticks, millipedes, and wood lice.

"Label", the written, printed, or graphic matter, on or attached to, the pesticide or device or any of its containers or wrappers.

"Labeling", all labels and all other written, printed or graphic matter accompanying the pesticide or device at any time, or to which reference is made on the label or in literature accompanying the pesticide or device, but shall not include publications of the United States Environmental Protection Agency, the United States Department of Agriculture, or Interior, or Health, Education and Welfare, state experiment stations, state agricultural colleges, and other similar federal or state institutions or agencies authorized by law to conduct research or disseminate information in the field of pesticides, except as otherwise provided by regulation of the department.

"Land", land and water areas, including airspace, and structures, buildings, contrivances, and machinery appurtenant thereto or situated thereon, fixed or mobile.

"Licensed pesticide dealer", a person who distributes pesticides classified by the department as being for restricted use or pesticides whose uses or distribution are further restricted by regulations adopted by the department, with the approval of the board.

"Misbranded", (a) in the case of a pesticide or device, if the labeling bears any statement, design, or graphic representation relative thereto or to its ingredients which is false or misleading in any particular; (b) in the case of a pesticide or device, if it is an imitation of, or is offered for sale under the name of, another pesticide or device; (c) in the case of a pesticide or device, if any word, statement, or other information required by or under authority of FIFRA or this chapter to appear on the label or labeling is not prominently placed thereon with such conspicuousness, as compared with other words, statements, designs, or graphic matter in the labeling, and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use; (d) in the case of a pesticide, if it is contained in a package or other container or wrapping which does not conform to standards established pursuant to FIFRA or this chapter; (e) in the case of a pesticide, if it does not contain a label bearing the registration

number assigned under FIFRA to each establishment in which it was produced; (f) in the case of a pesticide, if the labeling accompanying it does not contain directions for use which are necessary for effecting the purpose for which the product is intended and if complied with, together with any requirements imposed under FIFRA or this chapter, is adequate to protect health and the environment; (g) in the case of a pesticide, if its label does not contain a warning or caution statement which may be necessary and if complied with, together with any requirements imposed under FIFRA or this chapter, is adequate to protect health and the environment; (h) in the case of a pesticide, if its label does not bear an ingredient statement on that part of the immediate container, and on the outside container or wrapper of the retail package, if there be one, through which the ingredient statement on the immediate container cannot be clearly read, which is presented or displayed under customary conditions or purchase, except that a pesticide is not misbranded if the administrator has permitted the ingredient statement to be placed on another part of the container pursuant to FIFRA; (i) in the case of a pesticide, if its labeling does not contain a statement of the use classification under which it is registered; (j) in the case of a pesticide, if there is not affixed to its container, and to the outside container or wrapper of the retail package, if there be one, through which the required information on the immediate container cannot be clearly read, a label bearing the name and address of the producer, registrant, or person for whom the pesticide is produced; the name, brand, or trademark under which the pesticide is distributed; the net weight or measure of the content, as required by the administrator; and the registration number assigned to the pesticide by said administrator pursuant to FIFRA; (k) in the case of a pesticide containing any substance or substances in quantities highly toxic to man, unless the label shall bear, in addition to any other matter required by FIFRA or this chapter the skull and crossbones; the word "POISON" prominently in red on a background of distinctly contrasting color; and a statement of practical treatment, first aid or otherwise, in case of poisoning by the pesticide; and (l) in the case of a pesticide, if its container does not bear a label, as required by the department pursuant to this chapter.

"Nematode", invertebrate animals of the phylum nemathelminthes and class nematoda, that is, unsegmented round worms with elongated, fusiform, or sac-like bodies covered with cuticle, and inhabiting soil, water, plants or plant parts. Nematodes may also be referred to as nemas or eel-worms.

"Person", an individual, association, partnership, corporation, company, business organization, trust, estate, the commonwealth or its political subdivisions, administrative agencies, public or quasi-public corporation or body, or any other legal entity or its legal representative, agent or assign, or a group of persons.

"Pest", an insect, rodent, nematode, fungus, weed, or any other form of terrestrial or aquatic plant or animal life or virus, bacterium, or other micro-organism, except viruses, bacteria or other micro-organisms on or in living man or other living animal, which is declared to be a pest by the administrator or by the department with the approval of the board.

"Pesticide", a substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest, and any substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant; provided that the term "Pesticide" shall not include any article that is a "new animal drug" within the meaning of section 201 (w) of the Federal Food, Drug and Cosmetic Act (21 U.S.C. s 321 (w)), or that has been determined by the Secretary of the United States Department of Health, Education and Welfare not to be a new animal drug by a regulation establishing conditions of use for the article, or that is an animal feed within the meaning of section 201 (x) of such act (21 U.S.C. s 321 (x)).

"Plant regulator", a substance or mixture of substances intended, through physiological action, to accelerate or retard the rate of growth or rate of maturation, or to otherwise alter the behavior of plants or the produce thereof, but shall not include substances to the extent that they are intended as plant nutrients, trace elements, nutritional chemicals, plant inoculants, and soil amendments. Also, the term "plant regulator" shall not include any nutrient mixtures or soil amendments commonly known as vitamin-hormone horticultural products, intended for improvement, maintenance, survival, health, and propagation of plants, and as are not for pest destruction and are nontoxic, nonpoisonous in the undiluted package concentration.

"Produce", to manufacture, prepare, compound, propagate, process or repackage any pesticide or device.

"Producer", a person who manufactures, prepares, compounds, propagates, processes or repackages any pesticide or device.

"Protect health and the environment" or "protection of health and environment", protection against any unreasonable adverse effects on the environment.

"Registrant", a person who has registered any pesticide pursuant to the provisions of this chapter.

"Under the direct supervision of a certified applicator", unless otherwise prescribed by its labeling, a pesticide shall be considered to be applied under the direct supervision of a certified applicator if it is applied by a competent person acting under the instructions and control of a certified applicator who is available if and when needed, and who is responsible for the pesticide applications made by that person, even though such certified applicator is not physically present at the time and place the pesticide is applied.

"Unreasonable adverse effects on the environment", an unreasonable risk to man or the environment, taking into account the economic, social and environmental costs and benefits of the use of any pesticide.

"Weed", a plant which grows where not wanted.

"Wildlife", vertebrate animals, excluding man, that are wild by nature, including fish, birds, mammals, reptiles and amphibians.

Section 3. There shall be within the department of food and agriculture a pesticide board which shall consist of the commissioner of environmental quality engineering or his designee, the commissioner of food and agriculture or his designee, the director of the division of food and drugs or his designee, the com-

missioner of fisheries, wildlife and recreational vehicles or his designee, the commissioner of environmental management or his designee, the commissioner of public health or his designee, and seven persons appointed by the governor one of whom shall have been engaged in the commercial production of a plant-related agricultural commodity for at least the preceding five years on land owned or rented by him, one of whom shall have been an active commercial applicator of pesticides for at least the preceding five years, one of whom shall have expertise in the health effects of pesticide use, one of whom shall be a physician, one of whom shall be experienced in the conservation and protection of the environment, and two of whom shall represent the public at large. The commissioner of food and agriculture or his designee shall be chairman of the board.

The appointive members of the board shall receive fifty dollars for each day or portion thereof spent in the discharge of their official duties and shall be reimbursed for their necessary expenses incurred in the discharge of their official duties. Each appointive member shall be appointed for a term of four years, except for persons appointed to fill vacancies who shall serve for the unexpired term. Any member shall be eligible for reappointment.

The board shall hold an annual meeting in March, and regularly at three other times annually, and from time to time at the call of the chairman or upon the request of any two members.

Seven members of the board shall constitute a quorum. The board may, by vote of a majority of its members then in office, adopt rules and regulations for the conduct of its business. Rules and regulations adopted may be amended or repealed by a two-thirds vote of its members.

The board in addition to other powers conferred in this chapter shall advise the commissioner of food and agriculture with respect to the implementation and administration of this chapter.

The pesticides program director established by section four shall attend meetings of the board, shall serve as secretary thereto, but shall have no vote in its deliberation.

Section 3A. A subcommittee of the pesticide board shall be established and shall be charged with the responsibility of registering all pesticides for use in the commonwealth pursuant to section seven. Said subcommittee shall also be responsible for issuing all experimental use permits pursuant to section eight. Said subcommittee shall consist of five members, the director of the division of food and drugs, who shall act as chairman, the commissioner of the department of food and agriculture or his designee, the commissioner of the department of environmental management or his designee, the commissioner of public health or his designee, and one person appointed by the governor, who shall have been actively engaged in commercial application of pesticides for at least the preceding five years who shall be a member of the pesticide board. Any person aggrieved by the decision of said subcommittee may appeal any such decision according to the provisions of section thirteen.

Section 4. The pesticide regulatory functions conferred upon the department under the provisions of this chapter shall be under

the administrative supervision of a pesticide programs director who shall be qualified by training and experience to perform such duties. Said director shall be appointed by the commissioner with the approval of the board for a term of five years. Said person shall be eligible for reappointment, but may be removed by the commissioner for cause. The position of director shall not be subject to the provisions of chapter thirty-one or the provisions of section nine A of chapter thirty. If an employee serving in a position which is classified under chapter thirty-one or in which he has tenure by reason of section nine A of chapter thirty shall be appointed director, he shall upon termination of his service as director be restored to the position which he held immediately prior to such appointment or to a position equivalent thereto in salary grade in the same state department; provided, however, that his service in such unclassified position shall be determined by the civil service commission in administering chapter thirty-one. Such restoration shall be made without impairment of his civil service status or tenure under section nine A of chapter thirty and without loss of seniority, retirement, or other rights to which uninterrupted service in such prior position would have entitled him. During the period of such appointment, the person so appointed from a position in the classified service shall be eligible to take any competitive promotional examination for which he would otherwise have been eligible.

Section 5. The department with the approval of the board may cooperate and enter into cooperative agreements and contracts with appropriate federal agencies, the agencies of other states, interstate agencies, other agencies of the commonwealth or its political subdivisions, or private or nonprofit organizations in matters related to the purposes of this chapter or FIFRA, and may receive from and dispense to such agencies such funds as may be available for the purposes of this chapter and FIFRA.

The department with the approval of the board shall take all action necessary or appropriate to secure for the commonwealth the benefits of FIFRA and other pertinent federal legislation.

The department with the approval of the board and subject to the provisions of chapter thirty A may from time to time adopt, amend or repeal such forms, regulations and standards as it deems necessary for the implementation and administration of this chapter.

The department with the approval of the board shall by regulation establish and formulate procedures whereby the advice or relevant advisory councils shall be sought incident to the development of policy or the adoption, amendment or repeal of regulations related to the administration of this chapter.

The department may with the approval of the board declare such pests and devices as it deems necessary to be subject to the provisions of this chapter.

Section 6. No person shall distribute a pesticide not registered pursuant to the provisions of section seven. This prohibition shall not apply to the transfer of a pesticide from one plant or warehouse to another plant or warehouse and used solely at such plant or warehouse as a constituent part to make a pesticide which is or will be registered pursuant to the provisions of this

act; or the distribution of a pesticide pursuant to the provisions of an experimental use permit issued under section eight.

No person shall distribute a pesticide classified by the department as being for restricted use to a person not appropriately certified to use that pesticide. This prohibition shall not apply to the distribution of a pesticide to a competent individual acting under the direct supervision of an individual appropriately certified to use that pesticide.

No person shall distribute a pesticide that is adulterated or misbranded or a device that is misbranded.

No person shall distribute any pesticide unless it is in the registrant's or the producer's unbroken, unopened, and sealed container. This prohibition shall not apply to the repackaging of pesticides because of damage in transit.

No person shall distribute any pesticide that does not conform to any requirement of its registration or permit.

No person shall distribute any pesticide in containers that are unsafe due to damage or design.

No person shall detach, alter, deface, or destroy, wholly or in part, any label or labeling provided for in this chapter or in regulations adopted thereunder, or to add any substance to, or take any substance from, a pesticide in a manner that may defeat the purposes of this chapter or regulations adopted thereunder.

No person shall distribute, handle, dispose of, discard, or store any pesticide or pesticide container in such a manner as to cause injury to humans, vegetation, crops, livestock, wildlife, beneficial insects, to cause damage to the environment, or to pollute or contaminate any water supply, waterway, groundwater or waterbody.

No person shall act in the capacity of, or advertise as, or assume to act as a licensed pesticide dealer unless that person is in possession of a currently valid license issued by the department pursuant to the provisions of section nine. No person possessing a pesticide dealer license shall violate or allow to be violated any term, condition, restriction or provision of said license.

No person shall purchase or use a pesticide that is not registered by the department under the provisions of section seven; provided, however, that this prohibition shall not apply to the use of a pesticide consistent with the terms of an experimental use permit issued by the department under the provisions of section eight.

Section 6A. No person shall use a registered pesticide in a manner that is inconsistent with its labeling or other restrictions imposed by the department. No person shall use a pesticide which is the subject of an experimental use permit inconsistently with the terms and conditions of said permit.

No individual certified or licensed as a pesticide applicator shall violate any provision, condition, term or restriction of his certification or license.

No person shall use a pesticide that has been classified by the department as being for restricted use unless he is an appropriately certified private applicator, an appropriately certified commercial applicator, or a competent individual acting under the direct supervision of an appropriately certified applicator.

Section 7. Pesticides, including pesticides that are federally registered may be registered by the subcommittee of the pesticide board for use in the commonwealth.

Each applicant for the registration of a pesticide shall annually file with the subcommittee an application providing thereon such information as said subcommittee shall require. Said subcommittee may require of applicants for pesticide registrations any information that it deems necessary to determine whether, or how, the pesticide should be registered.

An applicant desiring to register or reregister a pesticide shall pay such registration fee, not to exceed twenty-five dollars, as said subcommittee may by regulation require. All pesticide registrations shall be for a period not to exceed one year.

In the event that any person files with said subcommittee an application to reregister a pesticide which is registered on the date of application for reregistration and pays the appropriate fee therewith, such registration shall be deemed to be in effect until the earlier of the following two events shall occur, ninety days have elapsed after the registration was scheduled to expire, or the subcommittee notifies the applicant for reregistration that the registration has been renewed, modified or denied.

If said subcommittee determines that a pesticide, when used in accordance with its directions for use, warnings and cautions and for the uses for which it is registered, or for one or more such uses, or in accordance with a widespread and commonly recognized practice, will not generally cause unreasonable adverse effects on the environment, it may classify the pesticide, or the particular use or uses of the pesticide to which the determination applies, as being for general use.

If said subcommittee determines that a pesticide, when used in accordance with its directions for use, warnings and cautions and for the use for which it is registered, or for one or more of such uses, or in accordance with a widespread and commonly recognized practice, may cause, without additional restrictions, unreasonable adverse effects on the environment, including injury to the applicator, it may classify the pesticide or the particular use or uses to which the determination applies, for restricted use.

Said subcommittee shall register a pesticide if it determines that its composition is such as to warrant the proposed claims for it; its labeling and other material required to be submitted comply with the requirements of this chapter; it will perform its intended function without unreasonable adverse effects on the environment; and when used in accordance with widespread and commonly recognized practice it will not generally cause unreasonable adverse effects on the environment.

As part of the registration of a pesticide, said subcommittee may require that the pesticide be colored or discolored if such requirement is necessary for the protection of health or the environment, may classify for restricted use any pesticide or pesticide use classified for general use under FIFRA, and may include in the registration such conditions of use as it deems necessary.

If at any time it appears that a pesticide registration does not comply with the provisions of FIFRA, this chapter, or rules and regulations promulgated thereunder, or when used as registered,

or a pesticide may cause unreasonable adverse effects on the environment, or a registered pesticide is an imminent hazard, the subcommittee as established in section three A, may, forthwith by an order suspend the registration of such pesticide. Notification of such order shall be sent to the applicant and shall be a public record.

Section 8. Any person may apply to the subcommittee for an experimental use permit for a pesticide. Each applicant for an experimental use permit shall file with the department an application providing thereon such information as the department may require. Each applicant for an experimental use permit shall pay such registration fee, not to exceed twenty-five dollars, as the department may by regulation require.

The subcommittee may grant an experimental use permit to an applicant therefor if it determines that the applicant needs such a permit to accumulate information necessary to register a pesticide.

The subcommittee shall refuse to grant an experimental use permit if it believes that the pesticide applications to be made under the proposed terms and conditions may cause unreasonable adverse effects on the environment, or if it believes that the applicant or person to conduct the experimentation is not competent to conduct such experimentation without causing unreasonable adverse effects on the environment.

The subcommittee shall revoke any experimental use permit, at any time, if it believes that its terms or conditions are being violated, or that its terms and conditions are inadequate to avoid unreasonable effects on the environment.

Section 9. A person may apply to the department to be a licensed pesticide dealer. Said applicants shall submit to the department a statement supplying such information thereon as the department may require. An applicant for such a license shall pay such registration fee, not to exceed twenty-five dollars, as the department may by regulation require, for each principal distribution center, branch outlet, or direct sales representative of an out-of-state distributor.

In the event that any person files with the department an application to renew a pesticide dealer's license which is in effect on the date of application for renewal and pays the appropriate fee therewith, such license shall be deemed to be in effect until the earlier of the following two events shall occur: ninety days have elapsed after the license was scheduled to expire; or the department notifies the applicant for renewal that the license has been renewed, modified or denied.

The department shall grant a pesticide dealer's license for a term not to exceed one year. The department shall grant such licenses subject to such terms, conditions and restrictions as it deems necessary or appropriate.

The department shall refuse to grant a pesticide dealer's license if it finds that the proposed distributor or his agent has acted in a manner inconsistent with the purposes for requirements of this chapter or FIFRA.

The department shall revoke any pesticide dealer's license, at any time, if it finds that its terms, conditions or restrictions are

being violated or are inadequate to avoid unreasonable adverse effects on the environment.

As part of its determination to refuse to grant, or to revoke, a pesticide dealer's license the department may specify a period, not to exceed two years, within which the applicant may not reapply for a pesticide dealer's license. In the event that the department has specified a period for nonapplication, the department may later, at its discretion, shorten or waive such period.

Section 10. Certifications and licenses to use pesticides may be issued to individuals by the department in accordance with the provisions, standards and procedures contained in and established pursuant to this chapter. Each certification and license issued pursuant to this section shall be valid only for the individual to whom it is issued, may not be transferred, and shall not continue in force and effect after the death of the individual to whom it is issued. All certifications and licenses shall be for a period not to exceed one year, unless sooner revoked or suspended.

The department may authorize individuals to use pesticides in classifications as a certified commercial applicator, a certified private applicator, and a licensed applicator.

The department may establish such categories and subcategories as it deems necessary to restrict or condition the scope of pesticide use permitted within each classification. The department may establish such standards and criteria, take such action and impose such requirements as it deems necessary to determine or redetermine levels of competence and experience to qualify for each classification and each category and subcategory thereof.

Each applicant for a certification or license shall annually file with the department an application providing thereon such information as the department may require.

Each applicant desiring to be certified or licensed shall annually pay such application fee, not to exceed twenty dollars, as the department may by regulation require.

In the event that any individual files with the department an application to renew a certification or license which is in effect on the date of the application for renewal and pays the appropriate fee therewith, such certification or license shall be deemed to be in effect until the earlier of the following two events shall occur: ninety days have elapsed after the certification or license was scheduled to expire; or the department notifies the applicant that the certification or license has been renewed, modified or denied.

The department may issue a certification or license to an applicant therefor if it determines that the applicant satisfies the criteria established for that certification or license and the category or subcategory for which the certification or license is sought. The department may thus issue a certification or license subject to such terms, conditions, restrictions and requirements as it deems necessary. The department may require that an applicant for a certification or license has obtained and maintains in effect a contract of liability insurance conforming to regulations established by the department.

The department shall prior to issuing a certificate or license

evaluate each applicant to determine his competence with respect to the use and handling of pesticides, or to the use and handling of the pesticides or class of pesticides covered or to be covered by said individual's certification or license. Said evaluation shall include such examinations as the department may require. Examinations may be taken only upon payment of a fee, not to exceed ten dollars for each examination given, as the department may require by regulation approved by the board.

The department may revoke, suspend, cancel or deny any certification or license, or any class thereof, at any time, if it believes: that the terms or conditions thereof are being violated or are inadequate to avoid unreasonable adverse effects on the environment, or that the holder of or applicant for the certification or license has violated any provision of this chapter or FIFRA or any regulation, standard, order, license, certification or permit issued thereunder or that the holder or applicant for said certification or license is not competent with respect to the use and handling of pesticides, or to the use and handling of the pesticides or class of pesticides covered by said individual's certification or license. Any person whose certification or license is suspended or revoked hereunder shall also be subject to such other punishment, penalties, sanctions or liabilities as may be provided by law. As part of its determination to refuse to grant, to revoke, or to suspend a certification or license the department may specify a period, not to exceed two years, within which the applicant may not reapply for a certification or license. In the event that the department has refused to issue or has revoked or suspended such a certification or license, and has specified a period for non-application, the department may later, at its discretion, shorten or waive such period.

The department may, at its discretion, appropriately license or certify any person possessing a valid certification or license, or equivalent rating, issued by the pesticide control agency of any other state or the federal government whose standards for the issuance of such rating are not less stringent than those of the department, provided that the pesticide control agency of that state extends similar privileges to persons so licensed or certified by the commonwealth. Any person so licensed or certified shall be subject to the annual fee requirements of this section.

Section 11. The department shall by regulation establish such restrictions and prohibitions upon the disposal and storage of pesticides, packages and containers of pesticides, and materials used in the testing or application of pesticides as it deems necessary to protect health and the environment.

Section 12. Whenever it appears to the department that there is an imminent hazard, or a potential threat of unreasonable adverse effect on the environment, or a violation or a potential violation of any provision of this chapter or of any license, certification, permit, order, registration or regulation issued or adopted thereunder, the department may issue to such persons as it deems necessary an order requiring the production of samples and records, or an order imposing restraints on or requiring such action, as it deems necessary. Issuance of an order under this section shall not preclude and shall not be deemed an election to

forego any action to recover for damages to interests of the commonwealth or, under section fourteen of this act, for civil penalties or for criminal fines and penalties.

Section 13. Any person aggrieved by a determination by the department to register or not to register a pesticide, to suspend a pesticide registration, to issue, not issue or revoke an experimental use permit, to issue, deny, revoke or suspend any certification or license, or to issue an order, made under the provisions of this chapter, may request an adjudicatory hearing before the board under the provisions of chapter thirty A. Said determination shall contain a notice of a right to request a hearing and may specify a time limit, not to exceed twenty-one days, within which said persons may request a hearing before the board under the provisions of said chapter thirty A. If no such request is timely made, the determination shall be deemed assented to. If a timely request is received, the board shall within a reasonable time hold a hearing and comply with the provisions of said chapter thirty A. In hearings so held the board shall designate a hearing officer to preside over the hearing, to assemble an official record thereof, and to render a tentative decision as provided in paragraph (7) of section eleven of said chapter thirty A. The board shall make the final decision on the basis of the official record and tentative decision so rendered.

If, in making a determination which under the provisions of the preceding paragraph may be the subject of an adjudicatory hearing, the department finds that an imminent hazard or an unreasonable adverse effect on the environment could result pending the conclusion of the adjudicatory hearing requested thereon, the department may order that the determination shall become provisionally effective and enforceable immediately upon issuance, and shall remain so notwithstanding and until the conclusion of any adjudicatory hearing procedures timely requested. In the event that the department has thus made a determination provisionally effective, it may later, at its discretion, shorten the duration of or waive such order.

As part of a final decision in an adjudicatory proceeding held under the provisions of this section, the board may specify a reasonable time period within which the matter may be barred from further proceedings before the department or the board. In the event that the board has so specified a time period, the board may later, at its discretion, shorten or waive such period.

A person aggrieved by a final adjudicatory determination of the board may obtain judicial review thereof pursuant to the provisions of chapter thirty A.

Section 14. Any person who violates any provision of section six shall be punished by a fine of not more than one thousand dollars, or by imprisonment for not more than one year, or both, for each such violation, knowingly committed or shall be subject to a civil penalty not to exceed five hundred dollars for each such violation which may be assessed in an action brought on behalf of the commonwealth in any court of competent jurisdiction. Each day of violation shall constitute a separate offense.

Any person who violates any provision of section six A or who violates any valid regulation adopted under the provisions of this

chapter shall be punished by a fine of not more than one hundred dollars, or imprisonment for not more than six months, or both, for the second and each subsequent offense, knowingly committed or shall be subject to a civil penalty not to exceed fifty dollars for any offense, which may be assessed in an action brought on behalf of the commonwealth in any court of competent jurisdiction. Each day of violation shall constitute a separate offense.

Any person who violates any order issued under the provisions of this chapter shall be punished by a fine of not more than five thousand dollars or imprisonment for not more than one year, or both, for each violation knowingly committed, or shall be subject to a civil penalty not to exceed twenty-five hundred dollars for each violation which may be assessed in an action brought on behalf of the commonwealth in any court of competent jurisdiction. Each day of violation shall constitute a separate offense.

The superior court shall have jurisdiction to enjoin violations of, or grant such relief as it deems necessary or appropriate to secure compliance with, any provision of this chapter or the terms of an order, license, certification, registration, permit or regulation issued or adopted thereunder.

Section 15. For the purpose of administering the provisions of this chapter, personnel or agents of the department and its inspectors shall have access and entry at reasonable times to any premises pursuant to a search warrant duly issued by a court of competent jurisdiction, provided that no sample of a pesticide obtained in the course of such inspection and no result of any analysis or test of any such sample shall be received in evidence in any criminal proceeding under this chapter unless the sample shall have been taken and the analysis or test conducted by a chemist in the agricultural extension service of the University of Massachusetts authorized by the department. Personnel or agents of the department may take such samples as are reasonably necessary to accomplish the purpose of their investigation and inspection. Any information relating to secret processes, methods of manufacture, production or use obtained in the course of such inspection shall be kept confidential upon request, when not required to be disclosed incident to the enforcement of this chapter. This section shall not be construed to abrogate any of the powers and duties, as defined by general or special law or common law, of any agency or political subdivision of the commonwealth.

SECTION 4. All orders, rules and regulations duly made, and all licenses, permits, certificates, registrations and approvals duly issued pursuant to the authority of the laws repealed by section two of this act, and which are in force immediately prior to the effective date of this act, shall continue in full force and effect and the provisions thereof shall be enforceable by the department of food and agriculture until superceded, revised, rescinded or otherwise modified by said department acting pursuant to the provisions of chapter one hundred and thirty-two B of the General Laws, inserted by section three of this act. All questions regarding the identification of such licenses, permits, certificates, registrations and approvals shall be determined by the commissioner of administration.

SECTION 5. Any suit, action, cause of action or other proceeding lawfully commenced prior to the effective date of this act, under the authority of the laws repealed by section two shall not abate by reason of the passage of this act. Any such suit, action, cause of action, or proceeding shall be completed and enforceable by the department of food and agriculture upon and from the effective date of this act.

SECTION 6. Whenever in any general or special law reference is made to authority in matters related to the regulation of pesticides and the use thereof, as described in the laws repealed by section two, such authority shall, on the effective date of this act, be vested in the department of food and agriculture to be henceforth exercised by said department pursuant to the provisions of chapter one hundred and thirty-two B of the General Laws, inserted by section three of this act.

SECTION 7. Employees of the department of public health and the department of environmental quality engineering who, immediately prior to the effective date of this act, hold positions related to the exercise of the pesticide regulatory statutes repealed by section two of this act and either hold permanent appointment in positions classified under chapter thirty-one of the General Laws or have tenure in their positions by reason of section nine A of chapter thirty of the General Laws may, at their request, be transferred to the department of food and agriculture without impairment of civil service status, seniority, retirement or other rights and without interruption of service within the meaning of said chapter thirty-one or said section nine A and without reduction in compensation or salary grade notwithstanding any change in title or duties resulting from such transfer, subject to the provisions of said chapter thirty-one and the rules and regulations adopted thereunder; provided that no such transfer shall take effect unless it is approved both by the commissioner of the department within which said employee is employed and by the commissioner of food and agriculture.

Employees of the department of public health and the department of environmental quality engineering who, immediately prior to the effective date of this act, hold positions related to the exercise of the pesticide regulatory statutes repealed by section two but neither hold permanent appointment in such positions, nor have tenure, may, at their request, be transferred to the department of food and agriculture without impairment of seniority, retirement and other rights, and without interruption of service within the meaning of said section nine A of chapter thirty and without reduction in compensation or salary grade, notwithstanding any change in title or duties resulting from such transfer; provided that no such transfer shall take effect unless it is approved by the commissioner of the department within which said employee is employed and by the commissioner of food and agriculture.

SECTION 8. All duly executed contracts, leases and obligations of the department of public health and the department of environmental quality engineering relating to the pesticide regulatory functions described in the laws repealed by section two,

and which are in force immediately prior to the effective date of this act, shall thereafter be performed by the department of food and agriculture pursuant to the provisions of chapter one hundred and thirty-two B of the General Laws, inserted by section three of this act. All questions regarding the identification of such contracts, leases and obligations shall be determined by the commissioner of administration. No existing right or remedy of any character shall be lost, impaired or affected by the provisions of this act.

SECTION 9. All monies heretofore appropriated for the department of public health and the department of environmental quality engineering for the purpose of implementing and exercising the powers and duties of the laws repealed by section two of this act, and remaining unexpended on the effective date of this act, are hereby transferred to, and shall be available for expenditure by, the department of food and agriculture for the purpose of implementing and exercising the powers and duties of chapter one hundred and thirty-two B of the General Laws, inserted by section three of this act.

SECTION 10. In the initial appointments to the pesticide board, established by section three of chapter one hundred and thirty-two B of the General Laws, the governor shall appoint one member for a term of four years, two members for a term of three years, two members for a term of two years and two members for a term of one year. Upon the expiration of the term of any such member his successor shall be appointed for a term of four years.

Approved January 30, 1978

Chap. 4. AN ACT TO WAIVE A CERTAIN WAITING PERIOD FOR BENEFITS UNDER THE EMPLOYMENT SECURITY LAW FOR THOSE PERSONS UNABLE TO TRAVEL TO WORK BECAUSE OF EMERGENCY WEATHER CONDITIONS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide unemployment benefits for certain persons adversely affected by the emergency weather conditions of the current month, 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. Any employee who experienced total or partial unemployment during the period beginning February sixth, nineteen hundred and seventy-eight and ending February twelfth, nineteen hundred and seventy-eight, both dates inclusive, because of severe weather conditions or any prohibition on travel by any public official or body, who would otherwise be eligible for benefits under chapter one hundred and fifty-one A of the General Laws, but for the provisions of section twenty-three of said chapter, shall be eligible for such benefits as would otherwise be paid without regard to the provisions of said section. Any claim for benefits under this act shall be filed on or before

May thirty-first, nineteen hundred and seventy-eight.

Notwithstanding the definition of "remuneration" contained in paragraph (3) of subsection (r) of section one of said chapter one hundred and fifty-one A, or any other provision of said chapter, for any employees made eligible for benefits under said chapter because of the provisions of the first paragraph of this act, the term "remuneration" shall not include any payments on account of wage or salary advances for work to be done at a future time, sick leave, personal days or vacation time made to such employee for the period designated in the first paragraph of this act.

The provisions of the second sentence of paragraph (1) of subsection (r) of section one of said chapter one hundred and fifty-one A shall not apply to any employee made eligible for benefits by the provisions of this act.

Notwithstanding any provision of said chapter one hundred and fifty-one A to the contrary, the division of employment security may make any determination or decide any appeal regarding the applicability of the provisions of the first paragraph of this act to any employee by means of a determination or decision that shall apply to all employees of a particular employer, or to all employees of a particular employer employed at a particular location. Any employee may appeal from such determination or decision on his own behalf pursuant to the provisions for appeal therefrom contained in said chapter.

All payments for the period designated in the first paragraph of this act to employees made eligible for benefits because of the provisions of said paragraph, or to employees otherwise experiencing total or partial unemployment because of severe weather conditions or any prohibition on travel by any public official or body, shall be charged to the solvency account established pursuant to the provisions of section fourteen of said chapter one hundred and fifty-one A; provided that the provisions of this sentence shall not apply in the case of employers who finance benefits pursuant to section fourteen A of said chapter; provided, further that notwithstanding the provisions of section fourteen of said chapter one hundred and fifty-one A, any additional amount charged to the solvency account pursuant to the provisions of this act shall, subject to the rules and regulations of the division of employment security, be chargeable only to those employers who did not pay their employees for the period set out in the first paragraph of this act or any part thereof who could not work because of severe weather conditions or any prohibition on travel by any public official or body during the period set out in the first paragraph of this act.

Except as explicitly provided in this act, the provisions of said chapter one hundred and fifty-one A and the rules promulgated thereunder shall apply to all claims made and benefits paid pursuant thereto. The division may adopt rules and regulations to implement the provisions of this act.

If funds for the purpose of this act are available from any federal disaster program of the federal government, those funds will be sought and if received will be used to reimburse any charges made to employers of the commonwealth.

SECTION 2. Chapter 720 of the acts of 1977 is hereby amended by striking out section 38 and inserting in place thereof the following section:-

Section 38. Sections one to eleven, inclusive, sections thirteen to sixteen, inclusive, sections twenty to twenty-three, inclusive, sections twenty-six to thirty, inclusive, and section thirty-five, shall take effect on January first, nineteen hundred and seventy-eight. Section twelve, section seventeen, section twenty-five and sections thirty-one to thirty-four, inclusive, shall take effect upon their passage. Sections eighteen and nineteen shall take effect on September first, nineteen hundred and seventy-seven. When reference is made in subsections (a) to (e), inclusive, and subsection (g) of section fourteen A of chapter one hundred and fifty-one A of the General Laws, as appearing in section twenty-four of this act, to nonprofit organizations said references shall be effective on their passage; when reference is made to governmental employers in said subsections, their effective date shall be January first, nineteen hundred and seventy-eight; subsections (h), (i), and (j) of section fourteen A of said chapter one hundred and fifty-one A, as so appearing, shall take effect on January first, nineteen hundred and seventy-eight; subsection (f) of section fourteen A of said chapter one hundred and fifty-one A, as so appearing, shall take effect on January first, nineteen hundred and seventy-eight and shall apply only to claims in benefit years beginning on or after January first, nineteen hundred and seventy-eight; section fourteen B of said chapter one hundred and fifty-one A, as so appearing, shall take effect upon its passage; section fourteen C of said chapter one hundred and fifty-one A, as so appearing, shall take effect on January first, nineteen hundred and seventy-eight.

Approved February 16, 1978

Chap. 5. AN ACT MAKING APPROPRIATIONS FOR THE FISCAL YEAR ENDING JUNE THE THIRTIETH, NINETEEN HUNDRED AND SEVENTY-EIGHT 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 three hundred and sixty-three A of the acts of nineteen hundred and seventy-seven, for the fiscal year ending June the thirtieth, nineteen hundred and seventy-eight or for such period as may be specified, the sums so appropriated to be in addition to any amounts at present available for the purpose.

SECTION 2.

Item

Unforeseen Emergencies.

- 1599-2021 For a reserve to meet the cost of expenditures incurred by the Massachusetts National Guard during and after the storm of February sixth and seventh, nineteen hundred and seventy-eight; provided, that the governor, upon recommendation of the commissioner of administration, is hereby authorized to transfer from the sum appropriated herein to other military appropriation items where the amounts otherwise available, are insufficient, such amounts as are necessary to protect the public interest; provided further, that any such transfer shall have the prior written approval of the house and senate committees on ways and means; provided further, that the governor, upon recommendation of the commissioner of administration, is authorized to allocate the amount of said transfers to the several state or other funds to which such items of appropriation are charged; and provided further, that any federal funds received as a result of said expenditures shall be credited to the General Fund\$4,000,000
- 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 such items of appropriation are charged1,000,000

EXECUTIVE OFFICE OF COMMUNITIES AND DEVELOPMENT.

- 3743-2010 For emergency fuel assistance for low income persons, appropriation expires June thirtieth, nineteen hundred and seventy-eight\$1,000,000

EXECUTIVE OFFICE OF HUMAN SERVICES.

- 4190-8771 Item 4190-8771 of section two of chapter four hundred eighty-one of the acts of nineteen hundred and seventy-six is hereby amended by striking out the wording and inserting in place thereof the following:-
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 sixty-five per cent of the approved construction cost.

DEPARTMENT OF PUBLIC WELFARE.

- 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; provided, further, that no monies appropriated under this item shall be expended for tutoring or remedial reading of children 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\$2,600,000

DEPARTMENT OF PUBLIC WORKS.

Maintenance and Operation of State Highways and Bridges.

Appropriation under this heading may be expended for traffic safety and control on certain city or town ways:

6030-7201 For the expenses of snow and ice control, including the removal of sand, and including the cost of sand, salt and chemicals\$5,500,000
 Highway Fund 100.0%

EXECUTIVE OFFICE OF MANPOWER AFFAIRS.

Division of Industrial Accidents.

9050-3000 For the compensation of certain public employees for injuries sustained in the course of their employment, including previous fiscal year\$3,990,500
 Highway Fund 35.0%
 General Fund 65.0%

EXECUTIVE OFFICE OF ELDER AFFAIRS.

Office of the Secretary.

9110-1630 For a home care program for the elderly, of which no more than five 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; provided, that to qualify for such assistance, the grantee shall meet matching requirements as established by departmental regulation; provided, that all other funds appropriated under this item shall be used for purpose of home care services for the elderly under a program operated pursuant to Title XX contract with the department of public welfare; prior appropriation continued\$3,000,000

SECTION 3. There is hereby established a program of emergency fuel assistance to be administered by the division of social and economic opportunity within the department of community affairs, which shall coordinate its activities with the department of elder affairs and the department of welfare.

Any household whose income is not higher than one hundred and twenty-five per cent of the poverty guidelines as established by the federal community services administration or which is eligible for the Supplemental Security Income Program and which is not eligible for fuel assistance under the emergency assistance program established pursuant to section two of chapter one hundred and eighteen of the General Laws, shall be eligible for application to this program, provided, however, that such household must be in imminent danger of discontinuation of fuel supply, must have received a valid discontinuation notice issued pursuant to the provisions of section one hundred and twenty-four of chapter one hundred and sixty-four of the General Laws, or must be unable to purchase fuel supplies, and must so prove by furnishing a notice of refusal to deliver or such other evidence as the division of social and economic opportunity may require.

The division of social and economic opportunity shall distribute sixty per cent of such funds as may from time to time become available for this program to the community action agencies referred to in section twenty-four of chapter twenty-three B of the General Laws, on a pro rata share to be determined by the ratio of the number of low income and elderly individuals at or

below the poverty level in each area served by a community action agency to the number of low income and elderly individuals at or below the poverty level in the commonwealth as determined by the most recent federal census. Any remaining or unused funds shall be distributed to the community action agencies on the basis of need as shall be determined by the division of social and economic opportunity who shall consult with the various home care corporations and councils on aging. No more than six per cent of the total funds shall be spent on costs of administering this program.

Said community action agencies shall assist eligible applicants by providing direct payment to fuel suppliers or by providing an eligible applicant with a payment voucher for submission to a fuel supplier. No such payment or voucher shall exceed two hundred and fifty dollars per eligible applicant in any calendar year, and no direct payment or voucher shall be used for the establishment of an escrow account. No applicant shall be deemed eligible upon final expenditure of such monies as are made available for this program. Payment received under this act shall not be counted in determining eligibility for assistance under any other assistance program.

The division of social and economic opportunity shall promulgate rules and regulations for the implementation of this program within ten days of the effective date of this act, and shall also submit to the secretary of administration and finance and the chairmen of the senate and house ways and means committees twice each month in writing a report of the number of individuals receiving aid from this program. Said division shall also submit in writing a report evaluating the program together with such recommendations as it deems necessary to the clerks of the house and senate and the governor within ninety days after the last payment is made to an eligible recipient.

SECTION 3A. Chapter 811 of the acts of 1977 is hereby amended by adding the following section:-

SECTION 2. This act shall take effect on February sixth, nineteen hundred and seventy-eight.

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

Approved February 16, 1978

Chap. 6. AN ACT FURTHER REGULATING RATES PAID TO CERTAIN PROVIDERS OF MEDICAL SERVICES.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to further regulate rates paid to certain providers of medical services, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Chapter 363A of the acts of 1977 is hereby amended by striking out section 33 and inserting in place thereof the following section:-

Section 33. 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 September thirtieth, nineteen hundred and seventy-seven, in the case of hospitals, or over the rate effective as of June thirtieth, nineteen hundred and seventy-seven in the case of other medical providers, shall take effect until approved by the general court; provided, however, that the costs determined by the rate setting commission to be incurred by nursing homes as a result of federally mandated life safety code improvements and increased minimum wage requirements shall be exempt from the provisions of this section; and provided, further, that the secretary of human services and the commissioner of public welfare are hereby directed to obtain from the proper federal authorities prior approval for those provisions of this section that pertain to hospitals.

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

Approved March 6, 1978

Chap. 7. 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 board of selectmen of said town, is hereby authorized to renew or issue federal aid anticipation notes of the town in the amount of fifty thousand dollars in order to pay the federal aid anticipation notes of the town, dated January sixteenth, nineteen hundred and seventy-three, in the amount of fifty thousand dollars, and most recently renewed on September sixteenth, nineteen hundred and seventy-seven, and payable March sixteenth, nineteen hundred and seventy-eight. Notes issued or renewed 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 March 15, 1978

Chap. 8. AN ACT DESIGNATING THE BRIDGE NUMBERED G-1-4 ON RELOCATED STATE HIGHWAY ROUTE 140 IN THE CITY OF GARDNER AS THE HOWARD D. FERGUSON MEMORIAL BRIDGE.

Be it enacted, etc., as follows:

The bridge numbered G-1-4 by the department of public works

on relocated state highway route 140 over tracks of the Boston and Maine Railroad in the city of Gardner shall be designated and known as the Howard D. Ferguson Memorial bridge, in memory of Howard D. Ferguson who was an outstanding citizen of said city and whose work contributed significantly to endeavors which benefited the economic development and growth of the community, and who gave freely of his time and energies to the goal of improving the highway communication system for the citizens and industries of the area. Suitable markers bearing said designation shall be attached thereto by said department in compliance with the standards of said department and as authorized by the Federal Highway Administration.

Approved March 20, 1978

Chap. 9. AN ACT DESIGNATING THE INTERSECTION OF STATE HIGHWAY ROUTE 122 AND CENTRAL STREET IN THE TOWN OF MILLVILLE AS THE DEPUTY CHIEF STANLEY F. LACZKA MEMORIAL SQUARE.

Be it enacted, etc., as follows:

The intersection of state highway route 122 and Central street in the town of Millville shall be designated and known as the Deputy Chief Stanley F. Laczka Memorial Square, in memory of Stanley F. Laczka, the late deputy chief of police of the town of Millville, who was a friend and protector of countless Millville elementary school children as the town's only crossing guard for many years. The department of public works shall attach a suitable marker bearing said designation in compliance with the standards of said department.

Approved March 20, 1978

Chap. 10. AN ACT AUTHORIZING THE COUNTY COMMISSIONERS OF ESSEX COUNTY TO BORROW MONEY TO ALTER, REPAIR, RENOVATE AND EQUIP THE LAWRENCE JAIL AND HOUSE OF CORRECTION, THE SALEM JAIL AND HOUSE OF CORRECTION AND THE CORRECTIONAL ALTERNATIVES CENTER AT LAWRENCE.

Be it enacted, etc., as follows:

SECTION 1. The county commissioners of Essex county are hereby authorized to raise and expend a sum not exceeding one million five hundred thousand dollars for such repairs, alterations, renovations and equipping of the Salem jail and house of correction, the Lawrence jail and house of correction and the correctional alternatives center at Lawrence, as they deem necessary and proper, including plans and specifications and architect's fees and expenses connected therewith. 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 to be expended hereunder.

SECTION 2. For the purposes of section one, the county treasurer of Essex county, with the approval of the county commissioners of said county, 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 five hundred thousand dollars and may issue bonds or notes therefor, which shall bear on their face the words, Essex County Jail and House of Correction Loan, Act of 1978. Each authorized issue shall constitute a separate loan and such loans shall be payable in not more than ten 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 conditions as the county commissioners may deem proper, but not for less than 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 March 21, 1978

Chap. 11. AN ACT REGULATING THE CLOSING OF A
BRANCH OFFICE OF A TRUST COMPANY.

Be it enacted, etc., as follows:

Section 11 of chapter 172 of the General Laws, as most recently amended by section 18 of chapter 1149 of the acts of 1973, is hereby further amended by adding the following paragraph:-

(e) With the approval of the board of bank incorporation a branch office may be closed.

Approved March 23, 1978

EMERGENCY LETTER - March 27, 1978 @ 1:44 P.M.

Chap. 12. AN ACT MAKING A CORRECTIVE CHANGE IN A
CERTAIN LAW RELATIVE TO CERTAIN HOLIDAYS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to make a corrective change in a certain law relative to certain holidays, 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 4 of the General Laws is hereby amended by striking out clause Eighteenth, as most recently amended by chapter 977 of the acts of 1977, and inserting in place thereof the following clause:-

Eighteenth, "Legal holiday" shall include January first, January fifteenth, July fourth, November eleventh, 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, 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, or the day following when said day occurs on Sunday.

Approved March 28, 1978

Chap. 13. AN ACT EXTENDING THE TIME FOR THE SUBMISSION OF THE ANNUAL BUDGET IN CITIES IN THE YEAR NINETEEN HUNDRED AND SEVENTY-EIGHT.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to extend the time for the submission of the annual budgets in cities in the year nineteen hundred and seventy-eight, 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 annual organization of such city government in the calendar year nineteen hundred and seventy-eight submit to the city council the annual budget for the fiscal year nineteen hundred and seventy-nine.

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-eight 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-nine 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 twenty-three, 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 28, 1978

Chap. 14. AN ACT RELATIVE TO THE EFFECTIVE DATES OF CERTAIN MILK LICENSES.

Be it enacted, etc., as follows:

Section 5 of chapter 94A of the General Laws, as amended by section 3 of chapter 604 of the acts of 1953, is hereby further amended by striking out the third and fourth sentences and inserting in place thereof the following two sentences:- Licenses issued hereunder shall expire twelve months from the effective

date of said licenses. Any licensee whose application for renewal is made on or before the fifteenth day prior to the expiration date may continue to engage in the milk business pending the action of the commission on such application.

Approved March 28, 1978

Chap. 15. AN ACT REQUIRING NOTIFICATION OF CERTAIN COUNTY BALANCES TO THE DIRECTOR OF ACCOUNTS AND COUNTY TREASURERS.

Be it enacted, etc., as follows:

Section 29 of chapter 35 of the General Laws is hereby amended by striking out the second sentence, as most recently amended by section 13 of chapter 849 of the acts of 1969, and inserting in place thereof the following sentence:- At the closing of a county treasurer's books on July tenth, the balance to the credit of each appropriation shall become a part of the general unappropriated balance in the county treasury; but no special appropriation shall lapse until the work for which it was made has been completed, the bills paid and the account closed; provided, however, that written notification of such balance has been submitted by the county commissioners to the county treasurer and the director of accounts on or before the tenth day following the close of the fiscal year.

Approved March 28, 1978

Chap. 16. AN ACT RELATIVE TO INVESTMENTS BY SAVINGS BANKS.

Be it enacted, etc., as follows:

Section 49 of chapter 168 of the General Laws, as most recently amended by chapter 282 of the acts of 1977, is hereby further amended by adding the following paragraph:-

9. Industrial Development Bonds or Notes. - Bonds or notes issued by or through an industrial development financing authority or agency established under the provisions of chapter forty D or forty E.

Approved March 31, 1978

Chap. 17. AN ACT AUTHORIZING THE COUNTY TREASURER OF BARNSTABLE COUNTY TO PAY A CERTAIN UNPAID BILL.

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 to pay, out of available funds in the treasury of said county, to New England Telephone and Telegraph Company, the sum of two hundred and seventy-two dollars and fifty-one cents for services rendered to said county in the year nineteen hundred and seventy-six.

Approved March 31, 1978

Chap. 18. AN ACT PROCLAIMING MAY OF THE YEAR
NINETEEN HUNDRED AND SEVENTY-EIGHT
MASSACHUSETTS LIBRARY MONTH.

Be it enacted, etc., as follows:

The governor shall issue a proclamation setting apart the month of May of nineteen hundred and seventy-eight as Massachusetts Library Month and shall recommend that said month be observed by the people in an appropriate manner.

Approved March 31, 1978

Chap. 19. AN ACT REQUIRING A SECONDARY SCHOOL
STUDENT TO BE APPOINTED TO MEMBERSHIP
TO THE COMMISSION FOR OCCUPATIONAL
EDUCATION IN THE DEPARTMENT OF
EDUCATION.

Be it enacted, etc., as follows:

SECTION 1. Section 1F of chapter 15 of the General Laws, as appearing in section 1 of chapter 837 of the acts of 1969, is hereby amended by striking out the eighth paragraph and inserting in place thereof the following paragraph:-

There is hereby established the commission for occupational education which shall consist of seventeen members, six to be appointed by the board of higher education, and eleven to be appointed by the board of education.

SECTION 2. The tenth paragraph of said section 1F of said chapter 15, as so appearing, is hereby amended by striking out, in line 12, the word "and",- and by inserting after the word "education", in line 13, the words:- ; and one shall be a secondary school student.

SECTION 3. Said section 1F of said chapter 15, as so appearing, is hereby amended by striking out the eleventh paragraph and inserting in place thereof the following paragraph:-

The members of said commission shall each serve for a term of three years; provided, however, that the term of the secondary school student member shall cease when he no longer is a secondary school student.

Approved March 31, 1978

Chap. 20. AN ACT REQUIRING THAT AT LEAST ONE
SECONDARY SCHOOL STUDENT BE APPOINTED
TO MEMBERSHIP ON THE ADVISORY COMMISSION FOR THE DIVISION OF EDUCATIONAL PERSONNEL IN THE DEPARTMENT OF EDUCATION.

Be it enacted, etc., as follows:

SECTION 1. The first paragraph of section 46 of chapter 15 of the General Laws, as appearing in section 4 of chapter 847 of

the acts of 1973, is hereby amended by inserting after the word "teachers", in line 8, the words:- , students in secondary schools.

SECTION 2. The second paragraph of said section 46 of said chapter 15, as so appearing, is hereby amended by adding the following sentence:- The board shall consult with the student advisory council established under section one E before making appointments of secondary school students to the commission.

SECTION 3. The third paragraph of said section 46 of said chapter 15, as so appearing, is hereby amended by inserting after the word "institution", in line 10, the words:- ; the office of a member who is a secondary school student shall be deemed to be vacated when he ceases to be a secondary school student.

SECTION 4. The fifth paragraph of said section 46 of said chapter 15, as so appearing, is hereby amended by adding the following sentence:- Whenever a secondary school student is appointed to the commission, the person in charge of the secondary school involved shall grant the student so appointed sufficient leave from his school to attend meetings of the commission and to perform the duties imposed upon him by reason of his membership in the commission.

SECTION 5. The first vacancy after the effective date of this act occurring in the advisory commission for educational personnel, established under section forty-six of chapter fifteen of the General Laws, which does not require an appointment from any other group shall be filled by an appointment of a secondary student.

Approved March 31, 1978

Chap. 21. AN ACT REGULATING THE SALE OF CERTAIN ITEMS ON STATE HIGHWAYS.

Be it enacted, etc., as follows:

Section 17A of chapter 85 of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by adding the following sentence:- Whoever sells or offers for sale any item except newspapers within the limits of a state highway boundary without a permit issued by the department shall for the first offense be punished by a fine of fifty dollars and for each subsequent offense shall be punished by a fine of one hundred dollars.

Approved March 31, 1978

EMERGENCY LETTER - April 3, 1978 @ 4:47 P.M.

Chap. 22. AN ACT RELATIVE TO THE EXPENSES OF COUNTY COMMISSIONERS.

Be it enacted, etc., as follows:

Chapter 34 of the General Laws is hereby amended by striking out section 8, as appearing in the Tercentenary Edition, and inserting in place thereof the following section:-

Section 8. An itemized statement of the actual and proper cost to each commissioner for transportation and other necessary expenses incurred in the performance of his official duties shall, on the first day of each month, be approved by a majority of the county commissioners and certified by their clerk to the county treasurer who shall reimburse them. The director of accounts shall audit such expenses in the course of his examination of the books and accounts of the county treasurer pursuant to section forty-four of chapter thirty-five.

Approved March 31, 1978

Chap. 23. AN ACT RELATIVE TO THE ANNUAL REPORT TO THE GENERAL COURT BY THE COMMISSIONER OF BANKS.

Be it enacted, etc., as follows:

Section 9 of chapter 167 of the General Laws is hereby amended by adding the following two paragraphs:-

The reports required by this section shall be printed and shall contain abstracts, listing the assets and liabilities, from the annual report of each bank examined by the commissioner. Such reports shall include the locations of the main offices and branches, the names of the operating officers and directors or trustees of each bank and an aggregate statement of condition for the banks examined.

Eight copies of all reports required by this section shall be filed with the state librarian.

Approved March 31, 1978

Chap. 24. AN ACT RELATIVE TO THE INSURANCE OF DEPOSITS IN TRUST COMPANIES.

Be it enacted, etc., as follows:

Section 10 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 the second sentence and inserting in place thereof the following sentence:- Upon receipt of such list the board shall cause an examination to be made of the method of payment of the capital stock, of the personnel of the corporation, including the officers and directors thereof, and if, after such examination, it appears that the whole capital stock, surplus account and undivided profits account have been paid in cash, that all requirements of law have been complied with, that the bank is a member of the Federal Deposit Insurance Corporation, and that the qualifications of the personnel are satisfactory, the board shall, if satisfied that the public convenience and advantage will be promoted thereby, issue a certificate authorizing such corporation to begin the transaction of business.

Approved March 31, 1978

Chap. 25. AN ACT INCREASING THE AMOUNT OF THE SURETY BOND REQUIRED OF CERTAIN PERSONS WHO SELL NEGOTIABLE CHECKS.

Be it enacted, etc., as follows:

Section 59 of chapter 167 of the General Laws, as amended by chapter 491 of the acts of 1977, is hereby further amended by striking out the third sentence and inserting in place thereof the following sentence:- Such person shall deposit and maintain with the state treasurer a surety bond, cash or securities, in a sum of one hundred thousand dollars.

Approved March 31, 1978

Chap. 26. AN ACT MAKING APPROPRIATIONS FOR THE FISCAL YEAR NINETEEN HUNDRED AND SEVENTY-EIGHT 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-eight 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	\$4,387,890 55
2.	For contractual services	790,000 00
3.	For supplies and materials	665,000 00
4.	For current charges and obligations	545,000 00
5.	For equipment	35,176 00
8.	For debt and interest	60,000 00
10.	For unpaid bills	132,000 00
11.	For reserve fund	75,000 00
11a.	For reserve for salary increases	625,000 00
12.	For group insurance	<u>445,000 00</u>
	For total expenditures	\$7,760,066 55

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

Approved March 31, 1978

Chap. 27. AN ACT RELATIVE TO INVESTMENTS BY CO-OPERATIVE BANKS IN THE SAVINGS BANK INVESTMENT FUND.

Be it enacted, etc., as follows:

Subsection 4A of section 26 of chapter 170 of the General Laws is hereby amended by striking out paragraph (a), as appearing in section 1 of chapter 461 of the acts of 1971, and inserting in place thereof the following paragraph:-

(a) Shares of beneficial interest of the Savings Bank Investment Fund; provided that no such corporation shall invest in any

such shares of any class representing a beneficial interest in any distinct investment fund consisting in whole or in part of equity securities (i) if the cost thereof added to the cost of such shares of an equity fund already owned shall exceed fifty per cent of the total of the guaranty fund and surplus of such corporation, or (ii) if the cost thereof added to the amount already invested in such shares of such equity fund and in stocks shall exceed the total of such guaranty fund and surplus; and provided, further, that no such corporation shall invest in any such shares of any class representing a beneficial interest in any distinct investment fund which is not an equity fund if the cost thereof added to the cost of such shares of the class which is proposed for investment already owned shall exceed ten per cent of the total deposits of such corporation.

Approved March 31, 1978

Chap. 28. AN ACT INCREASING THE TERM OF CERTAIN
LOANS MADE BY CO-OPERATIVE BANKS.

Be it enacted, etc., as follows:

Subsection 2 of section 24 of chapter 170 of the General Laws is hereby amended by striking out the second sentence, as most recently amended by section 1 of chapter 308 of the acts of 1970, and inserting in place thereof the following sentence:- The unexpired term of any loan held shall not exceed thirty-five years.

Approved March 31, 1978

Chap. 29. AN ACT FURTHER REGULATING CERTAIN
UNSECURED PARTICIPATION LOANS IN
CO-OPERATIVE BANKS.

Be it enacted, etc., as follows:

Subsection 4 of section 23 of chapter 170 of the General Laws is hereby amended by striking out the third sentence, as most recently amended by chapter 46 of the acts of 1977, and inserting in place thereof the following sentence:- The amount which, notwithstanding the provisions of section twenty-four, any such corporation may invest in a participation loan shall not exceed one and one-quarter per cent of its deposits, or seventy-five thousand dollars, whichever is greater, and the aggregate balance of principal of all such participation loans not insured by the federal housing administrator and not secured by mortgages on one to four family residential dwellings outstanding at any one time shall not exceed twenty per cent of the total deposits of such corporation; provided, however, that with respect to any participation with the Federal Home Loan Mortgage Corporation, as to which said corporation has at the time of closing the loan entered into a binding written commitment to participate, the amount deemed invested for the purpose of the foregoing shall be the amount of the investment which will remain as an invest-

ment of the corporation after the Federal Home Loan Mortgage Corporation fulfills its commitment.

Approved March 31, 1978

Chap. 30. AN ACT RELATIVE TO THE MAXIMUM AMOUNT OF CERTAIN MORTGAGE 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 is hereby amended by striking out clause (a), as most recently amended by section 4 of chapter 78 of the acts of 1973, and inserting in place thereof the following clause:- (a) a loan made under this subsection shall not exceed seventy-five thousand dollars;

SECTION 2. Subsection 3B of said section 24 of said chapter 170 is hereby amended by striking out clause (a), as appearing in chapter 315 of the acts of 1972, and inserting in place thereof the following clause:- (a) a loan made under this subsection shall not exceed sixty thousand dollars;

SECTION 3. Said section 24 of said chapter 170 is hereby amended by striking out subsection 4, as most recently amended by section 2 of chapter 77 of the acts of 1973, and inserting in place thereof the following subsection:-

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

Approved March 31, 1978

EMERGENCY LETTER - June 7, 1978 @ 11:31 A.M.

Chap. 31. AN ACT RELATIVE TO INFORMATION PROVIDED TO THE CO-OPERATIVE CENTRAL BANK.

Be it enacted, etc., as follows:

Section 2 of chapter 167 of the General Laws is hereby amended by striking out the fourth paragraph, as most recently amended by chapter 876 of the acts of 1975, and inserting in place thereof the following paragraph:-

Copies of reports of such examinations of any bank shall be furnished to such bank for its use only and shall not be exhibited to any other person, organization or agency without the prior written approval of the commissioner of banks. There may be

furnished to the chief national bank examiner, the Federal Reserve Bank of Boston, the Federal Deposit Insurance Corporation, the Co-operative Central Bank, the Massachusetts Credit Union Share Insurance Corporation, the National Credit Union Administration, the Federal Home Loan Bank Board, or the banking departments of other states, such information, reports and statements relating to the institutions under the supervision of the commissioner as he deems best.

Approved March 31, 1978

Chap. 32. AN ACT AUTHORIZING THE COUNTY COMMISSIONERS OF PLYMOUTH COUNTY TO BORROW MONEY FOR SHORE PROTECTION AND REPAIR OF DAMAGE IN CERTAIN TOWNS IN SAID COUNTY.

Be it enacted, etc., as follows:

SECTION 1. The county commissioners of Plymouth county are hereby authorized to participate in the work of shore protection and repair of damage done by storms in certain towns in said county, and for such purposes may expend such sums as may be necessary, not exceeding twenty-five per cent of the cost of such work, in cooperation with the commonwealth and with the towns in which the work is done, or in cooperation with the commonwealth, said towns, and the federal government.

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, in the aggregate, two hundred and fifty thousand dollars, and may issue bonds or notes of the county therefor, which shall bear on their face the words Plymouth County Shore Protection Loan, Act of 1978. Each authorized issue shall constitute a separate loan, and such loans shall be payable 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. The 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.

SECTION 3. In the event that any work authorized by section one is to be performed by the commonwealth or by a town, the money to be contributed by the Plymouth county shall be paid into the state treasury or the town treasury from time to time as requested by the department of public works of the commonwealth or by the department, board or officer of the town having similar powers and duties, as the case may be, but such work shall not be commenced until the contributions so requested have been so paid, and no money so contributed shall be used for any other purpose.

SECTION 4. This act shall take effect upon its acceptance by the county commissioners of Plymouth county.

Approved March 31, 1978

Chap. 33. AN ACT RELATIVE TO THE PAYMENT OF CERTAIN DEPOSIT ACCOUNTS STANDING IN THE NAMES OF DECEASED DEPOSITORS OF CERTAIN FINANCIAL INSTITUTIONS.

Be it enacted, etc., as follows:

SECTION 1. Chapter 167 of the General Laws is hereby amended by striking out section 48A, as most recently amended by chapter 226 of the acts of 1975, and inserting in place thereof the following section:-

Section 48A. Any national banking association, savings and loan association or federal credit union, in the commonwealth having a savings, checking or other deposit account in the name of one or two persons in trust for another may make payments of the same to the trustee, or if there are two trustees, to either trustee, to both, or to the survivor. If no other notice of the existence and terms of a trust has been received in writing by the association or credit union, upon the death of the trustee or, if there are two trustees, upon the death of both trustees, the amount in said savings, checking or other deposit account, with the dividends thereon, may be paid to the other person named in said account or to his legal representative. The value of any savings, checking or other deposit account standing in the individual name of a deceased depositor in such association shall be paid to his legal representative; provided, that if the value thereof does not exceed two thousand dollars and there has been no demand for payment by a duly appointed executor or administrator, payment may be made, in the discretion of the treasurer or other duly authorized officer after the expiration of sixty days from the date of death of such depositor, to the husband, widow or next of kin of such deceased, upon presentation of a copy of the death certificate and the surrender of the passbook or other instrument, if any, evidencing such deposits. Withdrawals and payments made as provided in this section shall discharge the liability of the association to all persons with respect to such savings, checking or other deposit account.

SECTION 2. Chapter 172 of the General Laws is hereby amended by striking out section 67, as amended by chapter 58 of the acts of 1976, and inserting in place thereof the following section:-

Section 67. Savings, checking or other deposit account deposits standing in the name of a deceased depositor shall, except as provided in sections fifty-two and fifty-three, be paid to his legal representative; provided that, if the deposit does not exceed two thousand dollars and there has been no demand for payment by a duly appointed executor or administrator, payment may be made, in the discretion of the treasurer or other duly authorized officer of the corporation, or pursuant to special vote

of the board of directors, after the expiration of sixty days from the death of such depositor, to the surviving husband, wife or next of kin of such deceased, upon presentation of a copy of the death certificate and the surrender of the deposit book or other instrument, if any, evidencing the deposit. Payments made under authority of any provision of this section shall discharge the liability of the corporation to all persons to the extent of such payments.

Approved March 31, 1978

Chap. 34. AN ACT MAKING CHANGES IN THE LAW GOVERNING THE LICENSING OF PIPEFITTERS AND REFRIGERATION TECHNICIANS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide forthwith for the orderly administration of the new bureau of pipefitters and refrigeration technicians, 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 10A of chapter 22 of the General Laws, inserted by section 1 of chapter 990 of the acts of 1977, is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:- The bureau shall consist of nine members, one of whom shall be the commissioner of public safety or his designee, and eight members to be appointed by the governor, one of whom shall be a representative of the public, one of whom shall be a member of the Air Conditioning and Refrigeration Contractors of Boston who shall be in business not less than ten years as a refrigeration contractor, one of whom shall be a refrigeration technician with a minimum of ten years experience, one of whom shall be a member of the New England Mechanical Contractors Association Inc., one of whom shall be a member of the Massachusetts Building and Construction Trades Council, one of whom shall be a pipefitter with a minimum of ten years experience, one of whom shall be a mechanical engineer and one of whom shall represent a user.

SECTION 1A. Section 83 of chapter 146 of the General Laws, as appearing in section 2 of said chapter 990, is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

For the examination of refrigeration technicians the division shall use the rules and regulations from national codes as may be necessary to effectuate the licensing provisions of this chapter, including codes resulting from recommendations of the National Academy of Science for the safe handling and storage of chlorofluorocarbon materials to protect the earth's ozone layer, codes relative to the energy efficiency of refrigeration systems designed to meet national conservation goals, and the rules and regulations formulated and adopted by the bureau.

SECTION 1B. The third paragraph of section 85 of said chapter 146, as so appearing, is hereby amended by striking out the first two sentences and inserting in place thereof the following two sentences:- The fee for the first license of a refrigeration contractor shall be fifty dollars; for any biennial renewal thereof ten dollars; and for examination therefor twenty-five dollars. The fee for the first license of a refrigeration technician shall be twenty-five dollars; for any biennial renewal thereof ten dollars; and for the examination therefor twenty-five dollars.

SECTION 1C. Said chapter 146 is hereby further amended by striking out section 86, as so appearing, and inserting in place thereof the following section:-

Section 86. A license for a refrigeration technician, refrigeration contractor or a refrigeration trainee shall be classified and limited as to the maximum size of the refrigerating system with which the applicant is familiar in installing or servicing, and the applicant shall be licensed for that particular size of system; provided, however, that any person may make application for and, if found to be qualified, receive a license to engage in the installation and servicing of all sizes of refrigerating systems.

SECTION 1D. Said chapter 146 is hereby further amended by striking out section 88, as so appearing, and inserting in place thereof the following section:-

Section 88. The provisions of sections eighty-one to eighty-six, inclusive, relative to the examining and licensing of refrigeration technicians, contractors or trainees shall not apply to the installation, replacement, maintenance or alteration of any air conditioning or refrigeration systems, including apparatus or equipment, covered under the provisions of this chapter as are found on the premises or property of such industrial plant, public or private utility company, firm, corporation, hospital, school or college, by a person regularly in the employ of such industrial plant, public or private utility company, firm, corporation, hospital, school or college.

SECTION 2. Section 3 of chapter 990 of the acts of 1977 is hereby amended by adding the following sentence:- The provisions of this section shall expire on July first, nineteen hundred and seventy-nine.

SECTION 3. Said chapter 990 is hereby further amended by striking out section 4 and inserting in place thereof the following section:-

Section 4. Any person employed as a pipefitter on the effective date of this act shall be granted a license as a master pipefitter or journeyman pipefitter, as the case may be, without being required to take an examination, upon his filing an application on a form prescribed by the department of public safety, and the payment of the fee prescribed under section eighty-five of chapter one hundred and forty-six of the General Laws; provided, that, if applying for a journeyman pipefitter's license, he shall have been working as a journeyman pipefitter for three years prior to the date of his application and if applying for a

master pipefitter's license, he shall have been engaged in the business of pipefitting for four years prior to the date of his application. The provisions of this section shall expire on July first, nineteen hundred and seventy-eight.

Approved April 4, 1978

Chap. 35. AN ACT PROVIDING FOR THE INVESTIGATION OF CERTAIN EXPLOSIONS BY THE STATE FIRE MARSHAL.

Be it enacted, etc., as follows:

Section 3 of chapter 148 of the General Laws is hereby amended by striking out the first sentence, as amended by section 4 of chapter 700 of the acts of 1945, and inserting in place thereof the following sentence:- The marshal shall investigate or cause to be investigated the circumstances of all fires or explosions of suspicious origin of which he has notice, and may investigate or cause to be investigated the circumstances of any fire or explosion occurring anywhere within the commonwealth.

Approved April 4, 1978

Chap. 36. AN ACT REQUIRING ELEVATOR INSPECTORS TO PROVIDE ELEVATOR ACCIDENT REPORTS TO CERTAIN PERSONS.

Be it enacted, etc., as follows:

Section 66 of chapter 143 of the General Laws, as most recently amended by section 48 of chapter 802 of the acts of 1972, is hereby further amended by adding the following sentence:- Upon completion of his inspection, said inspector shall provide a copy of any accident report received by him in accordance with this section to each person who reported, or was involved in the accident so reported, and said inspector shall obtain a receipt for each report so provided.

Approved April 4, 1978

Chap. 37. AN ACT AUTHORIZING THE TOWN OF BROOKLINE TO REIMBURSE THE CHILDREN'S CENTER OF BROOKLINE AND GREATER BOSTON, INC.

Be it enacted, etc., as follows:

The town of Brookline is hereby authorized to appropriate and after such appropriation, the treasurer of said town is authorized to pay The Children's Center of Brookline and Greater Boston, Inc., a charitable corporation duly organized under the laws of the commonwealth with its office situated in said town the sum of four thousand three hundred and fifty-seven dollars and ten cents to reimburse said corporation for monies incorrectly assessed and collected against said corporation by said town.

Approved April 4, 1978

Chap. 38. AN ACT AUTHORIZING THE SEEKONK WATER DISTRICT TO ENTER INTO CERTAIN AGREEMENTS TO OBTAIN AND MAINTAIN WATER SUPPLY.

Be it enacted, etc., as follows:

SECTION 1. Section 2 of chapter 381 of the acts of 1945 is hereby amended by striking out, in line 4, the words ", acting through its water department," and inserting in place thereof the words:- or municipal water department whether said municipality or municipal water department is within or without the commonwealth.

SECTION 2. This act shall take effect upon its passage.
Approved April 7, 1978

Chap. 39. AN ACT FURTHER REGULATING THE MAINTENANCE ALLOWANCE FOR SHERIFFS.

Be it enacted, etc., as follows:

The first paragraph of section 17 of chapter 37 of the General Laws, as appearing in chapter 121 of the acts of 1946, is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:- If a sheriff elects to act, or his deputy acts, as master or keeper of the jail or house of correction and resides thereat, he shall be entitled to rent, heat and light, and such subsistence as he may desire out of the regular subsistence rations purchased for prisoners.

Approved April 7, 1978

Chap. 40. AN ACT AUTHORIZING THE COUNTY COMMISSIONERS OF FRANKLIN COUNTY TO EXPEND MONEY FOR THE PURPOSE OF DEVELOPING THE INDUSTRIAL AND COMMERCIAL RESOURCES OF SAID COUNTY.

Be it enacted, etc., as follows:

Section 1 of chapter 660 of the acts of 1972, as most recently amended by chapter 672 of the acts of 1977, 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 April 7, 1978

Chap. 41. AN ACT EXTENDING EXEMPTION FROM JURY DUTY FOR CERTAIN EMBARRASSMENT TO MEN.

Be it enacted, etc., as follows:

SECTION 1. Section 1A of chapter 234 of the General Laws, inserted by section 2 of chapter 347 of the acts of 1949, is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

No person shall be required to serve in the trial of any prosecutions under sections twenty-two to twenty-four, inclusive, of chapter two hundred and sixty-five or under sections one to thirty-five, inclusive, of chapter two hundred and seventy-two if, upon the representation of such person, it appears to the presiding justice that such person would be likely to be embarrassed by hearing the testimony or by discussing the same in the jury room.

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

Approved April 7, 1978

Chap. 42. AN ACT INCREASING THE AMOUNT OF MONEY THE COUNTY COMMISSIONERS OF HAMPDEN COUNTY MAY EXPEND FOR PROMOTING THE RECREATIONAL, AGRICULTURAL AND INDUSTRIAL ADVANTAGES OF SAID COUNTY AND AUTHORIZING THE EXPENDITURE OF SUCH FUNDS TO DEVELOP THE INDUSTRIAL AND COMMERCIAL RESOURCES OF SAID COUNTY.

Be it enacted, etc., as follows:

Section 1 of chapter 639 of the acts of 1967, as amended by chapter 214 of the acts of 1970, is hereby further amended by striking out the first two sentences and inserting in place thereof the following three sentences:- The county commissioners of Hampden county may, for the purpose of advertising the recreational, agricultural and industrial advantages of said county, expend such sums, not exceeding, in the aggregate, fifty 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 triple the sum which shall have been contributed by public subscription or by donation deposited with the county treasurer for the purpose aforesaid. Said commissioners shall expend such sums only for advertising in newspapers, magazines and the like, or for booklets, posters or other forms of advertising, or for information booths within the county or for displays or booths maintained at fairs, expositions or travel shows outside the county for the purpose of advertising such advantages, or for the processing of inquiries resulting from such promotional activities. 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 April 7, 1978

Chap. 43. AN ACT DIRECTING THE COUNTY TREASURER
OF PLYMOUTH COUNTY TO PAY CERTAIN
UNPAID BILLS.

Be it enacted, etc., as follows:

SECTION 1. The county treasurer of Plymouth county is hereby authorized, with the approval of the county commissioners, to pay, from any available funds, the sum of fifteen dollars to Stephen C. Milt, M.D., and fifteen dollars to George Blumental, M.D., for services rendered to the Plymouth county jail and house of correction in the year nineteen hundred and seventy-seven; the sums of two hundred and fifty dollars to Robert F. Moore, three hundred dollars to Michael L. Glenn, two hundred and fifty dollars to Charles Saltzman, and one thousand one hundred and fifty-two dollars to the Massachusetts Eye and Ear Infirmary for providing certain health care services to certain prisoners at the Plymouth county jail and house of correction and the Massachusetts Correctional Institution, Bridgewater in the year nineteen hundred and seventy-six; the sums of thirty-two dollars and fifty cents to James S. Bagnell, two hundred and eighty dollars to Thomas Byrnes, one hundred and fifty-five dollars to Sheldon Cohen, thirty-seven dollars and fifty cents to Clyde K. Hanyen, fifteen dollars to Joseph F. Killion, forty dollars to Samuel R. Koplan, fifty dollars to Morris M. Lelyveld, six hundred and fifteen dollars to Edward J. Lydon, one hundred and ten dollars to Peter MacDonald, two hundred and twelve dollars and fifty cents to Timothy A. Mantalos, two hundred and thirty-nine dollars and forty cents to Chester R. McLaughlin, thirty-five dollars to Stephen R. Merlin, one hundred and thirty-nine dollars and fifty cents to Ian S. Oppenheim, one hundred and thirty-five dollars to John D. Riordan, ninety-seven dollars and fifty cents to Alvin J. Sims, and one hundred and five dollars to Allan H. Tufankjian for services as attorneys in providing legal defenses for indigent persons in the courts in Plymouth county in the years nineteen hundred and seventy-five and nineteen hundred and seventy-six; the sum of thirty-five dollars and ninety-four cents to Lynn Fortini, an employee in the office of the clerk of the third district court of Plymouth, as compensation for services due her resulting from an error in the calculating of her salary in the year nineteen hundred and seventy-five; and the sum of one thousand one hundred and two dollars and forty-two cents to Suffolk county as reimbursement for travelling expenses and for services of certain judges in said county for sitting in certain district courts in Plymouth county.

SECTION 2. No bill shall be approved by the county commissioners of said county for payment or paid by the county 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 receives payment for services which were not 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.

Approved April 7, 1978

Chap. 44. AN ACT AUTHORIZING CERTAIN TESTING FOR DRUGS IN ANIMALS PARTICIPATING IN CONTESTS AT AGRICULTURAL FAIRS.

Be it enacted, etc., as follows:

Section 2C of chapter 128 of the General Laws, inserted by chapter 204 of the acts of 1974, is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

The commissioner is hereby authorized to make such tests of saliva, blood and urine of any animal entered into a pulling contest as he may deem necessary. If a drug is found in the chemical analysis of said saliva, blood or urine, it shall be prima facie evidence that a drug has been administered.

Approved April 7, 1978

Chap. 45. AN ACT REDUCING FROM NINETY DAYS TO THIRTY DAYS THE PERIOD FOR WHICH A TEMPORARY PROBATION OFFICER MAY BE APPOINTED WITHOUT APPROVAL OF QUALIFICATIONS.

Be it enacted, etc., as follows:

Section 89 of chapter 276 of the General Laws is hereby amended by striking out the last paragraph, as appearing in section 1 of chapter 526 of the acts of 1959, and inserting in place thereof the following paragraph:-

The justice of a district court, with the approval of the administrative committee of district courts, may, in the case of the death, removal, resignation or retirement of a probation officer, appoint a temporary probation officer for a single term not to exceed thirty days. Such temporary probation officer shall receive as compensation from the county an amount equal to that which would have been paid, for a like period of service, to a regular probation officer receiving the minimum compensation according to the salary schedule as established by the committee on probation. No temporary probation officer appointed under this section shall serve for more than thirty days unless his appointment to such temporary office has been approved by the commissioner of probation.

Approved April 7, 1978

Chap. 46. AN ACT INCREASING THE AMOUNT A CREDIT UNION MAY LEND ON REAL ESTATE MORTGAGES, NOT EXCEEDING NINETY PER CENT OF THE VALUE OF THE REAL ESTATE.

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 7 of the acts of 1976, and inserting in place thereof the following sentence:- A credit union which is insured in full under federal or state law 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 fifty 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 April 7, 1978

Chap. 47. AN ACT PROVIDING FOR THE POSTING OF NOTICES OF MEETINGS OF SHAREHOLDERS AND DEPOSITORS OF CREDIT UNIONS.

Be it enacted, etc., as follows:

The first paragraph of section 13 of chapter 171 of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by striking out the third sentence and inserting in place thereof the following sentence:- Notices of all meetings of the corporation and of all meetings of the board of directors and of committees shall be given in the manner prescribed in the by-laws; provided, however, that all meetings of the shareholders and depositors shall be posted in a conspicuous place, for at least seven days prior to the meeting, within each office or branch office of said corporation.

Approved April 7, 1978

Chap. 48. AN ACT INCREASING THE AMOUNT WHICH A CREDIT UNION MAY LOAN ON CERTAIN SECURITIES.

Be it enacted, etc., as follows:

Paragraph 5 of subdivision (A) of section 24 of chapter 171 of the General Laws, as amended by chapter 232 of the acts of 1972, is hereby further amended by striking out the second sentence and inserting in place thereof the following sentence:- In addition to the authority given herein, a credit union having assets of five hundred thousand dollars or more may lend an amount not in excess of two per cent of its assets or fifty thousand dollars, whichever is the lesser, upon said collateral and may also secure such notes by taking as collateral therefore the readily marketable common or preferred stocks of corporations listed on a stock exchange which is subject to regulation by the securities and exchange commission, valued at not more than eighty per cent of their market value.

Approved April 7, 1978

Chap. 49. AN ACT INCREASING THE AMOUNT A CREDIT UNION MAY MAKE IN PARTICIPATION LOANS ON REAL ESTATE.

Be it enacted, etc., as follows:

Paragraph 6 of subsection (a) of subdivision (B) of section 24 of chapter 171 of the General Laws, as appearing in section 6 of chapter 420 of the acts of 1971, is hereby amended by striking out the third sentence and inserting in place thereof the following sentence:- The amount which any such participating credit union may invest in a participation loan shall not exceed one per cent of the aggregate balance of its shares and deposits or fifty thousand dollars, whichever is greater, and the aggregate balance of principal of all such participation loans outstanding at any one time by such credit union shall not exceed five per cent of the aggregate balance of the shares, deposits, guaranty fund, reserve fund, and undivided earnings of such credit union.

Approved April 7, 1978

Chap. 50. AN ACT INCREASING THE PERCENTAGE OF TOTAL ASSETS THAT MAY BE INVESTED BY BANKS AND CREDIT UNIONS IN LOANS INSURED BY FEDERAL HOUSING AGENCIES.

Be it enacted, etc., as follows:

Section 51 of chapter 167 of the General Laws is hereby amended by striking out the second sentence, as amended by chapter 46 of the acts of 1962, and inserting in place thereof the following sentence:- With respect to the obligation of any mortgage contract entered into under any provision of this section, for the life of said obligation, no provision of law limiting the ratio of a mortgage loan to the value of the property or the term of the

mortgage, or limiting the power of any trust company, savings bank, co-operative bank, banking company or credit union to make loans other than those secured by mortgages upon real estate shall apply to loans made pursuant to this section and subject to regulations referred to herein, and no provision of law limiting the power of any trust company, savings bank, co-operative bank, banking company or credit union to make loans shall apply to home improvement loans insured pursuant to the provisions of subsection (h) of section two hundred and twenty or of subsection (k) of section two hundred and three of the National Housing Act as the same may from time to time be amended and subject to such regulations, but no more than twenty per cent of the total deposits of any trust company, savings bank, co-operative bank, banking company or credit union shall be invested at any one time in loans insured pursuant to the provisions of said subsections (h) or (k).

Approved April 7, 1978

Chap. 51. AN ACT INCREASING THE AMOUNT AND TIME LIMIT OF LOANS EVIDENCED BY A PLEDGE OR SECURITY INTEREST IN SATISFACTORY COLLATERAL WHICH MAY BE MADE BY CREDIT UNIONS.

Be it enacted, etc., as follows:

Paragraph 6 of subdivision (A) of section 24 of chapter 171 of the General Laws, as appearing in chapter 14 of the acts of 1975, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

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

Approved April 7, 1978

Chap. 52. AN ACT AUTHORIZING THE CITY OR TOWN CLERK TO CALL THE INITIAL CHARTER COMMISSION MEETING WITHIN TEN DAYS AFTER THE ELECTION.

Be it enacted, etc., as follows:

Section 7 of chapter 43B of the General Laws, as appearing in

section 1 of chapter 734 of the acts of 1966, is hereby amended by striking out the first and second sentences and inserting in place thereof the following two sentences:- The city or town clerk within ten days of the election shall notify the nine candidates elected to the charter commission of the initial charter commission meeting. At such initial meeting a charter commission shall promptly organize by the election from any of its members a chairman, a vice chairman and a clerk and shall file a notice of such organization with the city or town clerk.

Approved April 7, 1978

Chap. 53. AN ACT AUTHORIZING THE CLERK OF THE DISTRICT COURT OF EAST NORFOLK 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 East Norfolk is hereby authorized to adjust his accounts by deducting from his cash book receipts of money due Norfolk county the sum of twenty-four thousand two hundred and eighty dollars and fifty cents, which sum was the amount stolen by an employee on divers dates from September fourth, nineteen hundred and seventy-five, to June thirtieth, nineteen hundred and seventy-seven, and any restitution thereof is to be made directly to the county commissioners of Norfolk county.

Approved April 7, 1978

Chap. 54. AN ACT AUTHORIZING THE TREASURER OF MIDDLESEX COUNTY TO INDEMNIFY THE CHIEF PROBATION OFFICER OF THE DISTRICT COURT OF LOWELL FOR CERTAIN LOSSES.

Be it enacted, etc., as follows:

The county treasurer of Middlesex county is hereby authorized to pay from any available funds a sum not exceeding two thousand fifty-nine dollars and fifty cents to the chief probation officer in the district court of Lowell to indemnify him for losses sustained by him resulting from funds being stolen from the chief probation office by persons unknown on November sixteenth, nineteen hundred and seventy-seven. If after such payment such chief probation officer receives any sum in reduction of such loss, he shall pay over the same to said county.

Approved April 7, 1978

Chap. 55. AN ACT RELATIVE TO THE POWERS AND DUTIES OF COUNTY ADVISORY BOARDS.

Be it enacted, etc., as follows:

The second paragraph of section 28B of chapter 35 of the General Laws, as amended by chapter 179 of the acts of 1974, is hereby further amended by striking out the last sentence and

inserting in place thereof the following sentence:- The commissioners may accept or reject said recommendations, but in the case of rejection, if the advisory board shall so determine by a two-thirds vote, they may delete or reduce any line item appearing in said budget and such action shall be incorporated into the budget of the commissioners and the county clerk shall notify the director of accounts of the action of the advisory board and the director of accounts shall include notice of the action of said board in the report filed with the general court under the provisions of section thirty-five.

Approved April 7, 1978

EMERGENCY LETTER - May 2, 1978 @ 10:52 A.M.

Chap. 56. AN ACT INCREASING THE AMOUNT OF MONEY WHICH THE COUNTY COMMISSIONERS OF PLYMOUTH COUNTY MAY EXPEND FOR THE INSTALLATION OF AUTOMATIC CELL DOORS AT THE PLYMOUTH COUNTY JAIL AND HOUSE OF CORRECTION.

Be it enacted, etc., as follows:

SECTION 1. For the purposes of installing automatic cell doors at the Plymouth county jail and house of correction, the county commissioners of said county may expend the sum of one hundred and eighty-seven thousand three hundred and sixteen dollars previously appropriated for said purpose and an additional sum of seventy-five thousand dollars.

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 to exceed seventy-five thousand dollars, and may issue bonds or notes of the county therefor, which shall bear on their face the words, Plymouth County Jail and House of Correction Loan, Act of 1978. Each authorized issue shall constitute a separate loan, and such loans shall be payable not more than one year from their dates. The bonds or notes shall be signed by the county treasurer and shall be 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 commissioners 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 April 7, 1978

Chap. 57. AN ACT INCREASING THE AMOUNT OF A PERSONAL LOAN WHICH A CREDIT UNION CAN MAKE.

Be it enacted, etc., as follows:

SECTION 1. Subdivision (A) of section 24 of chapter 171 of the General Laws is hereby amended by striking out paragraph 1,

as amended by section 1 of chapter 244 of the acts of 1975, and inserting in place thereof the following paragraph:-

1. To an amount of two hundred dollars or two per cent of the assets, whichever is greater, not exceeding five hundred dollars, if evidenced by the unendorsed and unsecured note of the borrower; provided, however, that if a credit union is insured in full under federal or state law to an amount of two hundred dollars or two per cent of the assets, whichever is greater, not exceeding three thousand dollars, if evidenced by the unendorsed and unsecured note of the borrower.

SECTION 2. Said subdivision (A) of said section 24 of said chapter 171 is hereby further amended by striking out paragraph 2, as amended by section 2 of said chapter 244, and inserting in place thereof the following paragraph:-

2. To an amount of five hundred dollars or two per cent of the assets, whichever is greater, not exceeding one thousand dollars, if evidenced by the note of the borrower with one or more responsible endorsers or co-makers thereon, or with satisfactory collateral pledged to secure the same; provided, however, that if a credit union is insured in full under federal or state law to an amount of one thousand dollars or two per cent of the assets, whichever is greater, not exceeding four thousand dollars, if evidenced by the note of the borrower with one or more responsible endorsers or co-makers thereon, or with satisfactory collateral pledged to secure the same.

SECTION 3. Said subdivision (A) of said section 24 of said chapter 171 is hereby further amended by striking out paragraph 3A, as amended by section 3 of said chapter 244, and inserting in place thereof the following paragraph:-

3A. Notwithstanding the limitations in paragraph 3, a credit union which is insured in full under federal or state law may make loans to an amount not exceeding four thousand dollars, and if the assets of such credit union are more than five hundred thousand dollars, to an amount not exceeding five thousand dollars, if evidenced by the note of the borrower with two or more responsible endorsers or co-makers thereon, or with satisfactory collateral pledged to secure the same.

Approved April 7, 1978

Chap. 58. AN ACT INCREASING THE AMOUNT AND TIME LIMIT FOR MAKING LOANS ON RECREATIONAL VEHICLES BY A CREDIT UNION.

Be it enacted, etc., as follows:

Section 24 of chapter 171 of the General Laws is hereby amended by striking out subdivision (F), added by section 2 of chapter 56 of the acts of 1974, and inserting in place thereof the following subdivision:-

(F) RECREATIONAL VEHICLES LOANS.

A credit union may make a loan for the purpose of financing the purchase of a boat, camper, trailer, to an amount not exceeding, on each loan, one per cent of its assets, or sixteen thousand dollars, whichever is smaller. Loans on such vehicles shall

be required to be repaid in substantially equal weekly or monthly installments within a period of not more than seven years from the date of such purchase, and such loan shall be secured by a security interest on such recreational vehicle. The credit union shall promptly upon making any such loan, take all action necessary to perfect its security interest.

Approved April 7, 1978

Chap. 59. AN ACT AUTHORIZING WITHDRAWALS BEFORE MATURITY FROM RETIREMENT PLANS AND INDIVIDUAL RETIREMENT ACCOUNTS.

Be it enacted, etc., as follows:

Section 50 of chapter 172 of the General Laws is hereby amended by striking out the first paragraph, as appearing in chapter 350 of the acts of 1968, and inserting in place thereof the following paragraph:-

No such corporation shall allow a time deposit represented by a certificate or written agreement to be withdrawn before the time specified therein, and where such certificate or agreement does not specify any definite date for withdrawal no such corporation shall allow such deposit to be withdrawn without receiving written notice of at least thirty days. In an emergency, however, where it is necessary to prevent great hardship to the depositor, any such corporation may pay before maturity or without such thirty day notice in writing where no definite date of withdrawal is specified in the certificate or agreement a time deposit or the portion thereof necessary to meet such emergency. Such corporation may also permit the withdrawal of all or any part of any such deposit which in the judgement of such corporation is contributed under a plan established pursuant to the provisions of 26 U.S.C. 401 (c) (1), or is contributed to an individual retirement account established pursuant to the provisions of 26 U.S.C. 408, without penalty or loss of interest when or after the individual for whose benefit the account is maintained attains age fifty-nine and one-half, is disabled as defined by the provisions of 26 U.S.C. 72(m) (7) or dies.

Approved April 7, 1978

Chap. 60. AN ACT MAKING A CORRECTIVE CHANGE IN A CERTAIN LAW RELATIVE TO AGENCY REGULATIONS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to make a corrective change in a certain law relative to agency regulations, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience. _____

Be it enacted, etc., as follows:

SECTION 1. Chapter 30A of the General Laws is hereby amended by striking out sections 9 and 10 and inserting in place thereof the following two sections:-

Section 9. The commissioner of administration shall file with the state secretary prior to July first, nineteen hundred and seventy-eight, rules and regulations for the conduct of adjudicatory proceedings which shall be promulgated pursuant to the rule making procedures of this chapter and which shall be in effect for all state agencies within the executive offices except as provided in this section. Rules established by the commissioner of administration pursuant to the provisions of this section shall be referred to as the "standard rules". Said standard rules shall include, but not be limited to, provisions relating to the keeping of records of adjudicatory proceedings, the form of a pleading and answer, the form and service of motions, the rights of intervention of persons, procedures for taking depositions, conducting hearings, providing transcripts, submission of oral and written testimony to the agency, and administrative review of the agency's decision. Said standard rules shall take effect ninety days after they are published by the secretary in accordance with the provisions of section six, and shall govern adjudicatory proceedings commenced after said ninety days except as otherwise provided in this section.

Agencies within each of the executive offices may with the approval of the commissioner of administration, file with the secretary rules for the conduct of adjudicatory proceedings in said agency which substitute in whole or in part, or are additions to the standard rules filed by the commissioner. Such substitute rules shall be promulgated pursuant to the rule making procedures of this chapter and shall be filed with the state secretary within sixty days of the publication of the standard rules which shall govern adjudicatory proceedings commenced after ninety days from the publication thereof by the secretary, and shall take effect at the same time as the standard rules.

Thereafter, at any time the commissioner may file amendments to the standard rules. Agencies within any of the executive offices may subject to the approval of the commissioner of administration file substitute rules. Such amendments to the standard rules and such substitute rules shall take effect in accordance with section six.

Section 10. In conducting adjudicatory proceedings, as defined in this chapter, agencies shall afford all parties an opportunity for full and fair hearing. Unless otherwise provided by any law, agencies may (1) place on any party the responsibility of requesting a hearing if the agency notifies him in writing of his right to a hearing and of his responsibility to request the hearing; (2) make informal disposition of any adjudicatory proceeding by stipulation, agreed settlement, consent order or default; (3) limit the issues to be heard or vary the procedures prescribed by section eleven, if the parties agree to such limitation or variation; and (4) allow any person showing that he may be substantially and specifically affected by the proceeding to intervene as a party in the whole or any portion of the proceeding, and allow any other interested person to participate by presentation of argument orally or in writing, or for any other limited purpose, as the agency may order.

When a party to an adjudicatory proceeding has the opportu-

ity, by provision of any law or by regulation, to obtain more than one agency hearing on the same question, whether before the same agency or before different agencies, it shall be sufficient if the last hearing available to the party complies with the requirements of this chapter, and the earlier hearings need not so comply.

When a party has the opportunity to obtain an agency hearing, followed by one or more appeals before the same agency or before different agencies, such appeals being limited to the record made at the hearing, the appeal procedure need not comply with any requirement of this chapter for the conduct of adjudicatory proceedings except paragraphs (7) and (8) of section eleven.

When, under a provision of any law, a hearing is required only upon direction of an agency or upon request made in accordance with such provision by a person entitled to make such request, the requirements of this chapter governing the conduct of adjudicatory proceedings shall not apply unless and until such direction or request is in fact made.

SECTION 2. This act shall take effect on April eleventh, nineteen hundred and seventy-eight.

Approved April 10, 1978

Chap. 61. AN ACT AUTHORIZING THE COUNTY COMMISSIONERS OF HAMPSHIRE COUNTY TO EXPEND MONEY FOR THE PURPOSE OF DEVELOPING THE INDUSTRIAL AND COMMERCIAL RESOURCES OF SAID COUNTY.

Be it enacted, etc., as follows:

Section 1 of chapter 588 of the acts of 1967, as most recently amended by chapter 673 of the acts of 1977, 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 April 10, 1978

Chap. 62. AN ACT FURTHER REGULATING ASSESSMENT OF LAND UNDER A CONSERVATION RESTRICTION.

Be it enacted, etc., as follows:

Section 11 of chapter 59 of the General Laws is hereby amended by striking out the fourth paragraph, added by section 1 of chapter 719 of the acts of 1972, and inserting in place thereof the following paragraph:-

Real estate permanently restricted under section seventeen B

of chapter twenty-one, section one hundred and five of chapter one hundred and thirty and section forty A of chapter one hundred and thirty-one shall be assessed as a separate parcel of real estate and real estate under a conservation restriction in perpetuity under section thirty-one of chapter one hundred and eighty-four subject to a written agreement with a city or town shall be assessed as a separate parcel and the city or town acting through its assessor shall be bound by the terms of the written agreement until its expiration. The initial assessment as a separate parcel shall be made on January first of the year next following the conveyance of such permanent restriction.

Approved April 10, 1978

Chap. 63. AN ACT INCREASING INSURANCE COVERAGE
ON CERTAIN PROFESSIONAL BOXERS.

Be it enacted, etc., as follows:

Chapter 147 of the General Laws is hereby amended by striking out section 39B, inserted by chapter 177 of the acts of 1954, and inserting in place thereof the following section:-

Section 39B. Any person licensed under section thirty-two to conduct boxing or sparring matches or exhibitions, except those persons to whom a special license may be granted thereunder without the requirement of a bond or of payment of the annual fee, shall take out a policy of accident insurance on each contestant participating in such match or exhibition in the amount of fifteen hundred dollars to compensate him for medical and hospital expenses incurred as the result of injuries received in such match or exhibition; and in the amount of five thousand dollars in the event of death to said contestant resulting from participation in such match or exhibition, said five thousand dollars to be paid to the estate of the deceased contestant. The premiums on said policies shall be paid by the licensee.

Approved April 10, 1978

Chap. 64. AN ACT AUTHORIZING THE CITY OF
GLOUCESTER TO APPROPRIATE AND PAY A
CERTAIN SUM OF MONEY TO GORDON G. PEW.

Be it enacted, etc., as follows:

SECTION 1. The city of Gloucester is hereby authorized to appropriate the sum of one thousand and fifty dollars, and after such appropriation the treasurer of said city is hereby authorized to pay said sum to Gordon G. Pew for abatements he should have received under clause Twenty-second E of section five of chapter fifty-nine of the General Laws for the years nineteen hundred and seventy-five and nineteen hundred and seventy-six as a veteran, as defined in clause Forty-third of section seven of chapter four of the General Laws, who as a result of a disability contracted while in such wartime service and in the line of duty had a disability rating of one hundred per cent as determined by the veterans administration and was incapable of

working.

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 said Gordon G. Pew is 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 April 10, 1978

Chap. 65. AN ACT RELATIVE TO THE INVESTMENTS OF CREDIT UNIONS.

Be it enacted, etc., as follows:

SECTION 1. The third paragraph of section 21 of chapter 171 of the General Laws, as appearing in chapter 313 of the acts of 1977, is hereby amended by striking out paragraph (l) and inserting in place thereof the following paragraph:-

(l) In bonds of public utility companies with maturity of up to three years, provided that such bonds are rated as A, AA or AAA.

SECTION 2. Said third paragraph of said section 21 of said chapter 171, as so appearing, is hereby further amended by adding the following paragraph:-

(n) Securities of the government national mortgage association.

Approved April 10, 1978

Chap. 66. AN ACT AUTHORIZING THE REVERE POLICE RELIEF ASSOCIATION, INCORPORATED TO PAY AN AMOUNT OF MONEY TO CERTAIN MEMBERS UPON THEIR RETIREMENT.

Be it enacted, etc., as follows:

The Revere Police Relief Association, Incorporated, a corporation duly established under the laws of the commonwealth, is hereby authorized, upon the retirement of any member in good standing, from the police department of the city of Revere, who has been a member of the department and the Revere Police Relief Association, Incorporated for a period of fifteen years, to pay said member, if such member in writing so elects, a sum up to one thousand dollars, from the established death benefit as provided in the by-laws of the corporation. Said corporation is further authorized to pay to any retired member in good standing who retired from said department after May twenty-fifth, nineteen hundred and sixty, if such member in writing so elects, a sum not exceeding one thousand dollars from the established

benefit as provided in the by-laws. Any amount so paid upon retirement shall reduce the death benefit by a like amount.

Approved April 10, 1978

Chap. 67. AN ACT MAKING APPROPRIATIONS FOR THE FISCAL YEAR NINETEEN HUNDRED AND SEVENTY-NINE FOR THE MAINTENANCE 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-nine 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	\$1,191,107 34
2.	For contractual services	108,375 00
3.	For supplies and materials	277,225 00
4.	For current charges and obligations	118,045 84
5.	For equipment	4,990 00
8.	For debt and interest	220,375 00
11.	For reserve fund	25,000 00
11a.	For reserve for salary increases	235,000 00
12.	For group insurance	54,450 00
	For total expenditures	\$2,234,568 18

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

Approved April 10, 1978

Chap. 68. AN ACT INCREASING THE AMOUNT OF MONEY THE COUNTY COMMISSIONERS OF BRISTOL COUNTY MAY BORROW FOR PURPOSES OF RENOVATING AND EQUIPPING THE SECOND DISTRICT COURT OF BRISTOL.

Be it enacted, etc., as follows:

SECTION 1. Section 1 of chapter 683 of the acts of 1972 is hereby amended by striking out the first sentence, as most recently amended by section 1 of chapter 273 of the acts of 1974, and inserting in place thereof the following sentence:- The county commissioners of Bristol county are hereby authorized to cause plans and specifications to be prepared for the alteration, addition, expansion, renovation and equipping of the second district court of Bristol, and to acquire by eminent domain or by purchase or otherwise of such land and buildings that may be necessary for the purposes of this act, including a sufficient area for the parking of motor vehicles of persons in attendance in said court; provided, that the total cost of such plans and specifications, land acquisition and demolition of the

buildings thereon shall not exceed four hundred and fifty thousand dollars; and provided, further, that such plans and specifications, land acquisition and demolition of the buildings thereon shall be so drawn that the total cost for the alteration, addition, expansion, renovation and equipping of said facilities shall not exceed one million seven hundred and fifty thousand dollars.

SECTION 2. This act shall take effect upon its passage.
Approved April 13, 1978

Chap. 69. AN ACT CLARIFYING FOR BUSINESS CORPORATIONS THE DEDUCTION FOR SALARIES AND WAGES QUALIFYING FOR THE FEDERAL JOBS TAX CREDIT.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to allow business corporations in nineteen hundred and seventy-seven the deduction for employee wages qualifying for the federal jobs tax credit, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Clause (b) of paragraph 5 of section 30 of chapter 63 of the General Laws, as most recently amended by section 1 of chapter 752 of the acts of 1973, is hereby further amended by adding the following sentence:- A deduction shall be allowed for that portion of wages or salaries paid or incurred for the taxable year equal to the amount of the credit allowable for the taxable year under section forty-four B of the Federal Internal Revenue Code and otherwise disallowed under section two hundred eighty C of said Code.

SECTION 2. Said chapter 63 is hereby further amended by striking out section 38 F, as amended by section 4 of chapter 939 of the acts of 1977, and inserting in place thereof the following section:-

Section 38F. In determining the net income subject to tax under this chapter, a domestic or foreign business corporation may deduct, in addition to any other allowable deduction under this chapter, an amount equal to twenty-five per cent of the compensation paid during the taxable year to individuals domiciled in an eligible section of substantial poverty, as defined in section eleven of chapter twenty-three B, and employed in an eligible business facility, as so defined, provided such corporation has a certificate of eligibility with respect to such facility for the taxable year issued by the urban job incentive bureau of the department of commerce and development.

SECTION 3. This act shall apply to taxable years ending on or after December thirty-first, nineteen hundred and seventy-seven.

Approved April 13, 1978

Chap. 70. AN ACT RELATIVE TO THE OPERATION OF
COMMUTER RAILROAD SERVICE BY THE
MASSACHUSETTS BAY TRANSPORTATION
AUTHORITY.

Be it enacted, etc., as follows:

SECTION 1. The board of directors of the Massachusetts Bay Transportation Authority is hereby directed to prepare a schedule for reinstatement of all commuter railroad service under their authority or control to a level of not less than the amount and frequency of said service operated by the authority as of February first, nineteen hundred and seventy-eight. Said schedule shall be filed with the joint legislative committee on transportation upon its completion but in no event more than thirty days after the passage of this act.

SECTION 2. The board of directors is hereby further directed to prepare and submit to the joint legislative committee on transportation a comprehensive report on commuter railroad service operated under their authority or control including but not limited to the following:

1. A complete inventory of all commuter rail equipment either owned, borrowed, leased or otherwise controlled by the authority;

2. An analysis of all equipment listed in said inventory that was available for service as of February third, nineteen hundred and seventy-eight, and a complete description of all equipment unavailable for service as of said date with detailed explanation of why each piece of equipment listed was unavailable for service and estimated repair costs to each such piece of equipment;

3. A detailed explanation of why each piece of equipment taken out of service from February sixth to February tenth, inclusive, of the current year was so removed, the estimated cost of repair of each piece so removed and the estimated time required to restore each piece of equipment to operation;

4. An analysis of procedures now followed by the authority in notifying commuter railroad passengers, either aboard trains or in stations, of delays or other problems, and suggestions to improve these procedures;

5. A complete listing of all expenditures made, proposed, earmarked, allocated, or programmed for capital improvements to the commuter railroad system in the commonwealth, including but not limited to the bonding authorized by chapter eleven hundred and forty of the acts of nineteen hundred and seventy-three, and the bonding authorized by chapter three hundred and fifty-six of the acts of nineteen hundred and seventy-seven;

6. A complete report of existing personnel policies and procedures with regard to the operation of commuter railroad services including, but not limited to, the following: an accounting of the number of personnel now employed for the operation of commuter rail services under the control of the authority; the net increase or decrease of said personnel over the previous twelve months; the number of employees whose work schedules have been reduced as a result of the recent cut backs in commuter rail service, the policy of the authority relative to payment of

these employees, and the total amount of wages paid to these employees for services not received; and

7. Any other information which the authority deems appropriate.

Said report shall be filed with said committee within thirty days of the effective date of this act.

SECTION 3. This act shall take effect upon its passage.
Approved April 13, 1978

Chap. 71. AN ACT FURTHER REGULATING THE ASSIGNMENT OF CERTAIN PROBATION OFFICERS.

Be it enacted, etc., as follows:

SECTION 1. Section 83A of chapter 276 of the General Laws is hereby amended by striking out the fourth paragraph, as appearing in section 2 of chapter 563 of the acts of 1951, and inserting in place thereof the following paragraph:-

The district courts so designated or redesignated in accordance with the provisions of this section shall appoint probation officers as aforesaid. The judges of the courts so designated may require any such officer so appointed to perform such other duties in connection with adult probation as are not inconsistent with the primary duties of such probation officer in juvenile cases.

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

Approved April 13, 1978

Chap. 72. AN ACT AUTHORIZING THE CITY OF QUINCY TO CONVEY CERTAIN LANDS IN SAID CITY TO THE GOVERNMENT OF THE UNITED STATES AS HISTORICAL SITES.

Be it enacted, etc., as follows:

The city of Quincy is hereby authorized to convey two parcels of park land in said city to the government of the United States for the purpose of preserving the historical character and enhancing the aesthetic significance of the birthplaces of John Adams and John Quincy Adams both of whom were Presidents of the United States.

Said parcels are bounded and described as follows:-

Parcel 1. Land acquired by the city of Quincy by eminent domain for park purposes by council order no. 456 dated May 28, 1956, bounded and described as follows:

Easterly by Franklin Street about 61.57 feet;

Southerly by land of the City of Quincy Trustee about 55.72 feet and 85.43 feet;

Westerly by Presidents Avenue about 60.00 feet;

Northerly by land of Annie B. Brown about 77.7 feet, and Belle H. McCausland and William A. McCausland about 94.44 feet.

Containing about 9,061 square feet.

All as shown on a plan made by Charles R. Herbert, Commis-

sioner of Public Works, entitled "Plan Showing Proposed Taking for Park Purposes, Quincy, Mass." dated May 1956 and filed in the office of the City Clerk.

Parcel 2. Land acquired by the city of Quincy by eminent domain for park purposes by council order No. 138 dated February 17, 1958, bounded and described as follows:

Easterly by Franklin Street about 70.3 feet;

Southerly by land formerly of Maude C. Baldwin et al now the City of Quincy about 94.44 feet;

Westerly by land now or formerly of Mary A. Omar about 69.88 feet;

Northerly by land now or formerly of Joseph H., Raymond W., and Alphonse Palumbo about 105.52 feet.

Containing about 6878 square feet.

All as shown on a plan made by Charles R. Herbert, Commissioner of Public Works, entitled "Plan Shown Proposed Taking for Park Purposes, Quincy, Mass." dated July, 1957 and filed in the office of the City Clerk.

If said land ceases to be used for the purpose stated above, title to such land shall revert to the city of Quincy.

Approved April 13, 1978

Chap. 73. AN ACT RELATIVE TO LOANS BY SAVINGS BANKS.

Be it enacted, etc., as follows:

SECTION 1. Paragraph 6A of section 35 of chapter 168 of the General Laws is hereby amended by striking out the fifth sentence, as most recently amended by chapter 62 of the acts of 1977, and inserting in place thereof the following sentence:- No loan of this class shall be made or acquired for a sum in excess of seventy-five thousand dollars.

SECTION 2. Paragraph 6B of said section 35 of said chapter 168 is hereby amended by striking out the fifth sentence, as appearing in chapter 336 of the acts of 1972, and inserting in place thereof the following sentence:- No loan of this class shall be made or acquired for a sum in excess of sixty thousand dollars.

SECTION 3. Said section 35 of said chapter 168 of the General Laws is hereby further amended by striking out paragraph 10, as most recently amended by section 1 of chapter 28 of the acts of 1977, and inserting in place thereof the following paragraph:-

10. Improvement Loans. - A loan to the owner of improved real estate, upon which such corporation holds a mortgage, for the purpose of financing the improvement, repair, alteration or rehabilitation of such real estate or the purchase and installation of fixtures to be affixed thereto, including but not limited to the purchase and installation of a solar or wind-powered system or heat pump system. Such loan shall not exceed fifteen thousand 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 not more than ten years from the date of the note, but the note or mortgage shall provide that in any event it shall become due and payable simultaneously with the transfer of the mortgaged premises. The terms of the note or mortgage shall require that, commencing not later than two months after the date of the note, (a) payments shall be made on account of the principal in equal monthly instalments in amounts which, at the maturity of the note, shall equal the original amount of the loan, or (b) fixed monthly payments shall be made in approximately the same amount during the term of the loan, which payments shall first be applied to interest and the balance to principal. The aggregate balance of principal outstanding at any one time on loans of this class shall not exceed four per cent of the deposits of such corporation.

In case a mortgage and the note secured thereby shall have been sold or otherwise assigned to another banking institution, such corporation at the request of such other banking institution and of the owner of the mortgaged property may make a loan of this class within the limitations prescribed in this section; provided, that such corporation shall agree to sell and such other banking institution shall agree to buy such loan within thirty days after the loan is made.

SECTION 4. Said section 35 of said chapter 168 is hereby further amended by striking out paragraph 10A, as amended by section 1 of chapter 33 of the acts of 1975, and inserting in place thereof the following paragraph:-

10A. Any such corporation may make or acquire a loan to the owner of improved real estate located within its lending area as defined in paragraph 2 of section thirty-four, for the purpose of financing the improvement, repair, alteration or rehabilitation of such real estate or the purchase and installation of fixtures to be affixed thereto, including but not limited to the purchase and installation of a solar or wind-powered system or heat pump system; provided that (a) each such loan shall be evidenced by a note and may, in the discretion of such corporation, be secured by a mortgage which shall be a lien on the real estate so loaned upon; (b) not less than ninety per cent of the unpaid balance of such loan at any time shall be guaranteed or insured by a mortgage insurance company which has been determined to be a "qualified private insurer" by the Federal Home Loan Mortgage Corporation or has been approved by the commissioner as qualified to insure loans of this class, and which is authorized to transact business in the commonwealth; (c) the note or mortgage shall provide that in any event it shall become due and payable simultaneously with the transfer of the mortgaged premises, and (d) such loan shall be subject to all the provisions and limitations applicable to first mortgage loans authorized by paragraph 10 of this section.

Approved April 13, 1978

EMERGENCY LETTER - May 3, 1978 @ 11:11 A.M.

BARNSTABLE COUNTY MAY EXPEND FOR THE
CAPE COD PLANNING AND ECONOMIC
DEVELOPMENT COMMISSION.

Be it enacted, etc., as follows:

Section 2 of chapter 453 of the acts of 1965 is hereby amended by striking out the first sentence, as amended by chapter 557 of the acts of 1974, and inserting in place thereof the following sentence:- Beginning with the fiscal year commencing on January first, nineteen hundred and sixty-five, to meet the expenses incurred under this act there may annually be expended from the treasury of Barnstable county, subject to appropriation, sums not exceeding sixteen thousand dollars for the first fiscal year and not exceeding one hundred and twenty-five thousand dollars annually thereafter.

Approved April 13, 1978

Chap. 75. AN ACT REQUIRING BILINGUAL DISCLOSURES
IN CONSUMER CREDIT FORM.

Be it enacted, etc., as follows:

Section 5 of chapter 140C of the General Laws is hereby amended by adding after subsection (j), as amended by section 8 of chapter 52 of the acts of 1977, the following subsection:-

(k) The disclosures required by this chapter and any other law with respect to goods or services which are the subject of a consumer credit transaction shall be given in writing both in English and in a language other than English if such other language is the principal language of the consumer to whom the disclosure is required to be made and the creditor required to give the disclosure uses such other language in any advertisement or other solicitation of the consumer or in any printed writing, for use by the consumer in the commonwealth.

Approved April 13, 1978 •

Chap. 76. AN ACT DESIGNATING THE BRIDGE ON THE
MASSACHUSETTS TURNPIKE, AT WASHINGTON
STREET AND PUTNAM STREET IN THE CITY OF
NEWTON AS THE LT. ARTHUR O. JONES BRIDGE.

Be it enacted, etc., as follows:

The bridge at Washington street and Putnam street on the Massachusetts Turnpike in the city of Newton shall be designated and known as the Lt. Arthur O. Jones bridge in memory of Authur O. Jones who was killed in action while a member of the armed forces of the United States during the Korean emergency. Suitable markers bearing said designation shall be attached thereto by the Massachusetts Turnpike Authority in compliance with the standards of said Authority.

Approved April 13, 1978

Chap. 77. AN ACT INCREASING THE AMOUNT OF MONIES

A TOWN MAY APPROPRIATE TO BUSINESS AND INDUSTRIAL COMMISSIONS ANNUALLY.

Be it enacted, etc., as follows:

Section 5 of chapter 40 of the General Laws is hereby amended by striking out clause (47), as appearing in chapter 458 of the acts of 1975, and inserting in place thereof the following clause:-

(47) For the purpose of establishing and maintaining a business and industrial commission to promote business and industry, a sum not exceeding in any one year one hundred and fifty thousand dollars.

Approved April 13, 1978

EMERGENCY LETTER - April 14, 1978 @ 10:09 A.M.

Chap. 78. AN ACT REGULATING THE IMPOSITION OF LATE CHARGES IN MORTGAGE PAYMENTS ON RESIDENTIAL CONDOMINIUM UNITS.

Be it enacted, etc., as follows:

SECTION 1. Section 59 of chapter 183 of the General Laws, inserted by section 1 of chapter 412 of the acts of 1972, is hereby amended by inserting after the word "households", in line 3, the words:- or on a residential condominium unit.

SECTION 2. The provisions of this act shall apply only to contracts entered into on and after the effective date of this act.

Approved April 13, 1978

EMERGENCY LETTER - April 14, 1978 @ 10:09 A.M.

Chap. 79. AN ACT AUTHORIZING EMPLOYMENT ON STATE, COUNTY AND FEDERAL LAND AND BUILDINGS BY CERTAIN PRISONERS.

Be it enacted, etc., as follows:

Section 49B of chapter 127 of the General Laws, inserted by chapter 717 of the acts of 1973, is hereby amended by striking out the first two sentences and inserting in place thereof the following two sentences:- Prisoners in state correctional institutions, except prisoners who are housed in the maximum security section at the Massachusetts Correctional Institution at Walpole, may, in the custody of an officer, be eligible to provide services for patients in residential care at facilities of the department of mental health or the department of public health or provide care of public lands or buildings and grounds. No prisoners may participate in a program under this section unless he has been screened both by the committee established under the provisions of section forty-nine A for the correctional institution wherein he is confined and by a member of the professional staff of the institution at which he is to provide such care or service, who shall be designated by the head of said institution or the person in charge of such public lands or buildings.

Approved April 13, 1978

Chap. 80. AN ACT REPEALING THE MINIMUM LENGTH RESTRICTION FOR THE TAKING OF CERTAIN MARINE FISH.

Be it enacted, etc., as follows:

Section one hundred of chapter one hundred and thirty of the General Laws is hereby repealed.

Approved April 18, 1978

Chap. 81. AN ACT AUTHORIZING A CREDIT UNION TO ACT AS A TRUSTEE OR CUSTODIAN UNDER A QUALIFIED PROFIT-SHARING PLAN OF A PERSON OR CORPORATION.

Be it enacted, etc., as follows:

Section 10C of chapter 171 of the General Laws is hereby amended by striking out the first sentence, as appearing in chapter 687 of the acts of 1975, and inserting in place thereof the following two sentences:- A credit union may act as trustee or custodian under a profit-sharing plan instituted by a person, partnership or corporation within the meaning of section 401(a) of the Internal Revenue Code of 1954 including the provisions of P.L. 94-455; provided, that the deposit accounts of any one such person, partnership or corporation 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 or shares of the credit union, whichever is greater. A credit union may act as trustee or custodian under a retirement plan or individual retirement account which, in the judgment of such credit union at the time of appointment as such trustee or custodian is accepted, is established pursuant to the provisions of Public Law 87-792, entitled "Self-Employed Individuals' Tax Retirement Act of 1962" or pursuant to the provisions of section 2002 of P.L. 93-406 of the Employees Retirement Income Security Act of 1974, if the provisions of such plan have been approved by the commissioner and if such provisions permit any of the funds of the trust or the custodial accounts to be invested in shares or deposits of the credit union.

Approved April 18, 1978

Chap. 82. AN ACT PERMITTING THE OFF-PREMISE STORAGE OF CERTAIN PAYROLL RECORDS.

Be it enacted, etc., as follows:

Section 15 of chapter 151 of the General Laws, as appearing in section 1 of chapter 349 of the acts of 1950, is hereby further amended by striking out the third sentence and inserting in place thereof the following sentence:- Such records shall be maintained at the place of employment, at an office of the employer, or with a bank, accountant or other central location and shall be open to the inspection of the commissioner or his authorized

representatives at any reasonable time, and they shall have the right to make a transcript thereof.

Approved April 18, 1978

Chap. 83. AN ACT RELATIVE TO THE LIABILITY OF A CITY, TOWN, DISTRICT OR REGIONAL SCHOOL DISTRICT OFFICER FOR LOSSES DUE TO THE CLOSING OR LIQUIDATION OF BANKS OR CREDIT UNIONS.

Be it enacted, etc., as follows:

Chapter 44 of the General Laws is hereby amended by striking out section 55A, as most recently amended by chapter 48 of the acts of 1954, and inserting in place thereof the following section:-

Section 55A. A city, town, district or regional school district officer receiving public money and lawfully and in good faith and in the exercise of due care depositing the same in a savings bank or trust company organized under the laws of the commonwealth, on paid-up shares and accounts of and in co-operative banks, a banking company organized under the laws of the commonwealth which is a member of the Federal Deposit Insurance Corporation, or in a national bank doing business in the commonwealth, or, in the case of the city of Boston, in accordance with the provisions of section fifty-five in a national bank or trust company in the city of New York, or in good faith and in the exercise of due care purchasing share accounts of a federal savings and loan association located in the commonwealth, shall not be personally liable to the city, town, district or regional school district, for any loss of such money by reason of the closing up of such depository or federal savings and loan association for the liquidation of its affairs.

Approved April 18, 1978

Chap. 84. AN ACT MAKING APPROPRIATIONS FOR THE FISCAL YEAR NINETEEN HUNDRED AND SEVENTY-NINE FOR THE MAINTENANCE OF THE COUNTY OF DUKES COUNTY.

Be it enacted, etc., as follows:

SECTION 1. To provide for the maintenance of the county of Dukes county, its departments, boards, commissions and institutions, of sundry other services, for certain permanent improvements, for interest and debt requirements, and to meet certain requirements of law, the following sums are hereby appropriated, subject to the provisions of law regulating the disbursement of county funds and the approval thereof, for the fiscal year nineteen hundred and seventy-nine.

DUKES COUNTY.

Item	<u>Subtotal</u>	<u>Total</u>
1. For interest on county debt.....		\$5,750 00
2. For reduction of county debt.....		40,000 00
3. For county commissioners, salaries and expenses		22,301 50

<u>Item</u>	<u>Subtotal</u>	<u>Total</u>
1. Personal services	\$20,151 50	
2. Contractual services	850 00	
3. Supplies and materials	1,300 00	
4. For transportation and expenses of county and acting commissioners.....		\$300 00
5. For clerk of courts, salaries and expenses		16,655 66
1. Personal services	14,325 66	
2. Contractual services	1,820 00	
3. Supplies and materials	500 00	
4. Current charges and obligations	10 00	
6. For county treasurer, salaries and expenses		12,631 70
1. Personal services	11,394 70	
2. Contractual services	530 00	
3. Supplies and materials	650 00	
4. Current charges and obligations	57 00	
7. For sheriff, salary and expenses.....		15,989 00
1. Personal services	13,939 00	
2. Contractual services	700 00	
3. Supplies and materials	1,350 00	
8. For registry of deeds, salaries and expenses		53,025 80
1. Personal services	35,585 80	
2. Contractual services	8,950 00	
3. Supplies and materials	3,200 00	
4. Current charges and obligations	40 00	
5. Equipment	5,250 00	
8a. For registry of probate, salaries and expenses		4,380 00
2. Contractual services	3,400 00	
3. Supplies and materials	700 00	
4. Current charges and obligations	200 00	
5. Equipment	80 00	
9. For law library, salaries and expenses.....		3,525 00
1. Personal services	500 00	
3. Supplies and materials	25 00	
4. Current charges and obligations	3,000 00	
10. For highways, including state highways, bridges and land damages.....		5,000 00
2. Contractual services	5,000 00	
12. For superior court costs.....		49,244 60
2. Contractual services	49,144 60	
3. Supplies and materials	100 00	
13. For civil expenses in probate court.....		8,000 00
2. Contractual services	8,000 00	
14. For district courts, salaries and expenses		
District Court of Edgartown.....		154,180 86
1. Personal services	137,577 11	
2. Contractual services	9,800 00	
3. Supplies and materials	4,350 00	
4. Current charges and obligations	713 75	
5. Equipment	1,740 00	
15. For medical examiners and commitments of insane.....		2,000 00
16. For jail and house of correction, maintenance and operation.....		67,843 30

<u>Item</u>	<u>Subtotal</u>	<u>Total</u>
1. Personal services	48,048 30	
2. Contractual services	17,550 00	
3. Supplies and materials	1,750 00	
5. Equipment	495 00	
18. For court houses and registry buildings, maintenance and operation.....		28,835 80
1. Personal services	10,685 80	
2. Contractual services	14,500 00	
3. Supplies and materials	1,000 00	
4. Current charges and obligations	650 00	
5. Equipment	2,000 00	
19. For purchase of land.....		15,000 00
20. For agricultural school or county cooperative extension service.....		39,972 20
1. Personal services	29,332 20	
2. Contractual services	5,505 00	
3. Supplies and materials	1,200 00	
4. Current charges and obligations	1,010 00	
5. Equipment	2,425 00	
6. All other	500 00	
21. For state reservation, maintenance and operation (Indian Burial Ground).....		1,000 00
2. Contractual services	1,000 00	
23a. For mental health program.....		6,000 00
23c. For public health program.....		9,000 00
24. For noncontributory pensions.....		13,600 00
25. For contributory retirement system and supervisory expenses.....		48,000 00
26. For miscellaneous and contingent expenses.....		85,900 44
28. For reserve fund.....		15,000 00
28a. For reserve for salary increases.....		95,000 00
29. For advertising recreational, industrial and agricultural advantages of the county.....		47,619 00
33. For police training school.....		850 00
38. For county airport, maintenance and operation.....		179,866 55
1. Personal services	108,246 55	
2. Contractual services	16,900 00	
3. Supplies and materials	19,200 00	
4. Current charges and obligations	8,600 00	
5. Equipment	26,920 00	
39. For group insurance.....		47,000 00
42. For rodent control.....		15,080 20
44. For communication system.....		55,863 40
Total amount of appropriations.....		<u>\$1,164,415 01</u>
Less estimated amount available for reduction of county tax.....		<u>174,850 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.....		989,565 01

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.

<u>Item</u>	<u>Subtotal</u>	<u>Total</u>
16. For jail and house of correction.....		20,000 00
2. Contractual services	20,000 00	
27. For unpaid bills.....		<u>34,000 00</u>
Total.....		\$54,000 00

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

The foregoing was laid before the Governor on the fifth day of April, 1978 and after ten days it had "the force of a law", as prescribed by the Constitution, as it was not returned by him with his objections thereto within that time.

Chap. 85. AN ACT MAKING APPROPRIATIONS FOR THE FISCAL YEAR NINETEEN HUNDRED AND SEVENTY-EIGHT FOR THE MAINTENANCE OF WORCESTER COUNTY.

Be it enacted, etc., as follows:

SECTION 1. To provide for the maintenance of Worcester 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-eight.

WORCESTER COUNTY.

<u>Item</u>	<u>Subtotal</u>	<u>Total</u>
1. For interest on county debt.....		\$488,806 25
2. For reduction of county debt.....		1,692,000 00
3. For county commissioners, salaries and expenses.....		98,904 59
1. Personal services	\$87,329 59	
2. Contractual services	7,000 00	
3. Supplies and materials	3,075 00	
4. Current charges and obligations	1,000 00	
5. Equipment	500 00	
4. For transportation and expenses of county and acting commissioners		3,500 00
5. For clerk of courts, salaries and expenses		515,821 85
1. Personal services	480,795 85	
2. Contractual services	10,000 00	
3. Supplies and materials	8,700 00	
4. Current charges and obligations	4,320 00	
5. Equipment	12,006 00	
6. For county treasurer, salaries and expenses		170,875 20
1. Personal services	148,555 20	
2. Contractual services	6,650 00	
3. Supplies and materials	4,500 00	
4. Current charges and obligations	10,920 00	
5. Equipment	250 00	

<u>Item</u>	<u>Subtotal</u>	<u>Total</u>
7. For sheriff, salary and expenses		23,600 00
1. Personal services	19,890 00	
2. Contractual services	900 00	
3. Supplies and materials	1,910 00	
4. Current charges and obligations	900 00	
8. For registry of deeds, salaries and expenses		
Worcester District		682,535 45
1. Personal services	505,012 45	
2. Contractual services	90,290 00	
3. Supplies and materials	37,950 00	
4. Current charges and obligations	25,942 00	
5. Equipment	23,341 00	
Northern District		115,552 60
1. Personal services	98,562 60	
2. Contractual services	9,420 00	
3. Supplies and materials	5,000 00	
4. Current charges and obligations	2,255 00	
5. Equipment	315 00	
8a. For registry of probate, salaries and expenses		55,620 00
1. Personal services	6,000 00	
2. Contractual services	19,350 00	
3. Supplies and materials	9,900 00	
4. Current charges and obligations	14,270 00	
5. Equipment	6,100 00	
9. For law library, salaries and expenses		
Worcester		83,049 20
1. Personal services	36,190 70	
2. Contractual services	2,950 00	
3. Supplies and materials	1,500 00	
4. Current charges and obligations	42,000 00	
5. Equipment	408 50	
Fitchburg		21,525 40
1. Personal services	10,410 40	
2. Contractual services	350 00	
3. Supplies and materials	115 00	
4. Current charges and obligations	10,650 00	
10. For highways, including state highways, bridges and land damages		541,731 72
1. Personal services	506,231 72	
2. Contractual services	4,225 00	
3. Supplies and materials	9,800 00	
4. Current charges and obligations	5,700 00	
5. Equipment	15,775 00	
12. For superior court costs		1,286,260 01
1. Personal services	621,770 01	
2. Contractual services	618,105 00	
3. Supplies and materials	10,979 00	
4. Current charges and obligations	10,320 00	
5. Equipment	11,786 00	
6. All other	13,300 00	
13. For civil expenses in probate court		58,905 15
1. Personal services	43,436 15	
2. Contractual services	9,575 00	
3. Supplies and materials	1,700 00	
4. Current charges and obligations	2,300 00	
5. Equipment	1,894 00	
14. For district courts, salaries and expenses		
Central District Court of Worcester		1,062,162 47
1. Personal services	975,547 47	
2. Contractual services	40,015 00	

<u>Item</u>	<u>Subtotal</u>	<u>Total</u>
3. Supplies and materials	19,635 00	
4. Current charges and obligations	5,655 00	
5. Equipment	21,310 00	
District Court of Fitchburg		329,849 75
1. Personal services	295,089 75	
2. Contractual services	12,510 00	
3. Supplies and materials	9,550 00	
4. Current charges and obligations	7,675 00	
5. Equipment	5,025 00	
District Court of Leominster		158,084 46
1. Personal services	132,654 46	
2. Contractual services	8,560 00	
3. Supplies and materials	6,800 00	
4. Current charges and obligations	5,020 00	
5. Equipment	5,050 00	
District Court of Winchendon		110,299 30
1. Personal services	94,673 30	
2. Contractual services	3,725 00	
3. Supplies and materials	1,825 00	
4. Current charges and obligations	5,951 00	
5. Equipment	4,125 00	
First District Court of Northern Worcester		411,219 89
1. Personal services	374,119 89	
2. Contractual services	20,690 00	
3. Supplies and materials	7,400 00	
4. Current charges and obligations	9,010 00	
First District Court of Eastern Worcester		421,069 40
1. Personal services	387,484 40	
2. Contractual services	13,225 00	
3. Supplies and materials	13,400 00	
4. Current charges and obligations	2,625 00	
5. Equipment	4,335 00	
Second District Court of Eastern Worcester		207,137 65
1. Personal services	186,498 95	
2. Contractual services	10,200 00	
3. Supplies and materials	5,745 00	
4. Current charges and obligations	2,300 00	
5. Equipment	2,393 70	
First District Court of Southern Worcester		336,078 28
1. Personal services	305,798 28	
2. Contractual services	16,125 00	
3. Supplies and materials	8,900 00	
4. Current charges and obligations	1,640 00	
5. Equipment	3,615 00	
Second District Court of Southern Worcester		205,225 39
1. Personal services	192,164 39	
2. Contractual services	7,560 00	
3. Supplies and materials	3,250 00	
4. Current charges and obligations	1,241 00	
5. Equipment	1,010 00	
Third District Court of Southern Worcester		225,492 38
1. Personal services	198,592 38	
2. Contractual services	10,825 00	
3. Supplies and materials	9,150 00	
4. Current charges and obligations	5,080 00	
5. Equipment	1,845 00	
District Court of Western Worcester		145,715 11
1. Personal services	116,085 11	
2. Contractual services	4,050 00	
3. Supplies and materials	4,325 00	
4. Current charges and obligations	20,455 00	
5. Equipment	800 00	
Worcester Juvenile Court		438,538 15
1. Personal services	363,767 65	
2. Contractual services	23,400 00	
3. Supplies and materials	3,650 00	
4. Current charges and obligations	41,625 00	
5. Equipment	6,095 50	

<u>Item</u>	<u>Subtotal</u>	<u>Total</u>
District Court - Northern Juvenile District		156,909 20
1. Personal services	143,354 20	
2. Contractual services	10,900 00	
3. Supplies and materials	1,900 00	
4. Current charges and obligations	160 00	
5. Equipment	595 00	
District Court - Southern Juvenile District		147,408 20
1. Personal services	136,583 20	
2. Contractual services	9,375 00	
3. Supplies and materials	1,450 00	
15. For medical examiners and commitments of insane		64,000 00
16. For jail and house of correction, maintenance and operation		2,004,076 50
1. Personal services	1,305,096 50	
2. Contractual services	229,325 00	
3. Supplies and materials	407,820 00	
4. Current charges and obligations	26,200 00	
5. Equipment	33,635 00	
6. All other	2,000 00	
18. For court houses and registry buildings, maintenance and operation		905,534 67
1. Personal services	562,501 67	
2. Contractual services	207,095 00	
3. Supplies and materials	104,440 00	
4. Current charges and obligations	7,435 00	
5. Equipment	4,063 00	
6. All other	20,000 00	
18a. For bindery department		28,939 00
20. For agricultural school or county cooperative extension service		272,389 64
1. Personal services	231,362 64	
2. Contractual services	16,910 00	
3. Supplies and materials	9,050 50	
4. Current charges and obligations	1,660 00	
5. Equipment	13,406 50	
24. For noncontributory pensions		419,000 00
26. For miscellaneous and contingent expenses		234,215 07
27. For unpaid bills of previous years		225,000 00
28. For reserve fund		125,000 00
28a. For reserve for salary increases		812,600 00
28d. For reserve for counsel for indigent defendants		125,000 00
29. For advertising recreational, industrial and agricultural advantages of the county		75,000 00
31. For radio system for fire protection		3,300 00
36. For Dutch elm disease		10,000 00
39. For group insurance		792,943 39
Total amount of appropriations		<u>\$16,290,875 32</u>
Less estimated amount available for reduction of county tax		<u>1,697,800 00</u>
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		<u>\$14,593,075 32</u>

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.

<u>Item</u>	<u>Subtotal</u>	<u>Total</u>
25. For contributory retirement system and supervisory expenses		\$893,251 15

SECTION 2. This act shall take effect upon its passage.
 Approved April 19, 1978

Chap. 86. AN ACT AUTHORIZING THE COUNTY COMMISSIONERS OF BRISTOL COUNTY TO EXPEND A SUM OF MONEY FOR THE REPAIR OF THE ROOF OF THE SOUTHERN DISTRICT REGISTRY OF DEEDS BUILDING IN SAID COUNTY.

Be it enacted, etc., as follows:

SECTION 1. The county commissioners of Bristol county are hereby authorized to expend from any available funds a sum of money, not to exceed fifty thousand dollars, for the purpose of making repairs to the roof of the southern district registry of deeds building in said county.

SECTION 2. Chapter seventy-eight of the acts of nineteen hundred and seventy-seven is hereby repealed.

SECTION 3. This act shall take effect upon its passage.
 Approved April 21, 1978

Chap. 87. AN ACT AUTHORIZING THE TEMPORARY POSSESSION AND HANDLING OF FIREARMS DURING CERTAIN TELEVISION, MOVIE, OR STAGE PRODUCTIONS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to authorize the temporary possession and handling of firearms during certain television, movie, or stage productions, 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 subsection (a) of section ten of chapter two hundred and sixty-nine of the General Laws or any other law to the contrary, the carrying or possession of a firearm during the course of any television, movie, stage or other similar theatrical production, by a person within such production, shall be authorized; provided, however, that such carrying or possession of such firearm shall be under the immediate supervision of a person licensed to carry firearms.

SECTION 2. This act shall cease to be operative on December thirty-first, nineteen hundred and seventy-eight.
 Approved April 21, 1978

Chap. 88. AN ACT RELATIVE TO PERSONAL LOANS BY SAVINGS BANKS.

Be it enacted, etc., as follows:

Section 37 of chapter 168 of the General Laws, as most recently amended by chapter 262 of the acts of 1977, is hereby further amended by striking out the fourth sentence and inserting in place thereof the following sentence:- The total obligation of any one person to any such corporation outstanding at any one time in this class of investment, including, in the case of a savings and insurance bank, as defined in section one of chapter one hundred and seventy-eight, any obligation on account of any such loan or loans made or acquired from funds of the insurance department pursuant to section nine of said chapter, shall not exceed fifteen thousand dollars exclusive of interest or discount; and the aggregate balance of such loans made or acquired by any such corporation, at any time outstanding, shall not exceed ten per cent of its deposits not in excess of fifty million dollars plus five per cent of its deposits in excess of fifty million dollars.

Approved April 21, 1978

Chap. 89. AN ACT PROHIBITING DISCRIMINATION AGAINST BLIND PERSONS POSSESSING DOG GUIDES IN THE SALE OF CERTAIN HOUSING ACCOMMODATIONS.

Be it enacted, etc., as follows:

Subsection 6 of section 4 of chapter 151B of the General Laws, as most recently amended by section 1 of chapter 1051 of the acts of 1973, is hereby further amended by striking out clause (b) and inserting in place thereof the following clause:-

(b) to discriminate against any person because of his race, religious creed, color, national origin, sex, age, ancestry or marital status or because such a person is a veteran or a member of the armed forces or because such person is blind in the terms, conditions or privileges of such accommodations or the acquisitions thereof, or in the furnishings of facilities and services in connection therewith, or because such person possesses a trained dog guide as a consequence of blindness.

Approved April 21, 1978

Chap. 90. AN ACT FACILITATING THE PAYMENT OF CERTAIN CLAIMS UNDER TWO THOUSAND DOLLARS TO ESTATES BY INSURANCE COMPANIES.

Be it enacted, etc., as follows:

The first sentence of section 187E of chapter 175 of the General Laws, as appearing in chapter 104 of the acts of 1947, is hereby amended by striking out, in line 3, the words "five hundred" and inserting in place thereof the words:- two thousand.

Approved April 21, 1978

Chap. 91. AN ACT RELATIVE TO CERTAIN EMERGENCY APPROPRIATIONS IN THE CITY OF QUINCY.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any contrary provision of law, the city of Quincy may incur debt outside the limit of indebtedness prescribed in section ten of chapter forty-four of the General Laws for such emergency appropriation as shall be approved by a majority of the members of a board composed of the attorney general, the state treasurer and the director of accounts in the department of corporations and taxation, but for not more than a term of five years as determined by said board.

SECTION 2. This act shall cease to be operative on September first, nineteen hundred and seventy-eight.

Approved April 21, 1978

EMERGENCY LETTER - April 24, 1978 @ 10:28 A.M.

Chap. 92. AN ACT PROVIDING THAT CERTAIN BRIDGES BE STATE HIGHWAYS.

Be it enacted, etc., as follows:

The first paragraph of section 1 of chapter 634 of the acts of 1971, as most recently amended by chapter 944 of the acts of 1977, is hereby further amended by adding the following sentence:- Such bridges shall be state highways.

Approved April 21, 1978

Chap. 93. AN ACT REQUIRING DEAF OR HEARING HANDICAPPED PERSONS ACCOMPANIED BY "HEARING" DOGS TO BE ADMITTED TO ALL PLACES OF PUBLIC ACCOMMODATIONS.

Be it enacted, etc., as follows:

Chapter 272 of the General Laws is hereby amended by striking out section 98A, inserted by section 1 of chapter 155 of the acts of 1938, and inserting in place thereof the following section:-

Section 98A. Notwithstanding any other provision of law, any blind person or deaf or hearing handicapped person accompanied by a "seeing eye" dog, or "hearing" dog, so called, which dog is used as a leader or guide, shall, if such dog is properly and safely muzzled, be entitled to any and all accommodations, advantages, facilities and privileges of all public conveyances, public amusements and places of public accommodation, within the commonwealth, to which persons not accompanied by dogs are entitled, subject only to the conditions and limitations applicable to all persons not accompanied by dogs, and no such blind person or deaf or hearing handicapped person shall be required to pay any charge or fare for or on account of the transportation of any public conveyance of himself and such dog so accompanying him in addition to the charge or fare lawfully chargeable for his own transportation. Whoever deprives any blind person or deaf or hearing handicapped person of any right conferred by this section shall be punished by a fine of not more than three hundred dollars; provided, however, that in the case of a deaf or hearing handicapped person, such person carries and displays upon demand, written evidence that the dog accompanying him is a "hearing dog".

Approved April 21, 1978

Chap. 94. AN ACT PROVIDING THAT CERTAIN FIRE-FIGHTERS MAY OCCUPY A TRAILER WHILE THE TRAILER IS IN MOTION.

Be it enacted, etc., as follows:

Section 13 of chapter 90 of the General Laws is hereby amended by striking out the penultimate sentence, inserted by chapter 192 of the acts of 1967, and inserting in place thereof the following sentence:- No person or persons, except firefighters acting pursuant to their official duties, shall occupy a trailer or semi-trailer while such trailer or semi-trailer is being towed, pushed or drawn or is otherwise in motion upon any way.

Approved April 21, 1978

Chap. 95. AN ACT AUTHORIZING THE DESIGNEES OF THE COMMISSIONER OF THE DEPARTMENT OF ENVIRONMENTAL QUALITY ENGINEERING TO ISSUE ORDERS OF CONDITIONS.

Be it enacted, etc., as follows:

SECTION 1. The thirteenth paragraph of section 40 of chapter 131 is hereby amended by striking out the fifth sentence, as appearing in section 241 of chapter 706 of the acts of 1975, and inserting in place thereof the following sentence:- Upon receipt of such request the department shall make the determination requested and shall by written order issue within seventy days of receipt of such request, signed by the commissioner or his designee, impose such conditions as will contribute to the protection of the interests described herein; provided, however, that said department shall notify the applicant within thirty days of the receipt of such request if his application or request is not in proper form or is lacking information or documentation necessary to make the determination.

SECTION 2. Said thirteenth paragraph of said section 40 of said chapter 131 is hereby further amended by striking out the eighth sentence, as so appearing, and inserting in place thereof the following sentence:- Notwithstanding the withdrawal, the commissioner or his designee may continue the determination if he notifies all parties within ten days of receipt of the withdrawal.

Approved April 21, 1978

Chap. 96. AN ACT INCREASING THE AMOUNT OF SHARES OR DEPOSITS CREDIT UNIONS MAY ACCEPT AND PERMITTING JOINT ACCOUNTS WITH MORE THAN ONE OTHER PERSON THEREON.

Be it enacted, etc., as follows:

Chapter 171 of the General Laws is hereby amended by striking out section 10, as most recently amended by chapter 21 of

the acts of 1977, and inserting in place thereof the following section:-

Section 10. The capital of a credit union shall be unlimited in amount and shall consist of shares and deposits. Shares shall be of a par value of five dollars each and shall be subscribed and paid for in such manner as the by-laws of the credit union shall prescribe. A credit union may also contract, on terms to be agreed upon, with a person eligible for membership in the credit union or a member of the family of such a person, for the deposit at intervals within a period of twelve months, of sums of money, to be known as club deposits, in the aggregate not in excess of four thousand dollars, and may pay interest or dividends thereon in the amount decided by its board of directors, but at no higher rate than that paid on its regular deposits or as regular dividends on shares. 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, in the aggregate, fourteen thousand dollars and, he may jointly with one or more members, hold shares or make deposits, or both to an amount not exceeding, in the aggregate, twenty-eight thousand dollars, exclusive of club deposits. 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, in the aggregate, twenty-three thousand dollars and, may jointly with one or more members, hold shares or make deposits, or both, to an amount not exceeding, in the aggregate, forty-six thousand dollars, exclusive of club deposits. 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, in the aggregate, forty thousand dollars, provided that he has no other accounts, and he may jointly with one or more members, hold shares or make deposits, or both, to an amount not exceeding, in the aggregate, eighty thousand dollars, exclusive of club deposits. A fraternal organization, voluntary association, partnership or corporation eligible for membership under the provisions of section five may purchase shares or have on deposit an amount equal to that permitted a member jointly with another member as provided for herein. The establishment of deposit accounts or the discontinuance thereof may be authorized by the board of directors of the credit union. A credit union may require from a member ninety days' notice of his intention to withdraw any or all of his shares and sixty days' notice of his intention to withdraw any or all of his deposits. Subject to the foregoing limitations in respect to shares and deposits and requirements relative to notice, shares may be subscribed for and deposits may be accepted in the name of one or two persons in trust for another provided the name and residence of the beneficiary is disclosed, and such shares and deposits shall be carried in the name of the shareholder or depositor as trustee or trustees. Payments may be made to the trustee, and if there are two trustees, payments may be made to both or to either or the survivor. If no other notice of existence and terms of a trust has been received in writing by the credit union, upon death of the trustee or if there are two trustees then upon the death of both, the amount

then on deposit together with the dividends thereon may be paid to the person for whom such deposit was made or to his legal representative. Withdrawals and payments made as provided in this paragraph shall fully discharge the liability of the credit union to all persons. Section fourteen of chapter one hundred and sixty-seven shall apply to credit unions.

Approved April 21, 1978

Chap. 97. AN ACT AUTHORIZING THE APPOINTMENT OF CHARLES H. LOUD TO THE POLICE FORCE OF THE TOWN OF EASTHAMPTON.

Be it enacted, etc., as follows:

Notwithstanding the provisions of the civil service law and rules, the town of Easthampton is hereby authorized to appoint Charles H. Loud, a provisional patrolman of said town to the position of permanent patrolman in the police department of said town, provided that prior to such appointment a physician designated by the appointing authority shall certify that the said Charles H. Loud is in good health and physically qualified to perform the duties of said position. Upon notice in writing given by the appointing authority to the division of personnel administration that the said Charles H. Loud has been appointed a permanent patrolman under authorization provided herein, he shall be deemed to have been permanently appointed to said position without being required to serve any probationary period, and shall not be involuntarily separated from such position except subject to and in accordance with the provisions of sections forty-three and forty-five of chapter thirty-one of the General Laws to the same extent as if said position were classified under said chapter.

Approved April 21, 1978

Chap. 98. AN ACT RELATIVE TO THE STRUCTURE OF THE TOWN MEETING IN THE TOWN OF WINTHROP.

Be it enacted, etc., as follows:

SECTION 1. Chapter 427 of the acts of 1920 is hereby amended by striking out section 2, as amended by section 3 of chapter 5 of the acts of 1921, and inserting in place thereof the following section:-

Section 2. The voters in every precinct shall, at the first annual town election held after the establishment of the precincts and at the first annual town election following any precinct revision and conformably to the laws relative to elections not inconsistent with this act, elect by ballot the largest number which is divisible by one and one half and which will not exceed one and one half per cent of the inhabitants in the precinct, other than officers designated in section three of this act as town meeting members at large, such elected voters to be town meeting members of the town, one third of whom shall be elected for the term of one year, one third for the term of two years and one third for

the term of three years from the day of the annual town meeting; and thereafter, except as otherwise provided herein, at each annual town election the voters of each precinct shall, in like manner, elect the largest number which will not exceed one half per cent of the inhabitants of the precinct to be town meeting members of the town for the term of three years, and shall at such election fill for the unexpired term or terms any vacancies then existing in the number of town meeting members in their respective precincts. The number of town meeting members to be elected in any year from each precinct shall be based on the number of inhabitants in the precinct as of the first day of January prior to the annual town election. Upon every revision of the precincts, or of any of them, the terms of office of all town meeting members from every such revised precinct shall cease upon the election of their successors, and at the first ensuing annual town election there shall be an entirely new election of town meeting members in every precinct so revised, as well as in any new precinct or precincts established. The town clerk shall, after every election of town meeting members, forthwith notify each member by mail of his election.

SECTION 2. The election of town meeting members in accordance with the provisions of section one at the annual town meeting of the current year shall be valid to the same extent as if said section had been in effect at the time of the posting of the warrant for said meeting.

SECTION 3. This act shall take effect as of January first, nineteen hundred and seventy-eight.

Approved April 21, 1978

Chap. 99. AN ACT MAKING APPROPRIATIONS FOR THE FISCAL YEAR NINETEEN HUNDRED AND SEVENTY-NINE FOR THE MAINTENANCE OF BERKSHIRE 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-nine.

BERKSHIRE COUNTY.

Item	<u>Subtotal</u>	<u>Total</u>
3. For county commissioners, salaries and expenses.....		\$67,644 17
1. Personal services	\$62,014 17	
2. Contractual services	3,000 00	
3. Supplies and materials	1,000 00	
4. Current charges & obligations	650 00	
5. Equipment	880 00	

Item	<u>Subtotal</u>	<u>Total</u>
4. For transportation and expenses of county and acting commissioners		1,000 00
5. For clerk of courts, salaries and expenses		93,407 40
1. Personal services	81,480 40	
2. Contractual services	3,100 00	
3. Supplies and materials	7,750 00	
4. Current charges and obligations	1,077 00	
6. For county treasurer, salaries and expenses		64,954 63
1. Personal services	56,673 63	
2. Contractual services	5,865 00	
3. Supplies and materials	1,400 00	
4. Current charges and obligations	766 00	
5. Equipment	250 00	
7. For sheriff, salary and expenses		21,438 00
1. Personal services	20,488 00	
2. Contractual services	850 00	
4. Current charges and obligations	100 00	
8. For registry of deeds, salaries and expenses		
Northern District		79,952 20
1. Personal services	67,767 20	
2. Contractual services	5,800 00	
3. Supplies and materials	2,725 00	
4. Current charges and obligations	1,160 00	
5. Equipment	2,500 00	
Middle District		123,915 85
1. Personal services	89,134 85	
2. Contractual services	16,500 00	
3. Supplies and materials	5,550 00	
4. Current charges and obligations	200 00	
5. Equipment	12,531 00	
Southern District		37,490 80
1. Personal services	31,423 80	
2. Contractual services	3,750 00	
3. Supplies and materials	1,650 00	
4. Current charges and obligations	55 00	
5. Equipment	612 00	
8a. For registry of probate, salaries and expenses		9,100 00
2. Contractual services	5,050 00	
3. Supplies and materials	3,050 00	
4. Current charges and obligations	1,000 00	
9. For law library, salaries and expenses		29,927 65
1. Personal services	12,137 65	
2. Contractual services	1,240 00	
3. Supplies and materials	550 00	
4. Current charges and obligations	16,000 00	
10. For highways, including state highways, bridges and land damages		142,117 20
1. Personal services	125,342 20	
2. Contractual services	8,950 00	
3. Supplies and materials	5,250 00	
4. Current charges and obligations	2,350 00	
5. Equipment	225 00	
12. For superior court costs		469,652 29
1. Personal services	138,156 29	
2. Contractual services	322,196 00	
3. Supplies and materials	6,200 00	
4. Current charges and obligations	3,100 00	
13. For civil expenses in probate court		13,350 00
1. Personal services	5,000 00	
2. Contractual services	8,350 00	

Item	Subtotal	Total
14. For district courts, salaries and expenses		
District Court of Northern Berkshire		104,822 10
1. Personal services	90,133 10	
2. Contractual services	4,225 00	
3. Supplies and materials	8,250 00	
4. Current charges and obligations	1,819 00	
5. Equipment	395 00	
District Court of Central Berkshire		310,426 24
1. Personal services	279,241 24	
2. Contractual services	22,600 00	
3. Supplies and materials	6,750 00	
4. Current charges and obligations	1,835 00	
District Court of Southern Berkshire		53,527 76
1. Personal services	45,413 76	
2. Contractual services	3,692 00	
3. Supplies and materials	1,850 00	
4. Current charges and obligations	1,040 00	
5. Equipment	1,532 00	
Fourth District Court of Berkshire		99,871 52
1. Personal services	94,746 52	
2. Contractual services	2,250 00	
3. Supplies and materials	2,100 00	
4. Current charges and obligations	775 00	
District Court of Lee		128,436 47
1. Personal services	114,992 92	
2. Contractual services	3,250 00	
3. Supplies and materials	5,550 00	
4. Current charges and obligations	3,631 00	
5. Equipment	1,012 55	
District Court of Williamstown		67,169 45
1. Personal services	60,524 45	
2. Contractual services	850 00	
3. Supplies and materials	1,760 00	
4. Current charges and obligations	4,035 00	
District Court - Juvenile Division		100,217 67
1. Personal services	91,867 67	
2. Contractual services	7,375 00	
3. Supplies and materials	975 00	
District Court - volunteer probation		13,475 00
1. Personal services	12,000 00	
2. Contractual services	925 00	
3. Supplies and materials	400 00	
4. Current charges and obligations	150 00	
15. For medical examiners and commitments of insane		35,000 00
16. For jail and house of correction, maintenance and operation		630,118 07
1. Personal services	462,093 07	
2. Contractual services	32,750 00	
3. Supplies and materials	110,950 00	
4. Current charges and obligations	4,190 00	
5. Equipment	20,135 00	
18. For court houses and registry buildings, maintenance and operation		151,426 62
1. Personal services	64,801 62	
2. Contractual services	78,500 00	
3. Supplies and materials	6,775 00	
4. Current charges and obligations	450 00	
5. Equipment	900 00	
20. For county cooperative extension services		137,920 81
1. Personal services	108,785 81	
2. Contractual services	15,750 00	
3. Supplies and materials	4,800 00	
4. Current charges and obligations	7,550 00	
5. Equipment	1,035 00	

Item	<u>Subtotal</u>	<u>Total</u>
23a. For mental health program or tuberculosis clinic		77,536 30
23c. For mental health association		12,000 00
23d. For northern Berkshire mental health association		9,000 00
24. For noncontributory pensions		16,500 00
26. For miscellaneous and contingent expenses		88,450 00
27. For unpaid bills of previous years		20,000 00
28. For reserve fund		75,000 00
28a. For reserve for salary increases		420,000 00
28d. For reserve for counsel for indigent defendants		35,000 00
28e. For reserve for children's services		1,000 00
28f. For special reserve for judges		31,018 00
29. For advertising recreational, industrial and agricultural advantages of the county		70,000 00
31. For radio system for fire protection		8,770 75
31a. For radio system for police protection		9,979 13
32. For forest development or state fire patrol		4,369 19
33. For police training		2,000 00
35. For industrial development commission		71,232 65
36. For Dutch elm disease		5,000 00
37. For human services		73,500 00
45. For community action council		20,000 00
46. For Northern Berkshire Association of Retarded Children		7,000 00
47. For county consumers advocates		<u>3,000 00</u>
Total amount of appropriations		\$4,046,717 92
Less estimated amount available for reduction of county tax		<u>392,106 00</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		\$3,654,611 92

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		
1. For interest on county debt		\$52,000 00
2. For reduction of county debt		160,000 00
25. For contributory retirement system and supervisory expenses		173,942 73
39. For group insurance		<u>120,000 00</u>
Total		\$505,942 73

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

The foregoing was laid before the Governor on the tenth day of April, 1978 and after ten days it had "the force of a law", as

prescribed by the Constitution, as it was not returned by him with his objections thereto within that time.

Chap. 100. AN ACT RELATIVE TO THE RESIDENCY OF
TEACHERS AND OTHER PROFESSIONAL
EMPLOYEES OF SCHOOL COMMITTEES.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to restrict the imposition of residency requirements on teachers and other professional employees of school committees, 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 38 of chapter 71 of the General Laws, as most recently amended by chapter 342 of the acts of 1974, is hereby further amended by adding the following paragraph:-

No school committee shall require that an individual reside within the city, town or regional school district as a condition of promotion, assignment, transfer or continued employment as a school teacher, principal or professional employee unless such requirement was imposed on the initial day of such individual's appointment; provided, however, that the provisions of this section shall not apply to any individual appointed, reappointed or promoted to the position of superintendent, associate superintendent or assistant superintendent.

Approved April 24, 1978

Chap. 101. AN ACT DESIGNATING THE ROTARY IN THE
CITY OF LYNN AS THE DONALD J. ALIFERIS
MEMORIAL ROTARY.

Be it enacted, etc., as follows:

The rotary at the intersection of the Lynnway, Lynn Shore drive and Nahant road in the city of Lynn shall be designated and known as the Donald J. Aliferis Memorial rotary in memory of Donald J. Aliferis of said city who drowned while saving another from such a fate. A suitable marker bearing said designation shall be attached thereto by the metropolitan district commission.

Approved April 24, 1978

Chap. 102. AN ACT ALLOWING THE CITY COUNCIL IN
THE CITY OF PEABODY TO ISSUE CERTAIN
LICENSES.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of sections one hundred and eighty-one, one hundred and eighty-three A and one hundred and eighty-four of chapter one hundred and forty of the General Laws or any other law to the contrary, the city council of the city of Peabody is hereby designated and constituted as the licensing authority in said city under the provisions

of said sections one hundred and eighty-one, one hundred and eighty-three A and one hundred and eighty-four of said chapter one hundred and forty as to a license to maintain or carry on a concert, dance, exhibition, cabaret, or public show of any description at which food or drink or other refreshment is sold, or at which alcoholic beverages are sold or exposed for sale, to be exercised on weekdays only. As to such a license the city council of said city shall have all the powers and duties conferred upon mayors and boards of selectmen under the provisions of said section one hundred and eighty-one and the licensing authorities under the provisions of said section one hundred and eighty-three A of said chapter one hundred and forty.

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

SECTION 3. This act shall take effect upon its passage.
Approved April 25, 1978

Chap. 103. AN ACT RELATIVE TO DEPOSITS IN SAVINGS BANKS.

Be it enacted, etc., as follows:

SECTION 1. Section 21 of chapter 168 of the General Laws is hereby amended by striking out paragraphs 1 and 2 and inserting in place thereof the following two paragraphs:-

1. Amounts Limited. - Such corporation may receive on deposit from any person for his own account or for the accounts of one or more distinct estates or trusts and deposits on any joint account provided for in section twenty-two of chapter one hundred and sixty-eight to the amount of not more than ninety thousand dollars in the case of each individual account or not more than one hundred and eighty thousand dollars in the case of each joint account, exclusive of interest accumulated thereon and upon such interest. Notwithstanding the foregoing, such corporation may receive term deposits for the account of any person or any one or more distinct estates or trusts and joint term deposits to an aggregate amount which when added to the aggregate amount on deposit for the account of such person, estate or trust in other types of accounts does not exceed two hundred thousand dollars, exclusive in each case of interest accumulated thereon and upon such interest.

2. Exemptions from Limits. - 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, re-

ferred 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, one hundred and fifty 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. The aggregate deposits of any national banking association or trust company for the accounts of all estates and trusts represented by it as trustee, executor, guardian or in any other fiduciary capacity shall not, except by the accumulation of interest, be permitted to exceed, at any one time, one hundred and fifty thousand dollars or one and one-half per cent of the deposits of such savings bank, whichever is the greater; but in determining such limits the amounts of the deposits of private retirement and pension systems or associations hereinbefore authorized shall not be included.

SECTION 2. Section 22 of said chapter 168 of the General Laws, as most recently amended by section 2 of chapter 94 of the acts of 1977, is hereby further amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

Any party to a joint account also may make deposits for his individual account, but all deposits, including term deposits, in any of his individual accounts and in any joint accounts to which he is a party shall not at any one time exceed two hundred thousand dollars, exclusive of accumulated interest, and any deposits other than term deposits in any of his individual accounts and in any joint accounts to which he is a party shall not at any one time exceed one hundred and eighty thousand dollars, exclusive of accumulated interest.

Approved April 25, 1978

EMERGENCY LETTER - May 3, 1978 @ 11:11 A.M.

Chap. 104. AN ACT ESTABLISHING THE POSITION OF COMMISSIONER OF HOUSING INSPECTION IN THE CITY OF WORCESTER.

Be it enacted, etc., as follows:

SECTION 1. Section 127A of chapter 111 of the General Laws is hereby amended by striking out the sixth sentence, as appearing in section 3 of chapter 898 of the acts of 1965, and inserting in place thereof the following sentence:- Said code may provide for the demolition, removal, repair or cleaning by local boards of health and, in the cities of Boston and Worcester, by the com-

missioner of housing inspection, of any structure which so fails to comply with the standards of fitness for human habitation or other regulations in said code, as to endanger or materially impair the health or well-being of the public.

SECTION 2. The first sentence of the first paragraph of section 127B of said chapter 111, as so appearing, is hereby amended by striking out, in line 2, the words "city of Boston" and inserting in place thereof the words:- cities of Boston and Worcester.

SECTION 3. The fifth paragraph of said section 127B of said chapter 111, as so appearing, is hereby amended by striking out, in line 1, the words "city of Boston" and inserting in place thereof the words:- cities of Boston and Worcester.

SECTION 4. The first paragraph of section 127C of said chapter 111, as so appearing, is hereby amended by striking out, in line 6, the words "city of Boston" and inserting in place thereof the words:- cities of Boston and Worcester.

SECTION 5. Section 127E of said chapter 111, as so appearing, is hereby amended by striking out, in lines 2 and 3, the words "city of Boston" and inserting in place thereof the words:- cities of Boston and Worcester.

SECTION 6. The third sentence of section 127H of said chapter 111, as amended by chapter 201 of the acts of 1972, is hereby further amended by striking out, in lines 2 and 3, the words "city of Boston" and inserting in place thereof the words:- cities of Boston and Worcester.

SECTION 7. The first sentence of the first paragraph of section 127L of said chapter 111, as amended by section 1 of chapter 274 of the acts of 1975, is hereby further amended by striking out, in line 7, the words "city of Boston" and inserting in place thereof the words:- cities of Boston and Worcester.

Approved April 25, 1978

Chap. 105. AN ACT AUTHORIZING THE TOWN OF ROCKPORT TO RENEW CERTAIN FEDERAL AND STATE ANTICIPATION NOTES.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any provision of section six A of chapter forty-four of the General Laws or any other general or special law to the contrary, the treasurer of the town of Rockport, with the approval of the selectmen, is hereby authorized to renew anticipation notes, for a period not exceeding three years from the effective date of this act, in the amount of four hundred and fifty thousand dollars, in order to pay the federal and state aid anticipation notes of said town, dated April first, nineteen hundred and seventy-six in the amount of three hundred thousand dollars and December thirteenth, nineteen hundred and seventy-six in the amount of one hundred and fifty thousand dollars, in the total sum of four hundred and fifty thousand dollars. Notes issued under this act for a period of less than three years may be renewed or paid from time to time by 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 five years.

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

Approved April 25, 1978

Chap. 106. AN ACT FURTHER REGULATING THE MANNER IN WHICH COPIES OF PROBATE DOCUMENTS MAY BE FURNISHED TO THE COMMISSIONER OF TAXATION.

Be it enacted, etc., as follows:

Section 25 of chapter 65 of the General Laws is hereby further amended by inserting after the first sentence, as most recently amended by section 58 of chapter 555 of the acts of 1971, the following sentence:- All information required by the commissioner shall be provided by the fiduciary in such form as the commissioner may require, and all copies of probate documents as may be required by the commissioner under this chapter and chapters sixty-five A to sixty-five C, inclusive, shall bear the teste of a register of probate or in lieu thereof, an affirmation, under penalties of perjury, by the fiduciary or his attorney that such document is a true copy of an original document on file with the registry of probate or allowed by the probate court in which the estate is being administered.

Approved April 25, 1978

Chap. 107. AN ACT RELATIVE TO MORTGAGE LOAN APPLICATIONS.

Be it enacted, etc., as follows:

Section 17B of chapter 184 of the General Laws is hereby amended by striking out the second paragraph, as appearing in section 2 of chapter 547 of the acts of 1972, and inserting in place thereof the following paragraph:-

In addition to the foregoing, every application and copy thereof shall, if applicable, in type of at least the same size as the above required statements, disclose information relative to the following, which shall not be deemed to be an advertisement as defined in section one of chapter one hundred and forty C:

- (a) The approximate expiration date of the note.
- (b) The rate of interest charged.
- (c) A statement that as of the expiration date of said note, the mortgagee may demand payment of said note, may rewrite the note by agreement at a greater or lesser rate of interest, or may, by agreement, allow payments to be made on said note at the same, or a lesser or a greater rate of interest.

Approved April 25, 1978

Chap. 108. AN ACT PROVIDING FOR THE TESTING OF NEWBORN CHILDREN FOR CERTAIN DISORDERS.

Be it enacted, etc., as follows:

Section 110A of chapter 111 of the General Laws, inserted by chapter 545 of the acts of 1963, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

The physician attending a newborn child shall cause said child to be subjected to tests for phenylketonuria, cretinism and such other specifically treatable genetic or biochemical disorders which may be determined by testing as specified by the commissioner. The commissioner may convene an advisory committee on newborn screening to assist him in determining which tests are necessary.

Approved April 25, 1978

Chap. 109. AN ACT DIRECTING THE DEPARTMENT OF PUBLIC HEALTH TO CONTINUE OPERATION OF THE WOODLAND NURSING HOME IN THE TOWN OF METHUEN UNTIL THE QUESTION OF OWNERSHIP OF SAID HOME IS RESOLVED AND PROHIBITING THE INVOLUNTARY TRANSFER OF PATIENTS THEREFROM.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to continue operation of the Woodland Nursing Home by the department of public health and to prohibit the involuntary transfer of patients therefrom until the question of ownership has been resolved, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public health.

Be it enacted, etc., as follows:

The department of public health is hereby authorized and directed to continue operation of the Woodland Nursing Home in the town of Methuen until such time as the question of ownership of said nursing home is resolved. No patient shall be involuntarily discharged or transferred from said nursing home while it is being so operated by said department. The provisions of this act shall terminate not later than July thirty-first, nineteen hundred and seventy-nine.

The foregoing was laid before the Governor on the thirteenth day of April, 1978 and after ten days it had "the force of a law", as prescribed by the Constitution, as it was not returned by him with his objections thereto within that time.

Chap. 110. AN ACT FURTHER REGULATING THE POSSESSION, CARE AND CONTROL OF CERTAIN LOTS AND TOMBS IN CEMETERIES.

Be it enacted, etc., as follows:

Chapter 114 of the General Laws is hereby amended by striking out section 29, as appearing in the Tercentenary Edition, and inserting in place thereof the following section:-

Section 29. Lots in cemeteries incorporated under section one, tombs in public cemeteries in cities and lots and tombs in public cemeteries in towns, shall be held indivisible, and upon the decease of a proprietor of such lot the title thereto shall vest in

the heirs at law or devisees of the deceased subject to the following limitations and conditions: If the deceased leaves a spouse and children, they shall have the possession, care and control of said lot or tomb in common during the life of such surviving spouse. If the deceased leaves a spouse and no children, said spouse shall have possession, care and control of such lots or tombs during life. If the deceased leaves children and no spouse, they shall have in common the possession, care and control of such lots or tombs during their joint lives, and the survivor of them during his life. The persons in possession, care and control of such lots or tombs may erect a monument and make other permanent improvements thereon. The surviving spouse shall have a right of permanent interment for his own body in such lot or tomb, but it may be removed therefrom to some other family lot or tomb with the consent of the heirs. If two or more persons are entitled to the possession, care and control of such lot or tomb, they shall designate in writing to the clerk of the corporation, or if it is a tomb or lot in a public cemetery, to the board of cemetery commissioners, if any, or to the town clerk, which of their number shall represent the lot; and in default of such designation, the board of trustees or directors of the corporation, the board of cemetery commissioners, if any, or the board of health if such lots or tombs are in public cemeteries in towns, shall enter of record which of said persons shall represent the lot during such default. The surviving spouse may release his right in such lot, but no conveyance or devise by any other person shall deprive him of such right.

Approved April 28, 1978

Chap. 111. AN ACT INCREASING THE PENALTY FOR THE USE OF CERTAIN ANIMALS IN FIGHTING EXHIBITIONS.

Be it enacted, etc., as follows:

Chapter 272 of the General Laws is hereby amended by striking out section 94, as amended by section 1 of chapter 31 of the acts of 1975, and inserting in place thereof the following section:-

Section 94. Whoever owns, possesses, keeps or trains a bird, dog or other animal, with the intent that it shall be engaged in an exhibition of fighting, or whoever establishes or promotes an exhibition of the fighting of birds, dogs or other animals shall be punished by imprisonment in the state prison for not more than five years or in a jail or house of correction for not more than one year, or by a fine of not more than one thousand dollars or by both such fine and imprisonment in jail or house of correction.

Approved April 28, 1978

Chap. 112. AN ACT REGULATING THE SERVICING OF PORTABLE FIRE EXTINGUISHERS AND THE INSTALLING AND SERVICING OF FIXED FIRE EXTINGUISHING SYSTEMS.

Be it enacted, etc., as follows:

Chapter 148 of the General Laws is hereby amended by adding the following section:-

Section 58. The board may make such rules and regulations as it deems suitable for the issuance of various types and classes of certificates for the following:

(a) a firm engaged in the business of servicing portable fire extinguishers or installing and servicing fixed fire extinguishing systems; (b) an employee of firms engaged in the business of servicing portable fire extinguishers or installing or servicing fixed fire extinguishing systems who services extinguishers or fixed systems; (c) a fire performing hydrostatic testing of fire extinguishers.

The provisions of this section shall not apply to the following:

(a) the filling or charging of a portable fire extinguisher by the manufacturer prior to its initial sale; (b) the servicing by a firm of its own portable extinguishers or fixed systems by its own personnel specially trained for such servicing; (c) the installation or servicing of water sprinkler systems installed in compliance with the State Building Code; (d) firms engaged in the selling at wholesale or retail of portable fire extinguishers but not engaged in the installation or recharging of them; (e) fire departments recharging portable fire extinguishers as a public service where no charge is made; provided, however, that the member of the fire department is trained in the proper filling and recharging of the fire extinguishers.

Approved April 28, 1978

Chap. 113. AN ACT FURTHER REGULATING THE ISSUANCE OF SPORTING, HUNTING, FISHING AND TRAPPING LICENSES.

Be it enacted, etc., as follows:

Chapter 131 of the General Laws is hereby amended by striking out section 12, as most recently amended by section 226 of chapter 706 of the acts of 1975, and inserting in place thereof the following section:-

Section 12. Upon the application of any person entitled to receive a sporting, hunting, fishing or trapping license and upon payment of the fee specified therefor in this chapter, and the furnishing of an affidavit by any non-resident desiring to be classified under the first paragraph of section eleven, the director, the clerk of any city or town, persons employed in the department of fisheries, wildlife and recreational vehicles, the department of commerce and development and the division of fisheries and wildlife and persons authorized by the director to issue such licenses at their place of business located within or without the commonwealth provided such persons are duly bonded, shall issue to such person a sporting, hunting, fishing or trapping license, as the case may be, in such form as the director shall prescribe and furnish. Subject to existing laws, a sporting license shall authorize the licensee to hunt birds and mammals and to fish, a fishing license shall authorize the licensee to fish only, a hunting license shall authorize the licensee to hunt only, and a trapping license shall authorize the licensee to trap mammals

only. Each license issued hereunder shall bear a written declaration, signed by the licensee, under penalty of perjury, that data and statements contained in the license are true, and such other data as the director requires. The holder of a hunting, fishing, sporting or trapping license shall, while hunting, fishing or trapping, carry on his person and wear in a visible manner on his outer clothing his license authorizing him to do so in accordance with such rules and regulations as the director may from time to time prescribe.

Approved April 28, 1978

Chap. 114. AN ACT RELATING TO NOTICE OF CUTTING OF PUBLIC SHADE TREES.

Be it enacted, etc., as follows:

Section 3 of chapter 87 of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- Except as provided by section five, public shade trees shall not be cut, trimmed or removed, in whole or in part, by any person other than the tree warden or his deputy, even if he be the owner of the fee in the land on which such tree is situated, except upon a permit in writing from said tree warden, nor shall they be cut down or removed by the tree warden or his deputy or other person without a public hearing and said tree warden or his deputy shall cause a notice of the time and place of such hearing thereof, which shall identify the size, type and location of the shade tree or trees to be cut down or removed, to be posted in two or more public places in the town and upon the tree at least seven days before such hearing and published in a newspaper of general circulation in the city or town once in each of two successive weeks, the first publication to be not less than seven days before the day of the hearing or if no such local newspaper exists then in accordance with the provisions of section six of chapter four.

Approved April 28, 1978

Chap. 115. AN ACT RELATIVE TO THE RETURN OF CANCELLED NEGOTIABLE OR TRANSFERABLE INSTRUMENTS OF DEMAND DEPOSIT OR NEGOTIABLE WITHDRAWAL ORDER ACCOUNTS.

Be it enacted, etc., as follows:

Chapter 167 of the General Laws is hereby amended by adding the following section:-

Section 69. Any bank as defined in section one, a national banking association or savings and loan association authorized to do business in the commonwealth which accepts deposits for demand deposit accounts or negotiable withdrawal order accounts shall, if requested by the depositor, return the cancelled negotiable or transferable instruments of such accounts and shall not charge a fee for such return and provided that if any such cancelled instrument becomes lost prior to such return the bank shall provide, without charge, photostats of such instruments.

Approved April 28, 1978

Chap. 116. AN ACT REGULATING NON-INTEREST BEARING SAVINGS ACCOUNTS IN CERTAIN BANKING INSTITUTIONS.

Be it enacted, etc., as follows:

Chapter 167 of the General Laws is hereby amended by inserting after section 16A the following section:-

Section 16B. No cooperative bank, savings bank, trust company or credit union shall authorize non-interest bearing savings accounts that would allow withdrawals by negotiable or transferable instruments, for the purpose of making transfers to third parties.

Approved April 28, 1978

Chap. 117. AN ACT VALIDATING THE ELECTION OF OFFICERS OF THE TOWN OF BRIDGEWATER IN THE YEAR NINETEEN HUNDRED AND SEVENTY-EIGHT.

Be it enacted, etc., as follows:

SECTION 1. The election of officers of the town of Bridgewater at its annual election of officers in the year nineteen hundred and seventy-eight, and all actions subsequently taken pursuant thereto, are hereby ratified, validated and confirmed, notwithstanding the failure of the warrant for the annual town meeting for the town of Bridgewater notifying the inhabitants as to the date, time and place of its annual election under Article I of the warrant for the annual town meeting for the town of Bridgewater, to have been posted seven days prior to the annual election of officers.

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

Approved May 1, 1978

Chap. 118. AN ACT RELATIVE TO THE OPERATION OF CERTAIN COMMUNITY MENTAL HEALTH CENTERS.

Be it enacted, etc., as follows:

SECTION 1. The second paragraph of section 1 of chapter 19 of the General Laws, as appearing in section 1 of chapter 735 of the acts of 1966, is hereby amended by adding the following two sentences:- The department may, subject to appropriation, enter into agreements with nonprofit charitable corporations, partnerships or collaboratives, so-called, for the establishment and maintenance of community mental health centers as defined in the Community Mental Health Centers Act 42 U.S.C. 2689 et seq., for the providing of mental health services and may enter into such agreements with other partnership clinics providing mental health service with the department. Such agreements may provide for the retention of all revenues resulting from all billings and third party reimbursements by the nonprofit charitable corporations, partnerships or collaboratives; provided, that

the expenditure of such funds is made in conformance with applicable state and federal law and subject to the approval of the commissioner.

SECTION 2. Section 24 of said chapter 19 is hereby amended by adding the following paragraph:-

Notwithstanding any provision of law to the contrary, all revenues received by the community mental health centers operated by the department in state-owned premises by and through community mental health centers including reimbursements under Titles XVIII and XIX of the Social Security Act shall be deposited in one or more trust funds in the state treasury of which the commissioner shall be trustee and may be expended by the department for the operation and maintenance of such community mental health centers and to the extent required by 42 U.S.C. 2689 et seq., said revenues may be further expended for the management, stabilization, and delivery of mental health services by and through such community mental health centers and its other affiliated services providing agencies; provided, that all expenditures from said trust funds so made shall conform to standard state accounting procedures and such further requirements as prescribed by the comptroller; provided further, that the commissioner in his capacity as trustee shall report monthly to the commissioner of administration and to the house and senate committees on ways and means such revenues and reimbursements received and expenditures made; and provided further, that whenever any such trust fund ceases to be operative, all monies remaining in such fund shall accrue to the General Fund.

Approved May 1, 1978

EMERGENCY LETTER - May 2, 1978 @ 10:53 A.M.

Chap. 119. AN ACT RELATIVE TO THE DEPARTMENT OF ENVIRONMENTAL QUALITY ENGINEERING.

Be it enacted, etc., as follows:

SECTION 1. The first sentence of the first paragraph of section 4 of chapter 40 of the General Laws, as appearing in section 1 of chapter 202 of the acts of 1966, is hereby amended by striking out, in line 6, the words "public health" and inserting in place thereof the words:- environmental quality engineering.

SECTION 2. Clause (4B) of section 7 of chapter 44 of the General Laws, as appearing in section 1 of chapter 88 of the acts of 1974, is hereby amended by striking out, in lines 9 and 10, the words "public health" and inserting in place thereof the words:- environmental quality engineering.

SECTION 3. Clause (24) of said section 7 of said chapter 44, as amended by chapter 404 of the acts of 1976, is hereby further amended by striking out, in line 5, the words "public health" and inserting in place thereof the words:- environmental quality engineering.

SECTION 4. Clause (4A) of section 8 of said chapter 44, inserted by chapter 60 of the acts of 1966, is hereby amended by

striking out, in line 5, the words "public health" and inserting in place thereof the words:- environmental quality engineering.

SECTION 5. The first sentence of section 19A of chapter 91 of the General Laws is hereby amended by striking out the word "management", inserted by section 127 of chapter 706 of the acts of 1975, and inserting in place thereof the words:- quality engineering.

SECTION 6. The definition of "Coastal waters" in section 1 of chapter 130 of the General Laws, as appearing in section 1 of chapter 598 of the acts of 1941, is hereby amended by striking out, in line 5, the words "public works" and inserting in place thereof the words:- environmental quality engineering.

SECTION 7. The third sentence of the eleventh paragraph of section 40 of chapter 131 of the General Laws, as appearing in section 1 of chapter 818 of the acts of 1974, is hereby amended by striking out, in lines 2 and 3, the words "natural resources" and inserting in place thereof the words:- environmental quality engineering.

Approved May 2, 1978

Chap. 120. 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 amended by section 1 of chapter 59 of the acts of 1976, 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 ninety thousand dollars except by accumulation of interest.

SECTION 2. Said first paragraph of said section 51 of said chapter 172 is hereby further amended by striking out clause 2, as most recently amended by section 2 of said chapter 59, and inserting in place thereof the following clause:-

2. Deposits on any joint account, but no such account shall be permitted to exceed one hundred and eighty thousand dollars except by accumulation of interest. Either party to a joint account also may make deposits for his individual account, but the deposits to his individual account, and in all joint accounts to which he is a party shall not at any one time exceed one hundred and eighty thousand dollars, exclusive of interest accumulated thereon.

Approved May 2, 1978

EMERGENCY LETTER - May 3, 1978 @ 11:11 A.M.

Chap. 121. AN ACT PERMITTING RICHARD H. SPICER TO TAKE A CIVIL SERVICE EXAMINATION FOR POLICE OFFICER IN THE TOWN OF NORTON.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any rule or law to the contrary regulating the maximum age of applicants for appointment as police officer, Richard H. Spicer shall be eligible to take the next open competitive civil service examination for police officer in the town of Norton and provided he meets all other requirements shall be eligible for certification and appointment as police officer in said town.

SECTION 2. This act shall take effect upon its passage.
Approved May 4, 1978

Chap. 122. AN ACT AUTHORIZING THE APPOINTMENT OF PHILIP C. TUCK AS A POLICE OFFICER IN THE TOWN OF WEST BRIDGEWATER.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any law, rule or regulation to the contrary, regulating the maximum age of applicants for appointment as a police officer, Philip C. Tuck shall be eligible to take the next open competitive examination for police officer in the town of West Bridgewater and provided he meets all other requirements, shall be eligible for certification and appointment as a police officer in said town.

SECTION 2. This act shall take effect upon its passage.
Approved May 4, 1978

Chap. 123. AN ACT AUTHORIZING THE TOWN OF BARNSTABLE TO APPROPRIATE MONEY TO EMPLOY THE SERVICES OF THE CAPE & ISLANDS EMERGENCY MEDICAL SERVICES SYSTEM, INC.

Be it enacted, etc., as follows:

SECTION 1. For the purpose of providing for the training of municipal and fire district personnel in the town of Barnstable in certain emergency medical procedures, and for the operation of a central radio system to be used for an emergency medical system, said town is hereby authorized to employ the services of the Cape & Islands Emergency Medical Services System, Inc., and for such services may pay such sums as are appropriated therefor.

SECTION 2. This act shall take effect upon its passage.
Approved May 4, 1978

Chap. 124. AN ACT ALLOWING SCHOOL COMMITTEES TO MAKE CERTAIN CONTRACTS FOR MATERIALS, SUPPLIES, SERVICES AND EQUIPMENT WHICH SHALL BE PAID IN THE ENSUING FISCAL YEAR.

Be it enacted, etc., as follows:

Chapter 71 of the General Laws is hereby amended by inserting after section 49 the following section:-

Section 49A. At any time after the annual appropriations for the ensuing fiscal year are made by a city or town or by all the member cities and towns of a regional school district, a school committee may order materials, supplies and equipment and may contract for services for the public schools which are chargeable against such appropriations, provided that no payment therefor shall be made prior to the commencement of said ensuing fiscal year.

Approved May 4, 1978

EMERGENCY LETTER - May 5, 1978 @ 1:36 P.M.

Chap. 125. AN ACT RELATIVE TO CORPORATION NOTES.

Be it enacted, etc., as follows:

Section 39 of chapter 168 of the General Laws, as appearing in section 1 of chapter 432 of the acts of 1955, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- Such corporation may make a loan upon a note:- (a) of a corporation incorporated in this commonwealth; or (b) of a manufacturing corporation not incorporated in this commonwealth but qualified to do business under the laws of this commonwealth; or (c) of a corporation or an association as defined in section twenty-four, at least one-half of the real and personal property of which is located within the New England states; provided, that no such loan shall be made or renewed unless within six months preceding the making or renewing of such loan an examination of the affairs, assets and liabilities of the borrowing corporation or association has been made, at the expense of such borrowing corporation or association, by a certified public accountant.

Approved May 5, 1978

Chap. 126. AN ACT REQUIRING A QUORUM FOR THE CONDUCT OF ANNUAL BUDGET HEARINGS BY CITY, TOWN, AND REGIONAL SCHOOL DISTRICT SCHOOL COMMITTEES.

Be it enacted, etc., as follows:

Section 38N of chapter 71 of the General Laws, inserted by chapter 136 of the acts of 1972, is hereby amended by inserting after the second sentence the following two sentences:- Such hearing shall be conducted by a quorum of the school committee. For the purposes of this section a quorum shall consist of a majority of the members of said school committee.

Approved May 5, 1978

Chap. 127. AN ACT PROHIBITING DISCRIMINATION BECAUSE OF SEX.

Be it enacted, etc., as follows:

SECTION 1. Chapter 151B of the General Laws is hereby amended by striking out the title and inserting in place thereof the following title:-

UNLAWFUL DISCRIMINATION BECAUSE OF RACE, COLOR, RELIGIOUS CREED, NATIONAL ORIGIN, ANCESTRY OR SEX.

SECTION 2. Section 12 of chapter 183A of the General Laws is hereby amended by striking out clause (c), as appearing in section 1 of chapter 493 of the acts of 1963, and inserting in place thereof the following clause:-

(c) A right of first refusal by the organization of unit owners in case of the sale of a unit, such right to be exercised within thirty days after written notice of intent to sell is given to such organization, provided, however, that this right shall not be exercised so as to restrict alienation, conveyance, sale, leasing, purchase, ownership and occupancy of units because of race, creed, color, national origin or sex.

SECTION 3. Chapter 184 of the General Laws is hereby amended by striking out section 23B, inserted by section 2 of chapter 523 of the acts of 1969, and inserting in place thereof the following section:-

Section 23B. A provision in an instrument relating to real property which purports to forbid or restrict the conveyance, encumbrance, occupancy, or lease thereof to individuals of a specified race, color, religion, national origin or sex shall be void. Any condition, restriction or prohibition, including a right of entry or a possibility of reverter, which directly or indirectly limits the use for occupancy of real property on the basis of race, color, religion, national origin or sex shall be void, excepting a limitation on the basis of religion on the use of real property held by a religious or denominational institution or organization or by an organization operated for charitable or educational purposes which is operated, supervised or controlled by or in connection with a religious organization.

Approved May 5, 1978

Chap. 128. AN ACT AUTHORIZING A SCHOOL SITE FOR THE DEDHAM, MILTON, NATICK AND WELLESLEY REGIONAL VOCATIONAL TECHNICAL SCHOOL DISTRICT.

Be it enacted, etc., as follows:

Notwithstanding any provision of law to the contrary, the Dedham, Milton, Natick and Wellesley Regional Vocational Technical School District is hereby authorized to operate a school at a site which is located within a radius of seven miles from the intersection of state highway routes 128 and 135, as specified in the agreement accepted by the member towns in said district.

Approved May 5, 1978

Chap. 129. AN ACT RELATIVE TO LOST PASS BOOKS.

Be it enacted, etc., as follows:

SECTION 1. Chapter 167 of the General Laws is hereby amended by striking out section 20, as most recently amended by section 2 of chapter 177 of the acts of 1971, and inserting in place thereof the following section:-

Section 20. When a pass book issued by a savings bank, a co-operative bank, a company subject to chapter one hundred and seventy-two A or a trust company has been lost, stolen or destroyed, the person in whose name it was issued or in the case of a joint account by the joint owners thereof may make written application to such bank for payment of the amount of the deposit represented by said book or for issuance of a duplicate book therefor. The application shall include an affidavit signed and sworn to by such person, or in the case of a joint account by any joint owner, that the person making application is a lawful owner of said pass book, that said pass book has been lost, stolen or destroyed, and that no lawful owner has in any way transferred, pledged or assigned said pass book or any interest in the deposits therein. The application shall further include an agreement in writing, signed by such person, or in the case of a joint account by any joint owner, to indemnify the bank from and against any and all claims, expenses and liabilities in any way resulting from the bank's action on the application, payment of the amount due on said pass book or issuance of a duplicate book therefor. All signatures contained within such application shall be duly notarized. Upon receipt of such application, the bank may pay the amount due on said pass book or may issue a duplicate book therefor. The provisions of this section shall apply to trust company certificates of deposit, to matured and paid-up share certificates of co-operative banks, to investment certificates of companies subject to chapter one hundred and seventy-two A and to pass books and certificates hereinabove referred to issued by a bank which subsequently merged in, consolidated with or transferred its deposit liabilities to another bank.

When payment is made or a duplicate book is issued in accordance with this section and after presentation of reasonable identification, a bank shall not be liable to any person on account of its action on the application, payments of the amount due on said pass book or issuance of a duplicate book therefor, except that a bank may be liable to a transferee, pledgee or assignee who prior to such action, payment or issuance has given the bank written notice of the transfer, pledge, or assignment.

SECTION 2. The provisions of section twenty of chapter one hundred and sixty-seven of the General Laws, as amended by section one of this act, shall apply to pass books lost, stolen or destroyed on or after the effective date of this act.

Approved May 5, 1978

Chap. 130. AN ACT ESTABLISHING THE DATE FOR HOLDING PRELIMINARY ELECTIONS IN THE CITY OF NORTH ADAMS.

Be it enacted, etc., as follows:

Notwithstanding the provisions of section forty-four A of chapter forty-three of the General Laws, preliminary elections in the city of North Adams shall be held on the sixth Tuesday preceding every regular or special city election.

Approved May 5, 1978

Chap. 131. AN ACT PROVIDING A TIME LIMIT FOR THE DEPARTMENT OF PUBLIC WELFARE WHEN INVESTIGATING AND EVALUATING CHILD ABUSE AND NEGLECT REPORTS AND PROVIDING THAT SUCH REPORTS BE IN WRITING.

Be it enacted, etc., as follows:

Section 51B of chapter 119 of the General Laws, inserted by section 5 of chapter 1076 of the acts of 1973, is hereby amended by striking out clauses (1), (2) and (3) and inserting in place thereof the following three clauses:-

(1) investigate and evaluate the information reported under section fifty-one A. Said investigation and evaluation shall be made within twenty-four hours if the department has reasonable cause to believe the child's health or safety is in immediate danger from further abuse or neglect and within seven days for all other such reports. The investigation shall include a home visit at which the child is viewed, if appropriate, a determination of the nature, extent and cause or causes of the injuries, the identity of the person or persons responsible therefor, the name, age and condition of other children in the same household, an evaluation of the parents and the home environment, and all other pertinent facts or matters. Such determinations and evaluations shall be in writing;

(2) evaluate the household of the child named in the report and make a written determination of the risk of physical or emotional injury to any other children in the same household;

(3) take a child into immediate temporary custody if the department has reasonable cause to believe that the removal of the child is necessary to protect him from further abuse or neglect; provided, however, that the department shall make a written report stating the reasons for such removal; and provided further, that if any child is so taken into custody, the department must file a petition pursuant to section twenty-four on the next court day;.

Approved May 5, 1978

Chap. 132. AN ACT FURTHER DEFINING AUTOMOBILE CLUB SERVICE CONTRACT.

Be it enacted, etc., as follows:

Chapter 175 of the General Laws is hereby amended by inserting after section 113P the following section:-

Section 113Q. No automobile club membership shall be made part of any automobile insurance policy, nor shall any automobile club membership fee be included in any automobile insurance policy declarations form or billing.

Approved May 5, 1978

Chap. 133. AN ACT EXTENDING THE HOSPITAL LIEN LAW TO INCLUDE HEALTH MAINTENANCE ORGANIZATIONS AND NON-PROFIT HOSPITAL, MEDICAL AND DENTAL SERVICE CORPORATIONS.

Be it enacted, etc., as follows:

SECTION 1. Section 70A of chapter 111 of the General Laws, as most recently amended by section 8 of chapter 891 of the acts of 1967, is hereby further amended by striking out the first sentence and inserting in place thereof the following sentence:- Any person and any city or town maintaining a hospital licensed under the provisions of section fifty-one, any hospital located in the commonwealth and operated by the United States Veterans Administration, any hospital operated by the commonwealth which furnished medical or other services to any person injured in an accident not covered by the workmen's compensation act shall, subject to the provisions of section seventy B, have a lien for the reasonable and necessary charges of such hospital, not exceeding, however, the amount which would be charged in a ward of such hospital, and any health maintenance organization which has furnished health services, and any hospital, medical, or dental service corporation which has provided benefits for covered services furnished to a person injured in such an accident shall, subject to the provisions of section seventy B, have a lien for such benefits, upon the net amount payable to such injured person, his heirs or legal representative out of the total amount of any recovery or sum had or collected or to be collected, whether by judgment or by settlement or compromise, from another person as damages on account of such injuries.

SECTION 2. Said chapter 111 is hereby amended by striking out section 70B, inserted by section 1 of chapter 624 of the acts of 1959, and inserting in place thereof the following section:-

Section 70B. Such lien shall take effect if, prior to any such judgment, settlement or compromise, a written notice containing the name and address of the injured person, the date of the accident, the name and location of the provider of hospital, medical or dental services, the name of the person alleged to be liable to the injured person for the injuries received and, if applicable, the name and address of the health maintenance organization, or the hospital, medical, or dental service corporation, shall be mailed by the hospital, health maintenance organization, medical or dental service corporation, certified mail, return receipt requested, to such injured person, to his attorney, to the person alleged to be liable to such injured person for the injuries sustained and to any insurance carrier which has insured such person against liability.

SECTION 3. This act shall take effect on January first, nineteen hundred and seventy-nine and shall apply only to such charges for medical or other services furnished to persons who were injured by reason of such accident on or after said date.

Approved May 5, 1978

Chap. 134. AN ACT DEFINING THE TERM "ELECTED INCUMBENT" FOR THE STATE PRIMARIES AND ELECTION TO BE HELD IN THE YEAR NINETEEN HUNDRED AND SEVENTY-EIGHT.

Be it enacted, etc., as follows:

For the purposes of sections thirty-four and forty-five of chapter fifty-three and sections forty-one and forty-two of chapter fifty-four of the General Laws, any elected incumbent to the office of councillor, or to the office of senator or representative in the general court, who is a candidate for nomination or election to the same office in a district which contains any portion of the district from which he was elected in the last preceding regular or special state election, or which contain a portion of any city or town from which he was elected in the last preceding regular or special state election, shall be deemed to be a candidate for renomination or reelection at the state primaries and state election to be held in the year nineteen hundred and seventy-eight.

Approved May 5, 1978

Chap. 135. AN ACT PROVIDING FOR NOTIFICATION TO VOTERS OF RECEIPT OF APPLICATIONS SHOWING CHANGE OF ADDRESS BY SUCH VOTERS FROM ONE WARD OR PRECINCT TO ANOTHER IN THE SAME CITY OR TOWN.

Be it enacted, etc., as follows:

Section 3 of chapter 51 of the General Laws, as most recently amended by chapter 226 of the acts of 1977, is hereby further amended by inserting after the fourth sentence the following sentence:- The city or town clerk shall forthwith notify each voter making any such written application that the same has been received and that he may vote, subject to the provision of this section regarding the close of registration, in the ward or precinct into which he has moved.

Approved May 5, 1978

Chap. 136. AN ACT FURTHER REGULATING THE PLACEMENT OF NAMES OF INCUMBENT CANDIDATES ON BALLOTS IN CERTAIN ELECTIONS.

Be it enacted, etc., as follows:

The second paragraph of section 42 of chapter 54 of the General Laws is hereby amended by striking out the sentence,

inserted by section 3 of chapter 380 of the acts of 1974, and inserting in place thereof the following sentence:- A candidate for election to the same office in a ward or district which contains any portion of the territory which he was elected to represent at the last preceding municipal election for that office shall be considered an elected incumbent within the meaning of this section.

Approved May 5, 1978

Chap. 137. AN ACT AUTHORIZING AND DIRECTING THE DEPARTMENT OF PUBLIC HEALTH TO MAKE CERTAIN DETERMINATIONS OF NEED RELATIVE TO SACRED HEART HOME.

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 section twenty-five C of chapter one hundred and eleven of the General Laws or any other contrary provisions of law, the department of public health is hereby authorized and directed to make an affirmative determination of need relative to Sacred Heart Home of New Bedford and the nursing home license thereof, in order that said facility may upgrade its fifty Level IV beds to Level III and add two Level III beds at an estimated capital expenditure of twenty thousand dollars for a total bed complement of ninety-four Level II beds and one hundred twenty-one Level III beds for a total of two hundred fifteen beds.

This Bill, returned by the Governor, to the Senate, the branch in which it originated, with his objections thereto, was passed by the Senate, May 1, 1978, and, in concurrence, by the House of Representatives, May 2, 1978, the objections of the Governor notwithstanding, in the manner prescribed by the Constitution; and thereby has "the force of a law".

Chap. 138. AN ACT AUTHORIZING THE APPOINTMENT OF ALBERT O. RATCLIFFE AND NEIL L. SOUSA TO THE POLICE FORCE OF THE CITY OF TAUNTON.

Be it enacted, etc., as follows:

SECTION 1. For the purpose of certifying names from any eligible list provided to the appointing authority for the city of Taunton for appointment to the police 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 Albert O. Ratcliffe and Neil L. Sousa both, who reside in the city of Taunton as though said Albert O. Ratcliffe and Neil L. Sousa both had in fact resided in the city of Taunton for one year next preceding the date of the examination which resulted in the

establishment of such list.

SECTION 2. This act shall take effect upon its passage.
Approved May 9, 1978

Chap. 139. AN ACT EXEMPTING THE SEWER DEPARTMENT EMPLOYEES OF THE TOWN OF LUDLOW FROM THE PROVISIONS OF THE CIVIL SERVICE LAW.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any law to the contrary, the appointment of employees of the sewer department of the town of Ludlow 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 permanent or probationary employee in the sewer department of said town on the effective date of this act.

SECTION 3. This act shall take effect upon its passage.
Approved May 9, 1978

Chap. 140. AN ACT RELATIVE TO THE OPERATION OF MOBILE CONSTRUCTION CRANES ON PUBLIC WAYS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is relative to the operation of mobile construction cranes on public ways, 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 "Mobile construction crane", as amended by section 8 of chapter 829 of the acts of 1977, and inserting in place thereof the following definition:-

"Mobile construction crane", any motor vehicle having a construction type crane, including such a motor vehicle which exceeds the dimensional or weight limits imposed by sections nineteen and nineteen A of this chapter or by sections thirty or thirty A of chapter eighty-five.

SECTION 2. Section 5 of said chapter 90, as most recently amended by chapter 259 of the acts of 1975, is hereby further amended by striking out the second sentence and inserting in place thereof the following four sentences:- All motor vehicles, trailers, or mobile construction cranes owned or controlled by such manufacturer, dealer, repairman, dealer in both recreational vehicles and recreational vehicle trailers or dealer in boats and boat trailers, and all trucks except those used in the regular delivery substantially on a daily schedule for sale of farm products or the delivery of flowers or for distances in excess of a radius of fifty miles from the farm, and all tractors, trailers or

self-propelled agricultural implements, owned or controlled by a farmer, and equipped with rubber tires, shall be regarded as registered under the general distinguishing number or mark assigned to him until sold, or let for hire, or loaned for a period of more than five successive days; except that, any vehicle owned or controlled by a farmer shall be deemed to be registered under the provisions of this section only when it is operated within the commonwealth, and all motor vehicles or trailers owned by such owner-repairman which are in the process of being repaired, altered, equipped or transferred from one location to another and which are not being used during such time in the operation of the principal business or said owner-repairman or, in the case of rubber-tired back-hoes, front-end loaders and road graders, are being used on the traveled parts of public ways for the building, repair, or maintenance thereof, shall be regarded as registered under the general distinguishing number or mark assigned to him. All mobile construction cranes owned or controlled by such owner-repairman shall be permitted on the public way under the general distinguishing number or mark assigned to him and shall be deemed to be duly registered for all purposes for which a motor vehicle may be registered until sold, and each such mobile construction crane shall be deemed to be individually registered for its gross vehicle weight for purposes of obtaining and operating under a weight permit issued pursuant to the provisions of section thirty A of chapter eighty-five and an overdimensional permit issued pursuant to the provisions of section nineteen of this chapter. All motor vehicles which are under the control of but not owned by such transporter while being delivered by him under their own power shall be regarded as registered under the general distinguishing number or mark assigned to him. In all of the foregoing instances, number plates furnished as herein-after provided shall be properly displayed thereon.

Approved May 9, 1978

Chap. 141. AN ACT REQUIRING THE CLERK OF COURT TO NOTIFY THE COMMISSIONER OF PROBATION OF THE DEATH OF, OR LEAVE OF ABSENCE TO A PROBATION OFFICER.

Be it enacted, etc., as follows:

Chapter 276 of the General Laws is hereby amended by striking out section 103, as amended by section 26 of chapter 731 of the acts of 1956, and inserting in place thereof the following section:-

Section 103. Upon the appointment, removal, retirement, resignation, death, or leave of absence of a probation officer, the clerk of the court by which said probation officer was appointed shall notify forthwith the commissioner of probation of such appointment, removal, retirement, resignation, death, or leave of absence.

Approved May 9, 1978

- Chap. 142. AN ACT RELATIVE TO THE PENALTY FOR DISMISSING CERTAIN PERSONS FROM EMPLOYMENT OR REFUSING TO EMPLOY THEM BECAUSE OF THEIR AGE.

Be it enacted, etc., as follows:

Chapter 149 of the General Laws is hereby amended by striking out section 24A, inserted by section 2 of chapter 367 of the acts of 1937, and inserting in place thereof the following section:-

Section 24A. Whoever dismisses from employment any person between the ages of forty-five and sixty-five, or refuses to employ such person because of his age, shall be punished by a fine of not more than five hundred dollars.

Approved May 9, 1978

- Chap. 143. AN ACT RELATIVE TO THE APPORTIONMENT OF MAINTENANCE OF COUNTY HOSPITALS.

Be it enacted, etc., as follows:

Section 85 of chapter 111 of the General Laws is hereby amended by striking out the second sentence, as most recently amended by section 24 of chapter 766 of the acts of 1971, and inserting in place thereof the following sentence:- The commissioners shall, immediately after July tenth of each year, apportion the balance of the cost of maintenance, operation and repair of such hospitals, including the interest paid or due on temporary notes issued therefor, for the previous fiscal year, as defined by section sixteen of chapter thirty-five, to the cities and towns in the county in accordance with their evaluation as used in assessing the county taxes, and shall issue their warrants against such cities and towns for the amount for which they are assessed.

Approved May 9, 1978

- Chap. 144. AN ACT INCREASING THE PENALTY FOR THE VIOLATION OF MUNICIPAL DOG ORDINANCES OR BY-LAWS.

Be it enacted, etc., as follows:

Section 173A of chapter 140 of the General Laws is hereby amended by striking out the first paragraph, as most recently amended by chapter 627 of the acts of 1973, and inserting in place thereof the following paragraph:-

Whenever a complaint is sought in a district court for a violation of an ordinance or by-law, made under the provisions of section one hundred and seventy-three, the clerk shall send a written notice to the person complained against stating that such a complaint has been sought and will issue unless such person appears before such clerk and confesses the offense either personally or through an agent duly authorized in writing, or by mailing to such clerk, with the notice the fine provided herein. If it is the first offense subject to this section committed by

such person within a calendar year, the clerk shall dismiss the charge without the payment of any fine; if it is the second offense so committed in such city or town in the calendar year the payment to the clerk of a fine of twenty-five dollars shall operate as a final disposition of the case; if it is the third offense so committed in such city or town in a calendar year payment of a fine of thirty dollars shall operate as a final disposition of the case; and if it is the fourth or subsequent offense so committed in such city or town in the calendar year the payment of a fine of fifty dollars shall operate as a final disposition of the case. Such payment shall be made only by postal note, money order or check. Notwithstanding the foregoing procedure and schedule of fines and subject, however, to all of the other provisions of this section, a city or town may, by ordinance or by-law, provide for an alternative procedure and a different schedule of fines; provided, however, that no new schedule of fines shall contain a fine in excess of fifty dollars.

Approved May 9, 1978

Chap. 145. AN ACT MAKING APPROPRIATIONS FOR THE FISCAL YEAR NINETEEN HUNDRED AND SEVENTY-NINE FOR THE MAINTENANCE 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-nine 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	\$3,097,181 86
2. For contractual services	541,000 00
3. For supplies and materials	400,000 00
4. For current charges and obligations	228,000 00
5. For equipment	130,598 00
6. For structures and improvements	50,000 00
8. For debt and interest	15,000 00
10. For unpaid bills of previous years	5,000 00
11. For reserve fund	100,000 00
11a. For reserve for salary increases	516,000 00
12. For group insurance	215,000 00
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For total expenditures	\$5,297,779 86

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

Approved May 9, 1978

Chap. 146. AN ACT AUTHORIZING THE COUNTY COMMISSIONERS OF ESSEX COUNTY TO EXPEND CERTAIN SUMS OF MONEY FOR THE PAYMENT OF BILLS INCURRED FOR THE OPERATION OF THE ESSEX COUNTY JAIL AND HOUSE OF CORRECTION AT LAWRENCE.

Be it enacted, etc., as follows:

The county commissioners of Essex county are hereby authorized to expend a sum of money not to exceed one hundred ten thousand dollars for the payment of bills incurred for maintenance and supplies and contractual services, temporary employees, and overtime pay for the Essex county jail and house of correction at Lawrence, for the fiscal year ending June thirtieth, nineteen hundred and seventy-eight. Said sum shall be expended from the funds received by said county under the State and Local Fiscal Assistance Act of 1972, (Public Law 92-512) or any other available funds.

Approved May 9, 1978

EMERGENCY LETTER - May 10, 1978 @ 10:26 A.M.

Chap. 147. AN ACT INCREASING THE AMOUNT OF MONEY WHICH THE METROPOLITAN DISTRICT COMMISSION MAY EXPEND FOR FLOOD CONTROL PURPOSES IN THE CITY OF QUINCY AND TOWN OF BRAINTREE.

Be it enacted, etc., as follows:

SECTION 1. For the purposes of further carrying out the flood control works authorized by section two E of chapter one thousand one hundred and eighty of the acts of nineteen hundred and seventy-three, the metropolitan district commission may expend, in addition to the amounts authorized by said section two E of said chapter one thousand one hundred and eighty, a sum not to exceed five million dollars.

SECTION 2. The said commission is authorized to enter into an agreement with the department of public works to allow a portion of the work to be performed by the department.

SECTION 3. To meet the expenditures necessary in carrying out the provisions of section one 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 five million dollars. Such bonds shall be designated on their face, Metropolitan Flood Control Loan, Act of 1978, 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 three.

SECTION 4. Any federal funds made available to the commonwealth for projects and works authorized by this act shall, if the bonds have not been sold, be used to reduce the amount of bonds authorized and, if the bonds have been sold, the said federal funds when received shall be used to meet the payment of maturities and interest on the bonds issued under this act.

SECTION 5. This act shall take effect upon its passage.
Approved May 12, 1978

Chap. 148. AN ACT AUTHORIZING THE TOWN OF LENOX TO USE CERTAIN PARK AND PLAYGROUND LAND FOR THE CONSTRUCTION OF A WATER STORAGE TANK.

Be it enacted, etc., as follows:

SECTION 1. The town of Lenox is hereby authorized to use the following described parcels of park and playground land for a water storage tank and necessary facilities:

Beginning at a stone bound set in the southeast corner of the premises being described;

- thence S. 85° 41' 47" W. 300 feet to a point;
- thence N. 04° 18' 13" W. 300 feet to an iron pin;
- thence N. 88° 06' 50" E. 264.77 feet to an iron pin;
- thence S. 25° 59' 39" E. 96.35 feet to a drill hole set;
- thence S. 14° 55' 21" E. 133.26 feet to an iron pin;
- thence S. 15° 34' 43" W. 72.65 feet to a stone bound.

Containing 2.04 acres of land and being Parcels A and B as shown on a plan entitled "Plan of Land in Lenox, Mass., being a portion of that Land described in the Middle Berkshire Registry of Deeds in Book 657, Page 188, dated: June 8, 1957, Grantor: Edward M. O'Connor, Et Al, Grantee: The Inhabitants of the Town of Lenox, surveyed for the Town of Lenox, Robert G. Brown & Associates, Inc., Civil Engineers, Land Surveyors, Berkshire Common, Third Floor North, Pittsfield, Mass."

SECTION 2. This act shall take effect upon its passage.
Approved May 12, 1978

Chap. 149. AN ACT EXTENDING THE RIGHTS OF TENANTS TO BE PROTECTED AGAINST REPRISALS.

Be it enacted, etc., as follows:

SECTION 1. Chapter 186 of the General Laws is hereby amended by striking out section 18, as most recently amended by section 4 of chapter 192 of the acts of 1974, and inserting in place thereof the following section:-

Section 18. Any person or agent thereof who threatens to or takes reprisals against any tenant of residential premises for the

tenant's act of, commencing, proceeding with, or obtaining relief in any judicial or administrative action the purpose of which action is to obtain damages under, or otherwise enforce, any federal, state or local law, regulation, by-law or ordinance, which has as its objective the regulation of residential premises; or exercising the tenant's rights pursuant to section one hundred and twenty-four D of chapter one hundred and sixty-four; or reporting to the board of health or, in the city of Boston to the commissioner of housing inspection or to any other board having as its objective the regulation of residential premises a violation or a suspected violation of any health or building code or of any other municipal by-law or ordinance, or state or federal law or regulation which has as its objective the regulation of residential premises; or reporting or complaining of such violation or suspected violation in writing to the landlord or to the agent of the landlord; or for organizing or joining a tenants' union or similar organization shall be liable for damages which shall not be less than one month's rent or more than three month's rent, or the actual damages sustained by the tenant, whichever is greater, and the costs of the suit, including a reasonable attorney's fee.

The receipt of any notice of termination of tenancy, except for nonpayment of rent, or, of increase in rent, or, of any substantial alteration in the terms of tenancy within six months after the tenant has commenced, proceeded with, or obtained relief in such action, exercised such rights, made such report or complaint, or organized or joined such tenants' union or within six months after any other person has taken such action or actions on behalf of the tenant or in, or relating to, the building in which the tenant resides, shall create a rebuttable presumption that such notice or other action is a reprisal against the tenant for engaging in such activities. Such presumption shall be rebutted only by clear and convincing evidence that such person's action was not a reprisal against the tenant and that such person had sufficient independent justification for taking such action, and would have in fact taken such action, in the same manner and at the same time the action was taken, regardless of tenants engaging in, or the belief that tenants had engaged in, activities protected under this section.

Any waiver of this provision in any lease or other rental agreement shall be void and unenforceable.

SECTION 2. Chapter 239 of the General Laws is hereby amended by striking out section 2A, as amended by section 4 of chapter 858 of the acts of 1973, and inserting in place thereof the following section:-

Section 2A. It shall be a defense to an action for summary process that such action or the preceding action of terminating the tenant's tenancy, was taken against the tenant for the tenant's act of commencing, proceeding with, or obtaining relief in any judicial or administrative action the purpose of which action was to obtain damages under or otherwise enforce, any federal, state or local law, regulation, by-law, or ordinance, which has as its objective the regulation of residential premises, or exercising rights pursuant to section one hundred and twenty-four D of chapter one hundred and sixty-four, or reporting a

violation or suspected violation of law as provided in section eighteen of chapter one hundred and eighty-six, or organizing or joining a tenants' union or similar organization. The commencement of such action against a tenant, or the sending of a notice to quit upon which the summary process action is based, or the sending of a notice, or performing any act, the purpose of which is to materially alter the terms of the tenancy, within six months after the tenant has commenced, proceeded with or obtained relief in such action, exercised such rights, made such report or organized or joined such tenants' union, or within six months after any other person has taken such action or actions on behalf of the tenant or in, or relating to the building in which the tenant resides, shall create a rebuttable presumption that such summary process action is a reprisal against the tenant for engaging in such activities, or was taken in the belief that the tenant had engaged in such activities. Such presumption may be rebutted only by clear and convincing evidence that such action was not a reprisal against the tenant and that the plaintiff had sufficient independent justification for taking such action, and would have in fact taken such action, in the same manner and at the same time the action was taken, even if the tenant had not commenced any legal action, made such report or engaged in such activity.

Approved May 12, 1978

Chap. 150. AN ACT PROVIDING NOTIFICATION TO CITY, WARD, AND TOWN COMMITTEE CHAIRMEN THAT LISTS FOR APPOINTMENT AS ELECTION OFFICERS ARE DUE ON JUNE FIRST.

Be it enacted, etc., as follows:

SECTION 1. The first paragraph of section 11B of chapter 54 of the General Laws, as appearing in chapter 230 of the acts of 1943, is hereby amended by inserting after the first sentence the following sentence:- The registrars shall, not later than April fifteenth of each year, make written notification to the chairman of record of the city committee of each political party and the chairman of record of the ward committee of each political party that said list must be submitted no later than June first of the same year.

SECTION 2. The second paragraph of section 12 of said chapter 54, as most recently amended by chapter 272 of the acts of 1974, is hereby further amended by inserting after the first sentence the following sentence:- The selectmen shall, not later than April fifteenth of each year, make written notification to the chairman of record of the town committee of each political party that said list must be submitted no later than June first of the same year.

Approved May 12, 1978

Chap. 151. AN ACT REQUIRING LOCAL CONFERENCES ON OCCUPATIONAL TRAINING OPPORTUNITIES.

Be it enacted, etc., as follows:

Section 1G of chapter 15 of the General Laws is hereby amended by inserting after the twenty-first paragraph, as appearing in section 2 of chapter 572 of the acts of 1965, the following paragraph:-

The board shall require that all school committees and school administrators annually confer with local business persons in an effort to ascertain occupational training opportunities for students. The board shall require that the school committees annually file a report of the conference with the commissioner.

Approved May 12, 1978

Chap. 152. AN ACT RELATIVE TO THE INTEREST TO BE IMPOSED ON THE EXCISE DUE ON MOTOR VEHICLES AFTER A DEMAND.

Be it enacted, etc., as follows:

Section 2 of chapter 60A of the General Laws, as most recently amended by section 4 of chapter 415 of the acts of 1976, is hereby further amended by striking out the eleventh sentence and inserting in place thereof the following sentence:- 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, if such payment is made before a demand and made pursuant to section sixteen of chapter sixty and twelve per cent if made after such demand.

Approved May 12, 1978

Chap. 153. AN ACT PROVIDING FOR THE EDUCATION OF A CADET ENGINEER AT A DULY ACCREDITED COLLEGE OR UNIVERSITY.

Be it enacted, etc., as follows:

SECTION 1. The second paragraph of section 69C of chapter 164 of the General Laws is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- The contract shall provide (a) that the cadet engineer shall, by a date to be specified, begin or continue attendance at a duly accredited college or university, having a course of study leading to a degree of bachelor of science in engineering.

SECTION 2. Section 69D of said chapter 164 is hereby amended by striking out the fourth paragraph, as amended by chapter 58 of the acts of 1959, and inserting in place thereof the following paragraph:-

An applicant for appointment as a cadet engineer shall be a resident of the contracting city or town, a graduate of a duly accredited high school, not less than seventeen nor more than twenty-five years of age, and shall have been accepted for admission to or be enrolled in a duly accredited college or university, having a course of study leading to a degree of bachelor of science in engineering.

Approved May 12, 1978

- Chap. 154. AN ACT EXEMPTING THE PARALYZED VETERANS OF AMERICA FROM THE REQUIREMENT OF CERTAIN FILINGS WITH THE DIVISION OF PUBLIC CHARITIES.

Be it enacted, etc., as follows:

Section 8E of chapter 12 of the General Laws, as most recently amended by section 1 of chapter 59 of the acts of 1959, is hereby further amended by striking out the first sentence and inserting in place thereof the following sentence:- A charitable corporation established, organized or chartered under laws other than those of the commonwealth, except The American National Red Cross, the Grand Army of the Republic, American Veterans of World War II, Korea and Vietnam, AMVETS, the United Spanish War Veterans, the American Legion, the Disabled American Veterans of the World War, Military Order of the Purple Heart, the Paralyzed Veterans of America, the Veterans of World War I of the U.S.A., and the Veterans of Foreign Wars of the United States, shall, before engaging in charitable work or raising funds in the commonwealth, file with the division a copy of its charter, articles or certificate of incorporation, certified under the seal of the state or country where such corporation is incorporated, by the secretary of state thereof or by the officer having charge of the original record therein, and a true copy of its constitution and by-laws, and shall also file with the division such other information as may from time to time be required by it.

Approved May 12, 1978

- Chap. 155. AN ACT RELATIVE TO THE FRINGE BENEFITS OF EMPLOYEES WHO PERFORM LABOR ON CERTAIN PUBLIC WORKS PROJECTS.

Be it enacted, etc., as follows:

SECTION 1. The first paragraph of section 29 of chapter 149 of the General Laws is hereby amended by striking out, in lines 40 and 41, the words "one hundred and twenty", as appearing in chapter 696 of the acts of 1962, and inserting in place thereof the words:- two hundred and forty.

SECTION 2. This act shall apply to contracts entered into pursuant to an invitation for bids issued subsequent to the effective date of this act.

Approved May 12, 1978

- Chap. 156. AN ACT RELATIVE TO BETTERMENT ASSESSMENTS FOR SEWERAGE FACILITIES IN THE TOWN OF MILLBURY.

Be it enacted, etc., as follows:

SECTION 1. Chapter 307 of the acts of 1973 is hereby amended by striking out sections 2 and 3 and inserting in place thereof the following two sections:-

Section 2. Whenever a building or structure is accessible either directly or indirectly, to the town sewer system, or any connection already made, or whenever the use of a sewer previously connected is subsequently changed as hereinafter provided, a permanent sewer privilege fee shall be assessed. Such fee shall be that which is in effect at the time the sewer construction is completed; or, in case of a change in use of a sewer previously connected, then the fee in effect at the time an application for a building permit is filed; or if no such permit is required then at the time an occupancy permit is issued, or, if none, then at the time the new use begins.

Section 3. The permanent sewer privilege fee shall be at the rate of nine hundred dollars per unit. For the purpose of this act, the number of units to be assessed on each building or structure shall be as follows:-

A. Residential use.

1. Each single family building accessible directly to the town sewer system shall be assessed as one unit.

2. Each dwelling unit in a multiple family dwelling, accessible to the town sewer system directly or indirectly, shall be assessed one full unit and one-half unit for each additional unit in the dwelling. For the purpose of this section, multiple family dwellings shall be deemed to include, but not to be limited to, more than single family buildings, apartment houses, complexes, town houses, condominiums, or otherwise.

3. In the case of approved subdivisions, when branch or secondary mains are installed and paid for by developers, or by persons other than the town of Millbury each single family dwelling accessible to the town sewer system shall be assessed one-half unit for a period of five years from the date of the original subdivision plan approval by the planning board. Paragraph 1 shall apply to all assessments made after the original five-year period.

B. Other uses.

1. For uses other than residential, there shall be an assessment of a minimum of one unit, and an additional unit for every ten thousand square feet of floor space, or major portion thereof, exceeding an initial ten thousand square feet, up to a total of fifty thousand square feet of floor space; and an additional unit for every twenty-five thousand square feet of floor space, or major portion thereof exceeding the initial fifty thousand square feet.

2. In the case of approved commercial or industrial subdivisions, when branch or secondary mains are installed and paid for by developers or by persons other than the town of Millbury the charges assessed shall be one-half of the charges described in paragraph one for a period of five years from the date of the original subdivision plan approval. Paragraph 1 shall apply to all assessments made after the original five-year period.

SECTION 2. Section 5 of said chapter 307 is hereby amended by striking out the second sentence and inserting in place

thereof the following sentence:- Such assessment shall be made by filing with the board of assessors of the town a certificate, designating the way on which the premises lies, and giving the name or names of the owners of the estate for which such assessment has been made and the amount of the assessment to be paid by such owner or owners.

Approved May 12, 1978

Chap. 157. AN ACT MAKING APPROPRIATIONS FOR THE FISCAL YEAR NINETEEN HUNDRED AND SEVENTY-NINE FOR THE MAINTENANCE OF FRANKLIN 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-nine.

FRANKLIN COUNTY.

Item	<u>Subtotal</u>	<u>Total</u>
1. For interest on county debt		\$3,500 00
3. For county commissioners, salaries and expenses		31,673 64
1. Personal services	\$29,863 64	
2. Contractual services	735 00	
3. Supplies and materials	575 00	
4. Current charges and obligations	500 00	
4. For transportation and expenses of county and acting commissioners		700 00
5. For clerk of courts, salaries and expenses		56,724 30
1. Personal services	52,098 30	
2. Contractual services	2,700 00	
3. Supplies and materials	1,350 00	
4. Current charges and obligations	576 00	
6. For county treasurer, salaries and expenses		37,591 63
1. Personal services	32,918 63	
2. Contractual services	3,133 00	
3. Supplies and materials	970 00	
4. Current charges and obligations	570 00	
7. For sheriff, salary and expenses		18,134 00
1. Personal services	17,249 00	
2. Contractual services	625 00	
3. Supplies and materials	100 00	
4. Current charges and obligations	160 00	
8. For registry of deeds, salaries and expenses		107,017 60
1. Personal services	75,352 60	
2. Contractual services	22,870 00	
3. Supplies and materials	3,850 00	
4. Current charges and obligations	1,170 00	

<u>Item</u>	<u>Subtotal</u>	<u>Total</u>
5. Equipment	\$3,775 00	
8a. For registry of probate, salaries and expenses		\$9,495 00
2. Contractual services	5,875 00	
3. Supplies and materials	1,600 00	
4. Current charges and obligations	1,400 00	
5. Equipment	620 00	
9. For law library, salaries and expenses		28,200 80
1. Personal services	9,190 80	
2. Contractual services	795 00	
3. Supplies and materials	215 00	
4. Current charges and obligations	17,340 00	
5. Equipment	660 00	
10. For highways, including state highways, bridges and land damages		22,250 00
2. Contractual services	7,700 00	
3. Supplies and materials	50 00	
6. All other	14,500 00	
12. For superior court costs		229,103 96
1. Personal services	80,689 96	
2. Contractual services	131,930 00	
3. Supplies and materials	3,275 00	
4. Current charges and obligations	11,550 00	
5. Equipment	1,659 00	
13. For civil expenses in probate court		15,108 80
1. Personal services	3,383 80	
2. Contractual services	11,095 00	
3. Supplies and materials	475 00	
4. Current charges and obligations	105 00	
5. Equipment	50 00	
14. For district courts, salaries and expenses		
District Court of Greenfield		328,270 89
1. Personal services	285,553 89	
2. Contractual services	25,965 00	
3. Supplies and materials	7,675 00	
4. Current charges and obligations	3,050 00	
5. Equipment	6,027 00	
District Court of Orange		133,070 00
1. Personal services	114,420 00	
2. Contractual services	8,175 00	
3. Supplies and materials	1,960 00	
4. Current charges and obligations	6,325 00	
5. Equipment	2,190 00	
15. For medical examiners and commitments of insane		6,900 00
16. For jail and house of correction, maintenance and operation		373,907 80
1. Personal services	276,842 80	
2. Contractual services	22,250 00	
3. Supplies and materials	65,950 00	
4. Current charges and obligations	5,600 00	
5. Equipment	3,265 00	
18. For court houses and registry buildings, maintenance and operation		92,192 60
1. Personal services	38,465 60	
2. Contractual services	34,220 00	
3. Supplies and materials	18,855 00	
4. Current charges and obligations	225 00	
5. Equipment	427 00	
20. For agricultural school or county cooperative extension service		144,629 04

<u>Item</u>	<u>Subtotal</u>	<u>Total</u>
1. Personal services	\$124,654 04	
2. Contractual services	15,220 00	
3. Supplies and materials	3,300 00	
4. Current charges and obligations	525 00	
5. Equipment	930 00	
21. For reservation, maintenance and operation (Whately Recreation Area)		\$7,375 00
2. Contractual services	5,525 00	
3. Supplies and materials	500 00	
4. Current charges and obligations	1,000 00	
5. Equipment	350 00	
26. For miscellaneous and contingent expenses		18,262 00
27. For unpaid bills of previous years		2,500 00
28. For reserve fund		45,000 00
28a. For reserve for salary increases		225,000 00
29. For advertising recreational, industrial and agricultural advantages of the county		32,000 00
31. For radio system for fire protection		2,050 00
31a. For police radio system		1,855 00
31b. For medical service radio system		1,010 00
35. For county planning		82,426 80
37. For human services		<u>199,132 80</u>
Total amount of appropriations		\$2,255,081 66
Less estimated amount available for reduction of county tax		<u>250,680 64</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		\$2,004,401 02

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.

<u>Item</u>	<u>Subtotal</u>
24. For noncontributory pensions	\$21,348 60
25. For contributory retirement system and supervisory expenses	112,047 00
39. For group insurance	<u>57,000 00</u>
Total	\$190,395 60

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

The foregoing was laid before the Governor on the first day of May, 1978 and after ten days it had "the force of a law", as prescribed by the Constitution, as it was not returned by him with his objections thereto within that time.

Chap. 158. AN ACT AUTHORIZING THE TOWN OF WASHINGTON TO BORROW MONEY TO PAY A CERTAIN FINAL JUDGMENT HELD BY SALVATORE AND MARY CAMMEROTTA AGAINST SAID TOWN AND VALIDATING CERTAIN PROCEEDINGS TAKEN IN SAID TOWN.

Be it enacted, etc., as follows:

SECTION 1. The town of Washington for the purpose of paying a final judgment held by Salvatore and Mary Cammerotta against said town on account of land taken by said town, the treasurer of said town, with the approval of the board of selectmen, is hereby authorized to borrow on behalf of the town from time to time such sums as may be necessary, not to exceed fifty-one thousand seven hundred and fifty-five dollars and fifteen cents, and may issue bonds or notes therefor which shall bear on their face the words, Town of Washington Judgment Loan, Act of 1978. Each authorization issued 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 any statutory limit, but shall, except as herein provided, be subject to chapter forty-four of the General Laws.

SECTION 2. The proceedings taken by the town of Washington at a town meeting held on January ninth, nineteen hundred and seventy-eight, authorizing the town treasurer to borrow a sum of money not to exceed fifty-one thousand seven hundred and fifty-five dollars and fifteen cents to be repaid within twenty years from the date thereof are hereby validated and confirmed in all respects.

SECTION 3. This act shall take effect as of January ninth, nineteen hundred and seventy-eight.

Approved May 12, 1978

Chap. 159. AN ACT DESIGNATING THE DEPARTMENT OF PUBLIC WORKS HELIPORT ON NASHUA STREET IN THE CITY OF BOSTON AS THE BANK-WHITMORE HELIPORT.

Be it enacted, etc., as follows:

The department of public works heliport located on Nashua street in the city of Boston shall be designated and known as the Bank-Whitmore Heliport, in memory of Richard P. Bank, former chief inspector of the Massachusetts aeronautics commission and Henry "Chip" Whitmore, a former reporter for WEEI radio station who died in a helicopter crash on December twenty-seventh, nineteen hundred and seventy-seven in the city of Quincy. A suitable marker bearing said designation shall be erected thereat by said department.

Approved May 12, 1978

Chap. 160. AN ACT AUTHORIZING THE COUNTY COMMISSIONERS OF ESSEX COUNTY TO EXPEND CERTAIN SUMS OF MONEY FOR THE PAYMENT OF BILLS INCURRED FOR THE OPERATION OF THE ESSEX COUNTY JAIL AND HOUSE OF CORRECTION AT SALEM.

Be it enacted, etc., as follows:

The treasurer of Essex county is hereby authorized, with the approval of the county commissioners of said county, to expend a sum of money not to exceed nineteen hundred and seventy-eight dollars for the payment of bills incurred for maintenance and supplies and contractual services, temporary employees, and overtime pay for the Essex county jail and house of correction at Salem for the fiscal year ending June thirtieth, nineteen hundred and seventy-seven. Said sum shall be expended from the funds received by said county under the State and Local Fiscal Assistance Act of 1972, (Public Law 92-512) or any other available funds.

Approved May 12, 1978

EMERGENCY LETTER - June 2, 1978 @ 11:00 A.M.

Chap. 161. AN ACT MAKING APPROPRIATIONS FOR THE FISCAL YEAR NINETEEN HUNDRED AND SEVENTY-NINE FOR THE MAINTENANCE 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-nine 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	\$2,487,010 26
2. For contractual services	126 000 00
3. For supplies and materials	470 000 00
4. For current charges and obligations	350,000 00
5. For equipment	28,730 00
8. For debt and interest	74,000 00
11. For reserve fund	50,000 00
12. For group insurance	<u>\$180,000 00</u>
For total expenditures	\$3,765,740 26

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

Approved May 12, 1978

Chap. 162. AN ACT EXEMPTING THE POSITION OF DEPUTY SEALER FOR THE CITY OF TAUNTON FROM THE PROVISIONS OF THE CIVIL SERVICE LAW.

Be it enacted, etc., as follows:

SECTION 1. The position of deputy sealer for the city of Taunton shall be exempt from the provisions of chapter thirty-one of the General Laws.

SECTION 2. This act shall take effect upon its passage.
Approved May 15, 1978

Chap. 163. AN ACT EXEMPTING THE OFFICE OF TOWN ENGINEER OF THE TOWN OF LUDLOW FROM THE PROVISIONS OF THE CIVIL SERVICE LAW.

Be it enacted, etc., as follows:

SECTION 1. The office of the town engineer of the town of Ludlow shall be exempt from the provisions of chapter thirty-one of the General Laws.

SECTION 2. This act shall take effect upon its passage.
Approved May 12, 1978

Chap. 164. AN ACT GRANTING PERMANENT CIVIL SERVICE STATUS TO CERTAIN EMPLOYEES OF THE SCHOOL DEPARTMENT OF THE CITY OF NORTHAMPTON.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any law to the contrary, the following persons who are presently employed by the school department in the city of Northampton and who are not otherwise exempt from the provisions of the civil service law in accordance with section five of chapter thirty-one of the General Laws, shall be deemed to be appointed under the provisions of said civil service law:

Library Aids: Bernice W. Alberts, Mary J. Boudway, Moira K. Callahan, Darlene M. Corrado, Virginia J. Duda, Gail A. Keefe, Elizabeth McDonald, Helen Mew, Helen Murphy, Claire A. Musante, Carolyn E. Robinson, Celia Willard, Ethel S. Saunders.

Clerks and Typists: Joan Carter, Marianne K. Carter, Jean M. Childs, Elinor L. Dole, Sandra M. Driscoll, Marie Emerson, Cassandra A. Quinn.

Clerk: Marion L. Gross.

School Lunch Attendants: Mary A. Boyer, Patricia A. Bridgman, Mary Button, Theresa M. Collins, Shirley J. Cox, Alice Curtin, Yvonne Dunn, Charlotte M. Engerman, Doris Finn, Ann M. Foley, Rosemary A. Gorman, Barbara M. Hagelstein, Eleanor Harvey, Veronica E. Kotish, Doris Lococo, Lucy P. Losowski, Jean D. McDonald, Grace Pelland, Lorena Proniewicz, Dolores Samms, Constance Sienkiewicz, Grace Sienkiewicz, Doris Smolenski, Wilda M. Shoro, Mary Shulda.

Cafeteria Helper: Beatrice Hurlburt.

Assistant Cook: Abbie Maguire.

Laborer: Robert Graves.

Building Custodians: John E. Benoit, Louis J. Carrier, William H. Curtin, Keith R. Moors, Daniel G. Roberts, Donald J. Whitlock.

Building Custodians (part-time): James F. Costello, Howard M. Curtin, Thaddeus J. Grab, Donald L. Jones, Edward B. Jones, Bolek M. Mazuch, Thaddeus Suleski, Raymond J. Vollinger, Anthony C. Wichowski.

Account Clerks: Janet M. Alexander, Lynn Mazeski.

Senior Clerks and Stenographers: Mary J. Bouchard, Jane L. Wood, Mildred Hendricks, Linda Ryan, Susan Rust, Barbara J. Noble.

Bus Operator (part-time): Leo Forsyth.

Dental Hygienist: Mary F. Ryan.

SECTION 2. This act shall take effect upon its passage.
Approved May 15, 1978

Chap. 165. AN ACT AUTHORIZING THE PAYMENT OF SURVIVOR'S BENEFIT FOR BRIAN D. KELLEY, MINOR SON OF DECEASED FIREFIGHTER, JAMES P. KELLEY OF THE CITY OF CAMBRIDGE.

Be it enacted, etc., as follows:

SECTION 1. For the purpose of paying a survivor's benefit to Brian D. Kelley, the minor son of James P. Kelley, a deceased firefighter, who was retired from the city of Cambridge for accidental disability for an injury incurred in the line of duty, the city of Cambridge is hereby authorized to pay to the legally appointed guardian of Brian D. Kelley, the sum of two hundred dollars per month, beginning January first, nineteen hundred and seventy-eight, and ending December tenth, nineteen hundred and seventy-nine; and thereafter said sum shall be payable to said Brian D. Kelley or his legal representative until such time as he shall reach the age of twenty-one years, provided he is a full-time student, in an accredited educational institution offering full-time courses of study.

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

Approved May 15, 1978

Chap. 166. AN ACT INCREASING THE MEMBERSHIP OF THE COMMITTEE ON CRIMINAL JUSTICE.

Be it enacted, etc., as follows:

The first paragraph of section 156 of chapter 6 of the General Laws is hereby amended by inserting after the word "Boston", in line 7, as appearing in section 2 of chapter 1021 of the acts of 1973, the words:- the executive director of the criminal justice training council.

Approved May 15, 1978

Chap. 167. AN ACT RELATIVE TO THE METHODS OF APPORTIONING SEWERAGE CONSTRUCTION COSTS IN THE TOWN OF TEMPLETON.

Be it enacted, etc., as follows:

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

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

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

SECTION 4. This act shall take effect upon its passage.
Approved May 18, 1978

Chap. 168. AN ACT RELATIVE TO THE APPOINTMENT, COMPENSATION AND DUTIES OF ASSESSORS IN THE CITY OF PITTSFIELD.

Be it enacted, etc., as follows:

SECTION 1. Chapter 280 of the acts of 1932 is hereby amended by striking out section 29 and inserting in place thereof the following section:-

Section 29. The mayor shall appoint, subject to confirmation or rejection by the city council, one or more persons to serve as assessors for said city. The specific number of persons to be appointed, the time when the appointments shall be made, and the duties and compensation therefor shall be as the city council shall determine by ordinance and consistent with law.

SECTION 2. This act shall take effect upon its passage.
Approved May 18, 1978

Chap. 169. AN ACT AUTHORIZING THE COUNTY COMMISSIONERS OF BARNSTABLE COUNTY TO CONTRACT WITH THE CAPE COD FAMILY AND CHILDREN'S SERVICE, INC. TO PROVIDE COUNSELING SERVICES FOR INDIVIDUALS AND FAMILIES.

Be it enacted, etc., as follows:

SECTION 1. The county commissioners of Barnstable county are hereby authorized to pay such funds not to exceed forty thousand dollars as may be appropriated therefor to the Cape Cod Family and Children's Service, Inc. for the purchase of counseling services for individuals and families.

SECTION 2. Quarterly financial reports on forms approved by the county treasurer shall be submitted to the county commissioners by the Cape Cod Family and Children's Service, Inc. documenting the expenditure of all funds provided by said county to carry out the provisions of section one of this act. Said authorization is hereby negated for any fiscal year in which Cape Cod Family and Children's Services, Inc. receives any funds by direct appropriation from any one of the fifteen towns within Barnstable county.

SECTION 3. This act shall take effect upon its passage.
Approved May 18, 1978

Chap. 170. AN ACT AUTHORIZING THE TOWN OF WINCHENDON TO PAY A RETIREMENT ALLOWANCE TO ERLINE C. ASHMORE, WIDOW OF THE LATE CLAYTON T. ASHMORE.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any provision of chapter thirty-two of the General Laws to the contrary, the town of Winchendon is hereby authorized to pay a retirement allowance to Erline C. Ashmore, widow of the late Clayton T. Ashmore, former chief of the fire department of said town, which allowance shall be equivalent to two-thirds of the retirement allowance to which the said Clayton T. Ashmore would otherwise have been entitled, which retirement allowance shall continue as long as the said Erline C. Ashmore remains unmarried.

SECTION 2. This act shall take effect as of December fifth, nineteen hundred and seventy-seven.
Approved May 18, 1978

Chap. 171. AN ACT REGULATING THE OPERATION OF SCHOOL BUSES ON LIMITED ACCESS HIGHWAYS.

Be it enacted, etc., as follows:

Section 17 of chapter 90 of the General Laws, as most recently amended by section 7 of chapter 494 of the acts of 1975, is hereby further amended by striking out the last sentence and inserting in place thereof the following sentence:- Except on a limited access highway, no person shall operate a school bus at a rate of speed exceeding forty miles per hour, while actually engaged in carrying school children.

Approved May 18, 1978

Chap. 172. AN ACT RELATIVE TO WITHDRAWALS FROM
SPECIAL NOTICE ACCOUNT DEPOSITS OF
CO-OPERATIVE BANKS.

Be it enacted, etc., as follows:

SECTION 1. Paragraph (a) of subsection 3A of section 13 of chapter 170 of the General Laws, as appearing in section 1 of chapter 184 of the acts of 1968, is hereby amended by striking out subparagraph (i) and inserting in place thereof the following subparagraph:-

(i) Except as provided in paragraph (c) of this subsection and except as hereinafter provided in respect of interest on the shares representing such deposits, neither the whole nor any part of such deposits may be withdrawn other than pursuant to the terms of a withdrawal notice of ninety days or more signed by such shareholder or one of two or more joint shareholders and received by such corporation. Such notice shall state that such shareholder or joint shareholder proposes to withdraw such deposits in whole or in specified part during a withdrawal period commencing upon a day specified, which day shall be not less than ninety days following the receipt by the corporation of such withdrawal notice, and terminating upon the expiration of the ninth day following or, if such ninth day shall be a Saturday, Sunday or legal holiday, upon the expiration of the business day next succeeding such ninth day.

SECTION 2. Said subsection 3A of said section 13 of said chapter 170 is hereby further amended by striking out paragraphs (c) and (d), as so appearing, and inserting in place thereof the following two paragraphs:-

(c) Withdrawals. - Notwithstanding the provisions of section seventeen, no such corporation shall permit the whole or any part of such deposits or any ordinary, extra or additional interest distributed thereon to be withdrawn, in whole or in part, except in accordance with the terms of such agreement; provided, however, that any such corporation may permit withdrawal of all or any portion of such deposits or interest in a joint account without notice or penalty if the withdrawal is made subsequent to the death of a joint owner of the account; and provided, further, that such corporation may provide that notice prior to withdrawal shall not be required on any distribution date or within ten days thereafter in connection with the withdrawal of funds which have remained in such account for at least ninety days.

(d) Passbooks. - Each passbook evidencing deposits received under this subsection shall contain the title "Special Notice Account" and shall plainly set forth the phrase "90 Days' Written Notice of Withdrawal Required, if applicable.".

Approved May 18, 1978

EMERGENCY LETTER - May 22, 1978 @ 11:21 A.M.

Chap. 173. AN ACT AUTHORIZING THE CITY OF LYNN
TO ESTABLISH A SPECIAL WATER SURPLUS
ACCOUNT.

Be it enacted, etc., as follows:

Notwithstanding the provisions of section sixty-nine B of chapter forty-one of the General Laws or of any other law to the contrary, the city of Lynn may, by vote of the city council and approval of the mayor, create a special water surplus account, the purpose of which, after the income of the water works having defrayed all operating expenses, interest charges and payments on the principal as they accrue upon any bonds or notes issued for the purpose of the municipal water supply, shall be to use said account for water improvements. Any earnings derived by investments, as allowed by law, of such surplus funds shall become part of the said fund.

Approved May 18, 1978

Chap. 174. AN ACT AUTHORIZING THE POLICE COMMISSIONER OF THE CITY OF BOSTON TO APPOINT POLICE CADETS UNDER CERTAIN CIRCUMSTANCES TO THE POLICE DEPARTMENT OF SAID CITY.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of chapter thirty-one of the General Laws, any person who has completed not less than two years of service as a police cadet in the police department of the city of Boston under the provisions of section twenty-one A of chapter one hundred and forty-seven of the General Laws may, subject to a program established by the police commissioner of said city and approved by the personnel administrator of the state division of personnel administration and the Massachusetts criminal justice training council, be appointed to fill a vacancy in a position in the lowest grade in the police force of said city without certification from an eligible list prepared under the provisions of chapter thirty-one of the General Laws; provided, however, that such person either is on a police entrance eligible list prepared under said chapter or passes a qualifying examination to be given by said personnel administrator. Such program shall include provisions for recruitment of applicants for appointment as police cadets in said city and for appointment from an eligible list prepared after a competitive examination administered under the supervision of the police commissioner of said city. Appointments from such list may, at the discretion of the police commissioner, be made on a selective basis for the purposes of affirmative action in the employment of females and minorities as police cadets.

SECTION 2. If any federal or state, administrative or court order requires the listing of candidates in separate groups, each group to be listed according to the law of the commonwealth, then this act shall be subject to such listing.

SECTION 3. Not more than thirty-five, or thirty-three and one-third per cent, whichever is greater, of the total number of appointments to the regular police force of the city of Boston in any calendar year, shall be made under the provisions of this

act. The police commissioner of the city of Boston shall report in writing forthwith to the personnel administrator in said division of personnel administration any appointment made under the provisions of this act.

SECTION 4. The provisions of section twenty D of chapter thirty-one of the General Laws shall apply to appointments made under this act.

SECTION 5. This act shall take effect upon its passage.
Approved May 19, 1978

Chap. 175. AN ACT AUTHORIZING THE COMMISSIONER OF CORRECTION TO AUTHORIZE TEMPORARY RELEASES OF CERTAIN COMMITTED OFFENDERS FOR CERTAIN SPECIAL EMERGENCIES.

Be it enacted, etc., as follows:

SECTION 1. The second sentence of subsection (a) of section 10 of chapter 269 of the General Laws, as appearing in section 2 of chapter 113 of the acts of 1975, is hereby amended by inserting after the word "sentence", in line 6, the words:- ; provided, however, that the commissioner of correction may, on the recommendation of the warden, superintendent, or other person in charge of a correctional institution, or the administrator of a county correctional institution, grant to an offender committed under this subsection or a temporary release in the custody of an officer of such institution for the following purposes only: to attend the funeral of a relative; to visit a critically ill relative; or to obtain emergency medical or psychiatric services unavailable at said institution.

SECTION 2. Subsection (c) of said section 10 of said chapter 269, as appearing in section 2 of chapter 649 of the acts of 1974, is hereby amended by inserting after the word "section", in line 9, the words:- ; provided, however, that the commissioner of correction may, on the recommendation of the warden, superintendent, or other person in charge of a correctional institution, or the administrator of a county correctional institution, grant to an offender committed under this subsection or a temporary release in the custody of an officer of such institution for the following purposes only: to attend the funeral of a relative; to visit a critically ill relative; or to obtain emergency medical or psychiatric services unavailable at said institution.

Approved May 19, 1978

Chap. 176. AN ACT RELATIVE TO THE CERTIFICATE OF TITLE OF CERTAIN MOTOR VEHICLES.

Be it enacted, etc., as follows:

SECTION 1. Section 6 of chapter 90D of the General Laws, as amended by section 2 of chapter 81 of the acts of 1973, is hereby further amended by striking out the first sentence and inserting in place thereof the following sentence:- When a new vehicle is delivered in the commonwealth by a manufacturer to an agent or

a franchised dealer, the manufacturer shall execute and deliver to such agent or franchised dealer a certificate of origin in such form as the registrar shall prescribe; and effective with nineteen hundred and eighty models and all subsequent years such certificate shall be on safety paper as approved by the registrar.

SECTION 2. Section 35 of said chapter 90D is hereby amended by striking out clause (d), as appearing in section 7 of said chapter 81, and inserting in place thereof the following clause:-

(d) September first, nineteen hundred and eighty-two.
Approved May 19, 1978

Chap. 177. AN ACT AUTHORIZING THE CITY OF
MARLBOROUGH TO TRANSFER CERTAIN FUNDS
TO ITS RESERVE FUND FOR ANTICIPATED
TRANSFERS.

Be it enacted, etc., as follows:

Notwithstanding the provisions of section twenty and section sixty-three of chapter forty-four of the General Laws, the city of Marlborough may appropriate sums not exceeding, in the aggregate, the sum of two hundred sixty-two thousand five hundred ninety-two dollars from the proceeds of loans issued; August fifteenth, nineteen hundred and seventy-four, for the purchase of land for a skating rink and for the purpose of purchasing land for a new high school; and from the proceeds of a land taking by Massachusetts Electric on July twenty-ninth, nineteen hundred and sixty-six; the proceeds from a land taking by the commonwealth on March thirty-first, nineteen hundred and sixty-six; the proceeds of sale of various parcels of land by the city of Marlborough, sold on various dates over the years; and the anticipated proceeds from the sale of the old junior high school building which proceeds are not presently necessary for the purposes specified in the authorization of said loans and sale of city property, to its reserve fund for anticipated transfers.

Approved May 19, 1978

EMERGENCY LETTER - May 25, 1978 @ 3:43 P.M.

Chap. 178. AN ACT MAKING APPROPRIATIONS FOR THE
FISCAL YEAR NINETEEN HUNDRED AND
SEVENTY-NINE FOR THE MAINTENANCE OF
BARNSTABLE COUNTY.

Be it enacted, etc., as follows:

SECTION 1. To provide 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, 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-nine.

BARNSTABLE COUNTY.

Item	<u>Subtotal</u>	<u>Total</u>
1. For interest on county debt		\$80,681 25
3. For county commissioners, salaries and expenses		85,826 62
1. Personal services	\$74,338 62	
2. Contractual services	4,290 00	
3. Supplies and materials	2,310 00	
4. Current charges and obligations	3,020 00	
5. Equipment	1,868 00	
4. For transportation and expenses of county and acting commissioners		1,400 00
5. For clerk of courts, salaries and expenses		92,237 00
1. Personal services	84,110 00	
2. Contractual services	1,725 00	
3. Supplies and materials	3,750 00	
4. Current charges and obligations	872 00	
5. Equipment	1,780 00	
6. For county treasurer, salaries and expenses		66,526 00
1. Personal services	51,225 00	
2. Contractual services	7,600 00	
3. Supplies and materials	5,050 00	
4. Current charges and obligations	2,151 00	
5. Equipment	500 00	
7. For sheriff, salary and expenses		24,105 00
1. Personal services	20,740 00	
2. Contractual services	525 00	
3. Supplies and materials	2,500 00	
4. Current charges and obligations	340 00	
8. For registry of deeds, salaries and expenses		630,292 07
1. Personal services	502,477 07	
2. Contractual services	66,590 00	
3. Supplies and materials	28,405 00	
4. Current charges and obligations	29,820 00	
5. Equipment	3,000 00	
8a. For registry of probate, salaries and expenses		24,022 90
2. Contractual services	16,000 00	
3. Supplies and materials	5,025 00	
4. Current charges and obligations	2,000 00	
5. Equipment	997 90	
9. For law library, salaries and expenses		26,423 49
1. Personal services	8,348 49	
3. Supplies and materials	75 00	
4. Current charges and obligations	18,000 00	
10. For highways, including state highways, bridges and land damages		44,200 00
2. Contractual services	9,200 00	
6. All other	35,000 00	
12. For superior court costs		350,550 42
1. Personal services	133,696 65	
2. Contractual services	205,675 00	
3. Supplies and materials	5,525 00	
4. Current charges and obligations	4,000 00	
5. Equipment	1,653 77	
13. For civil expenses in probate court		42,883 61
1. Personal services	20,435 40	
2. Contractual services	21,200 00	

<u>Item</u>	<u>Subtotal</u>	<u>Total</u>
3. Supplies and materials	\$875 00	
4. Current charges and obligations	150 00	
5. Equipment	223 21	
14. For district courts, salaries and expenses		
First District Court of Barnstable		\$674,226 02
1. Personal services	618,087 17	
2. Contractual services	29,150 00	
3. Supplies and materials	17,751 00	
4. Current charges and obligations	3,245 00	
5. Equipment	5,992 85	
Second District Court of Barnstable		403,700 29
1. Personal services	350,640 29	
2. Contractual services	28,905 00	
3. Supplies and materials	19,530 00	
4. Current charges and obligations	2,225 00	
5. Equipment	2,400 00	
15. For medical examiners and commitments of insane		23,200 00
16. For jail and house of correction, maintenance and operation		988,191 31
1. Personal services	719,181 31	
2. Contractual services	67,500 00	
3. Supplies and materials	174,450 00	
4. Current charges and obligations	8,710 00	
5. Equipment	13,350 00	
6. All other	5,000 00	
18. For court houses and registry buildings, maintenance and operation		445,449 67
1. Personal services	172,242 52	
2. Contractual services	170,994 50	
3. Supplies and materials	84,811 85	
4. Current charges and obligations	4,119 80	
5. Equipment	1,485 00	
6. All other	11,796 00	
18a. For sewage system		6,219 25
20. For agricultural school or county cooperative extension service		128,454 32
1. Personal services	111,004 32	
2. Contractual services	6,000 00	
3. Supplies and materials	4,145 00	
4. Current charges and obligations	460 00	
5. Equipment	6,845 00	
22. For hospital		1,742,777 02
1. Personal services	1,165,287 02	
2. Contractual services	181,760 00	
3. Supplies and materials	274,490 00	
5. Equipment	67,440 00	
6. All other	53,800 00	
23. For health service		238,274 65
1. Personal services	207,306 25	
2. Contractual services	17,345 00	
3. Supplies and materials	4,525 00	
4. Current charges and obligations	1,425 00	
5. Equipment	7,673 40	
24. For noncontributory pensions		77,116 47
25. For contributory retirement system and supervisory expenses		286,541 50
26. For miscellaneous and contingent expenses		313,939 94
27. For unpaid bills of previous years		30,000 00

<u>Item</u>	<u>Subtotal</u>	<u>Total</u>
28. For reserve fund		70,000 00
28a. For reserve for salary increases		710,000 00
28d. For reserve for counsel for indigent defendants		87,000 00
29. For advertising recreational, industrial and agricultural advantages of the county		125,000 00
31. For radio system for fire protection or police radio system		281,364 13
32a. For maintenance, forest fire apparatus		30,564 80
33. For police training school and bureau of criminal investigation		144,738 96
35. For Cape Cod planning and economic development commission		100,762 25
36. For police service building		16,660 00
37. For drug abuse information bureau		61,792 20
38. For county airplane		2,430 00
39. For group insurance		369,100 00
40. For advertising and promoting county fairs		500 00
41. For fire fighting training school		13,350 00
43. For retired senior volunteer program		13,060 00
44. For family services		40,000 00
45. For Cape Cod Crime and Justice Foundation, Inc.		2,500 00
46. For home care		<u>46,000 00</u>
Total amount of appropriations		\$8,942,061 14
Less estimated amount available for reduction of county tax		<u>2,958,437 08</u>
And the county commissioners of Barnstable county are hereby authorized to levy as the county tax of said county for the current year, in the manner provided by law, the sum of		\$5,983,624 06
<p>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.</p>		
<u>Item</u>		
2. For reduction of county debt		\$300,000 00
16. For jail and house of correction, maintenance and operation		120,000 00
6. All other	\$120,000 00	
22. For hospital		114,352 50
4. Current charges and obligations	114,352 00	
Total		<u>\$534,352 50</u>

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

The foregoing was laid before the Governor on the ninth day of May and after ten days it had "the force of a law", as prescribed by the Constitution, as it was not returned by him with his objections thereto within that time.

Chap. 179. AN ACT RELATIVE TO THE REPRESENTATIVE TOWN GOVERNMENT OF THE TOWN OF LEXINGTON.

Be it enacted, etc., as follows:

SECTION 1. Section 1 of chapter 215 of the acts of 1929 is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- Upon the acceptance of this act by the town of Lexington as hereinafter provided, the selectmen shall forthwith divide the territory thereof into not less than nine nor more than twelve voting precincts, each of which shall be plainly designated, and shall contain not less than five hundred registered voters.

SECTION 2. The first paragraph of section 3 of said chapter 215 is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- Any representative town meeting held under the provisions of this act, except as otherwise provided herein, shall be limited to the voters elected under section two, together with the following, designated as town meeting members at large; namely, any member of the general court of the commonwealth from the town, the moderator, the town clerk, the members of the boards of selectmen and public works, the town treasurer, the town counsel, the chairman of the school committee, and the chairman of the appropriation committee.

SECTION 3. The second paragraph of said section 3 of said chapter 215 is hereby amended by striking out the third and fourth sentences.

SECTION 4. Chapter 215 is hereby further amended by striking out section 4 and inserting in place thereof the following section:-

Section 4. Nomination of candidates for town meeting members to be elected under this act shall be made by nomination papers signed by not less than ten voters of the precinct in which the candidate resides, and filed with the town clerk within such periods of time as may be provided for by law; provided, that any town meeting member may become a candidate for re-election by giving written notice thereof to the town clerk within such periods of time as may be provided for by law. No nomination papers shall be valid in respect to any candidate whose written acceptance is not thereon or attached thereto when filed.

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

Approved May 22, 1978

Chap. 180. AN ACT AUTHORIZING THE TOWN OF WAREHAM TO PAY A CERTAIN SUM OF MONEY TO NORMAN HALL.

Be it enacted, etc., as follows:

The town of Wareham is hereby authorized to transfer from available funds and after such transfer, the treasurer of said town is hereby authorized to pay to Norman Hall the sum of

eight hundred thirty-eight dollars and ninety-six cents as vacation and sick leave money due him for the years nineteen hundred and seventy-four and nineteen hundred and seventy-five.

Approved May 22, 1978

Chap. 181. AN ACT PROVIDING THAT THE POSITION OF PARK POLICEMAN IN THE CITY OF FITCHBURG BE EXEMPT FROM THE CIVIL SERVICE LAW.

Be it enacted, etc., as follows:

SECTION 1. The position of park policeman in the parks and recreation department of the city of Fitchburg shall be exempt from the provisions of chapter thirty-one of the General Laws.

SECTION 2. This act shall take effect upon its passage.
Approved May 23, 1978

Chap. 182. AN ACT FURTHER REGULATING THE SERVICE OF TRUSTEES, DIRECTORS OR OTHER OFFICERS OF CERTAIN BANK HOLDING COMPANIES.

Be it enacted, etc., as follows:

SECTION 1. Provision 3 of section 10 of chapter 168 of the General Laws is hereby amended by striking out the second sentence, as most recently amended by section 1 of chapter 75 of the acts of 1974, and inserting in place thereof the following sentence:- After January first, nineteen hundred and seventy-five, a trustee or other officer of a savings bank may at the same time be a director or other officer of a co-operative bank, credit union, state or federally chartered savings and loan association, trust company, a bank holding company or any affiliate, or national banking association if, in such case, there is in force a permit therefor issued by the commissioner in writing with the reasons thereon stating why the public interest warrants its issuance, after reasonable notice and an opportunity to be heard, who is hereby authorized to issue such permit if, in his judgment, it is not incompatible with the public interest, and to revoke any such permit whenever he finds, after reasonable notice and opportunity to be heard, that the public interest warrants its revocation except that the provisions of this section shall not apply to any trustee or other officer who held such position at the time of incorporation of said savings bank.

SECTION 2. Section 8A of chapter 170 of the General Laws is hereby amended by striking out the second sentence, as most recently amended by section 2 of said chapter 75, and inserting in place thereof the following sentence:- After January first, nineteen hundred and seventy-five, a director or other officer of a co-operative bank, may at the same time serve as a trustee, director or other officer of a savings bank, credit union, state or federally chartered savings and loan association, trust company, a bank holding company or any affiliate, or national banking association if, in such case, there is in force a permit therefor issued by the commissioner in writing with the reasons

thereon stating why the public interest warrants its issuance, after reasonable notice and an opportunity to be heard, who is hereby authorized to issue such permit if, in his judgment, it is not incompatible with the public interest, and to revoke any such permit whenever he finds, after reasonable notice and opportunity to be heard, that the public interest warrants its revocation except that the provisions of this section shall not apply to any director or other officer who held such position at the time of incorporation of said co-operative bank.

SECTION 3. Section 15A of chapter 171 of the General Laws, inserted by section 3 of said chapter 75, is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:- After January first, nineteen hundred and seventy-five, a director or other officer of a credit union may at the same time be a trustee, director or other officer of a savings bank, co-operative bank, state or federally chartered savings and loan association, trust company, a bank holding company or any affiliate, or national banking association if, in such case, there is in force a permit therefor issued by the commissioner in writing with the reasons thereon stating why the public interest warrants its issuance, after reasonable notice and an opportunity to be heard, who is hereby authorized to issue such permit if, in his judgment, it is not incompatible with the public interest, and to revoke any such permit whenever he finds, after reasonable notice and opportunity to be heard, that the public interest warrants its revocation except that the provisions of this section shall not apply to any director or other officer who held such position at the time of incorporation of said credit union.

Approved May 23, 1978

Chap. 183. AN ACT AUTHORIZING THE REGISTRAR OF MOTOR VEHICLES TO SUSPEND A LEARNER'S PERMIT OR RIGHT TO OPERATE MOTOR VEHICLES FOR NONPAYMENT OF THE EXCISE ON MOTOR VEHICLES.

Be it enacted, etc., as follows:

The third sentence of section 2A of chapter 60A of the General Laws, as amended by chapter 139 of the acts of 1973, is hereby further amended by inserting after the word "license", in line 5, the words:- , learner's permit or right.

Approved May 23, 1978

Chap. 184. AN ACT REDESIGNATING CERTAIN TITLES OF OFFICERS OF THE MASSACHUSETTS CREDIT UNION SHARE INSURANCE CORPORATION.

Be it enacted, etc., as follows:

Section 4 of chapter 294 of the acts of 1961, as amended by section 1 of chapter 306 of the acts of 1973, is hereby further amended by striking out the third paragraph and inserting in

place thereof the following paragraph:-

There shall be a chairman of the board, vice-chairman of the board, president, treasurer and clerk of the corporation and such other officers and committees thereof as the board of directors may deem necessary, which officers and committees shall be elected annually by the directors, at a meeting held not more than fifteen days following the adjournment of the annual delegates meeting. The chairman, vice-chairman and president shall be elected from the board of directors. The clerk of the corporation shall be the clerk of the board of directors. The directors may fill any vacancies in said offices and committees until the next annual meeting and, for cause shown, may remove by a two thirds vote of all members of the board, any officer or committee member.

Approved May 23, 1978

Chap. 185. AN ACT RELATIVE TO THE ANNUAL
OBSERVANCE OF ARMENIAN MARTYRS' DAY.

Be it enacted, etc., as follows:

Chapter 6 of the General Laws is hereby amended by inserting after section 15HH, inserted by chapter 428 of the acts of 1977, the following section:-

Section 15II. The governor shall annually issue a proclamation setting apart the twenty-fourth day of April as Armenian Martyrs' Day, and recommending that said day be observed in an appropriate manner by the people.

Approved May 23, 1978

Chap. 186. AN ACT AUTHORIZING THE DEPARTMENT OF
PUBLIC HEALTH, THE DEPARTMENT OF PUBLIC
WELFARE, AND THE RATE SETTING COMMISSION
TO PARTICIPATE IN THE MASSACHUSETTS
HEALTH DATA CONSORTIUM, INCORPORATED.

Be it enacted, etc., as follows:

Notwithstanding any other law to the contrary, the department of public health, the department of public welfare, and the rate setting commission may be members of an organization known as the Massachusetts Health Data Consortium, Incorporated, a corporation formed pursuant to chapter one hundred and eighty of the General Laws. The commissioner of public health, the commissioner of public welfare, and the chairman of the rate setting commission, or their respective designees, may serve as directors and officers of said corporation. Said departments and commission, commissioners and chairman or their designees may exercise all rights and carry out all responsibilities of other members, officers and directors of said corporation; provided, that they shall not receive compensation other than indemnification from said corporation; provided, further, that the Massachusetts Health Data Consortium, Incorporated shall be subject to the provisions of chapter sixty-six A of the General Laws.

Approved May 23, 1978

Chap. 187. AN ACT RELATIVE TO INVESTMENTS OF THE
CENTRAL CREDIT UNION FUND, INC.

Be it enacted, etc., as follows:

Section 4 of chapter 216 of the acts of 1932 is hereby amended by striking out the second sentence, as appearing in chapter 227 of the acts of 1961, and inserting in place thereof the following two sentences:- It may also invest its funds in the funds and securities contained on the list of legal investments for savings banks in this commonwealth and in deposits in trust companies or savings banks incorporated under the laws of this commonwealth or in national banks located therein and may participate in federal funds transactions. It may also invest in common trust unit plans described in section twenty-one of chapter one hundred and seventy-one of the General Laws and in state or federally regulated entities which serve as investment vehicles or provide liquidity for state chartered or federally chartered credit unions.

Approved May 23, 1978

Chap. 188. AN ACT AUTHORIZING THE CENTRAL CREDIT
UNION FUND, INC. TO AMEND ITS BY-LAWS.

Be it enacted, etc., as follows:

SECTION 1. Section 1 of chapter 216 of the acts of 1932, as most recently amended by chapter 280 of the acts of 1973, is hereby further amended by striking out the first sentence and inserting in place thereof the following sentence:- The Industrial Credit Union, the Gilco Credit Union, and the Progressive Workmen's Credit Union, their associates and successors, are hereby made a corporate credit union by the name of Central Credit Union Fund, Inc., hereinafter referred to as the corporation, to be located in the commonwealth.

SECTION 2. Said chapter 216 is hereby further amended by striking out section 5 and inserting in place thereof the following section:-

Section 5. The corporation shall make and adopt by-laws which shall, in addition to the matters hereinbefore subjected to regulation thereby, provide for such other regulations as it may deem necessary to effect the purposes of this act.

Approved May 23, 1978

Chap. 189. AN ACT ESTABLISHING SEVENTEEN YEARS AS
THE STARTING AGE OF PERSONS APPEARING
ON THE STREET LISTINGS.

Be it enacted, etc., as follows:

Section 6 of chapter 51 of the General Laws is hereby amended by striking out the first sentence, as appearing in section 2 of chapter 188 of the acts of 1939, and inserting in place thereof the following sentence:- Except in any city or town as to which it is otherwise provided by special law, the registrars on or before April fifteenth in each year, shall prepare lists containing the names and addresses of all persons seventeen years of age or older listed by them under section four for the current year.

Approved May 23, 1978

Chap. 190. AN ACT AUTHORIZING THE PERSONNEL ADMINISTRATOR TO REVIVE THE PERIOD OF ELIGIBILITY OF PERSONS ON CERTAIN CIVIL SERVICE LISTS.

Be it enacted, etc., as follows:

Section 12 of chapter 31 of the General Laws is hereby amended by striking out the second paragraph, as most recently amended by section 1 of chapter 639 of the acts of 1975, and inserting in place thereof the following paragraph:-

No person shall remain eligible for more than two years upon any eligible list established under this section, notwithstanding any other provision of law to the contrary, except provisions of law extending eligibility to persons in the military and naval service; provided, however, that whenever the administrator is temporarily enjoined by a court order from certifying persons from an eligible list, the period of eligibility of all persons whose names appear on said list shall be extended for a period equal to the duration of such order; and provided, further, that the administrator may, if he deems that the public convenience so requires, revive or extend the period of eligibility of all persons on such list until such time as a new eligible list is established for the same position.

Approved May 23, 1978

Chap. 191. AN ACT RELATIVE TO MEMBERSHIP IN THE CENTRAL CREDIT UNION FUND, INC.

Be it enacted, etc., as follows:

Chapter 216 of the acts of 1932 is hereby amended by striking out section 3, as most recently amended by chapter 280 of the acts of 1973, and inserting in place thereof the following section:-

Section 3. A credit union doing business in the commonwealth, the Massachusetts Credit Union Share Insurance Corporation, other Massachusetts credit union organizations as from time to time may be provided for in the by-laws of the corporation, and a state or federally regulated entity which serves as an investment vehicle or provides liquidity for a state chartered or federally chartered credit union, may become a member of the corporation by subscribing for, purchasing, and holding not less than five shares in the corporation. No member shall invest in said shares more than twenty-five per cent of its total assets, exclusive of interest accumulated thereon. A member may withdraw from the corporation in such manner as the by-laws of the corporation shall prescribe.

Approved May 23, 1978

Chap. 192. AN ACT RELATIVE TO THE PAYMENT OF FUNERAL AND BURIAL EXPENSES OF POLICE OFFICERS AND FIREFIGHTERS KILLED IN THE PERFORMANCE OF THEIR OFFICIAL DUTIES.

Be it enacted, etc., as follows:

Chapter 41 of the General Laws is hereby amended by striking out section 100G, as amended by chapter 200 of the acts of 1973, and inserting in place thereof the following section:-

Section 100G. Any city operating under a Plan D or Plan E charter, by the affirmative vote of a majority of its city council or any other city, by a majority vote of its city council with the approval of its mayor, and any town, by a majority vote at an annual or special town meeting, shall pay the reasonable expense, not exceeding two thousand dollars, of the funeral and burial of any firefighter who while in the performance of his duty and as a result of an accident while responding to or returning from an alarm or fire or any emergency or as the result of an accident involving a fire department vehicle, which the firefighter is operating or in which he is riding or while at the scene of a fire or any emergency is killed or sustains injuries which result in his death, or of any police officer who while in the performance of his duty and as the result of an assault on his person, or a result of an accident while responding to an emergency while in the performance of his official duty or as result of an accident involving a police department vehicle which he is operating or in which he is riding is killed or sustains injuries which result in his death. The provisions of this section shall become effective in a city or town when accepted by such city or town.

Approved May 23, 1978

Chap. 193. AN ACT FURTHER REGULATING THE MEMBERSHIP OF THE PARK AND RECREATION BOARD OF THE CITY OF QUINCY.

Be it enacted, etc., as follows:

SECTION 1. Chapter 78 of the acts of 1961 is hereby amended by striking out section 1, as most recently amended by section 1 of chapter 375 of the acts of 1967, and inserting in place thereof the following section:-

Section 1. Notwithstanding the provisions of any general or special law to the contrary, there shall be in the city of Quincy a park and recreation board of nine members, hereinafter referred to as the board, each of whom shall serve for a term of one year or until his successor is appointed. Six of said members shall be appointed by the mayor, one member from each of the six wards of the city, and the remaining three members one of whom shall be a member of the school committee shall be appointed by the city council. The board shall annually elect a chairman from among its members. There shall be an executive secretary to said board, who shall be appointed and whose duties shall be fixed by the board, which duties shall not, however, include supervision over the recreational activities authorized by said board. The position of executive secretary to said board shall be subject to the civil service law and rules. The board may employ such clerical and other assistance as may be deemed necessary.

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

Approved May 25, 1978

- Chap. 194. AN ACT VALIDATING CERTAIN ACTIONS TAKEN AT THE ANNUAL TOWN MEETING OF THE TOWN OF WILBRAHAM IN THE YEAR NINETEEN HUNDRED AND SEVENTY-EIGHT.

Be it enacted, etc., as follows:

SECTION 1. All actions taken by the town of Wilbraham at its annual town meeting in the year nineteen hundred and seventy-eight, and all actions subsequently taken pursuant thereto, are hereby ratified, validated and confirmed, notwithstanding the failure of the warrant of said meeting to state the place of such meeting.

SECTION 2. This act shall take effect upon its passage.
Approved May 25, 1978

- Chap. 195. AN ACT RELATIVE TO VOTER REGISTRATION SESSIONS FOR SPECIAL TOWN MEETINGS.

Be it enacted, etc., as follows:

Chapter 51 of the General Laws is hereby amended by striking out section 29, as most recently amended by section 1 of chapter 299 of the acts of 1977, and inserting in place thereof the following section:-

Section 29. 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 state election; from twelve o'clock noon until eight o'clock in the evening on the twentieth day preceding a special city or town election; and from twelve o'clock noon until eight o'clock in the evening, on the tenth day preceding a special town meeting, except in towns having representative town meetings. Registration shall cease at ten o'clock in the evening of the day on which such session is held preceding a special state election and may cease at eight o'clock in the evening, of the day on which such session is held preceding a special town meeting or a special city or town election; provided, however, that no such registration session shall continue beyond ten o'clock in the evening.

Approved May 25, 1978

- Chap. 196. AN ACT PERMITTING THE CITY OF CAMBRIDGE TO ISSUE BONDS IN THE PRINCIPAL AMOUNT OF TWENTY MILLION SIX HUNDRED THOUSAND DOLLARS PAYABLE WITHIN TWENTY YEARS.

Be it enacted, etc., as follows:

SECTION 1. For the purpose of refunding bond anticipation notes dated June twenty-ninth, nineteen hundred and seventy-seven payable June twenty-ninth, nineteen hundred and seventy-eight which were issued to refund bond anticipation notes issued June twenty-ninth, nineteen hundred and seventy-six, the city of Cambridge is hereby authorized to

borrow the sum of twenty million six hundred thousand dollars. The provisions of chapter six hundred and forty-five of the acts of nineteen hundred and forty-eight shall apply to such borrowing but the provisions of section seventeen A of chapter forty-four of the General Laws shall not apply to such borrowing or refunding.

SECTION 2. The treasurer of said city, with the approval of its city manager, is hereby authorized to borrow on behalf of said city, the sum of twenty million six hundred thousand dollars and to issue bonds therefor which shall bear on their face the words, Cambridge High School Loan, Act of 1978. Said loan shall be paid in not more than twenty years from its date of issue. Indebtedness incurred under this act shall be in excess of the statutory limits, but shall, except as herein provided, be subject to chapter forty-four of the General Laws.

SECTION 3. The order passed by the city council of the city of Cambridge on May nineteenth, nineteen hundred and seventy-five, appropriating and authorizing the borrowing of the sum of twenty million six hundred thousand dollars for the purposes described in section one, is hereby validated, ratified and confirmed in all respects.

SECTION 4. This act shall take effect upon its passage.
Approved June 1, 1978

Chap. 197. AN ACT PROVIDING FOR THE DEVELOPMENT OF RESIDUAL WASTE STORAGE AND TREATMENT FACILITIES.

Be it enacted, etc., as follows:

SECTION 1. Chapter 16 of the General Laws is hereby amended by striking out section 18, as most recently amended by section 20 of chapter 706 of the acts of 1975, and inserting in place thereof the following section:-

Section 18. As used in sections nineteen to twenty-four, inclusive, the following words shall have the following meanings:-

"Commissioner", the commissioner of the department of environmental management.

"Department", the department of environmental management.

"Residual waste", solid waste or combination of solid wastes, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness, or pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of or otherwise managed.

"Resource recovery facility", a solid waste disposal facility utilizing processes for reclaiming the materials or energy values from solid wastes.

"Sludge", any solid, semisolid or liquid waste generated from a municipal, commercial or industrial wastewater treatment plant, water supply treatment plant, or air pollution control facility or any other such waste having similar characteristics and effects.

"Solid waste", garbage, refuse, sludge from a waste treatment

plant, water supply treatment plant, or air pollution control facility and other discarded material, including solid, liquid, semisolid, or contaminated gaseous material resulting from industrial, commercial, mining, and agricultural operations, and from community activities, but does not include solid or dissolved material in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges, special nuclear, or radioactive byproduct material.

"Solid waste disposal facility", incinerator, sanitary landfill, transfer station, composting plant, sorting machine or plant, or other sanitary means of solid waste disposal approved by the department of environmental quality engineering, recycling plant, or any combination of one or more of the above facilities and appurtenant facilities.

"Storage", when used in connection with residual waste, the containment of residual waste, either on a temporary basis or for a period of years, in such a manner as not to constitute disposal of such residual waste.

"Treatment", when used in connection with residual waste, any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any residual waste so as to neutralize such waste or so as to render such waste nonhazardous, safer for transport, amenable for recovery, amenable for storage, or reduced in volume. Treatment includes any activity or processing designed to change the physical form or chemical composition of residual waste so as to render it nonhazardous.

SECTION 2. Section 19 of said chapter 16, as most recently amended by section 23 of said chapter 706, is hereby amended by inserting after the second sentence the following sentence:- As used in this section, the term solid waste disposal shall include storage or treatment of residual waste.

SECTION 3. Said chapter 16 is hereby further amended by inserting after section 24A the following section:-

Section 24B. The operator of a privately owned or operated residual waste treatment facility shall pay to the city or town in which the facility is located a fee based upon the volume of residual waste received at the facility. Such fees shall be in lieu of all taxes, fees, charges or assessments imposed by the city or town in which the facility is located, except for real estate taxes imposed solely upon the land on which the said facility is located, and shall be prescribed by municipal ordinance or by-law within limits established in the rules and regulations of the department.

SECTION 4. Section 150A of chapter 111 of the General Laws is hereby amended by striking out the first paragraph, as appearing in chapter 839 of the acts of 1970, and inserting in place thereof the following paragraph:-

As used in this section, "facility" means a sanitary landfill, a refuse transfer station, a refuse incinerator with a grate area in excess of ten square feet, a refuse composting plant, a residual waste storage or treatment plant, a dumping ground for refuse or any other works for treating or disposing of refuse; and "refuse" means all solid or liquid waste materials, including

garbage and rubbish, sludge and residual waste, but not including sewage.

Approved June 1, 1978

Chap. 198. AN ACT EXEMPTING THE COMMONWEALTH FROM PAYMENT OF EXCISE STAMPS FOR DOCUMENTS RECORDED AT REGISTRIES OF DEEDS.

Be it enacted, etc., as follows:

Section 1 of chapter 64D of the General Laws is hereby amended by striking out the last sentence, as amended by chapter 591 of the acts of 1968, and inserting in place thereof the following sentence:- This chapter shall not apply to any instrument or writing given to secure a debt or to any deed, instrument or writing to which the commonwealth or the United States or any of their agencies are a party.

Approved June 1, 1978

Chap. 199. AN ACT RELATIVE TO THE METHOD OF PAYMENT OF CONTRACTS WITH STATE OR PUBLIC AUTHORITY FOR CONSTRUCTION OF PUBLIC WORKS.

Be it enacted, etc., as follows:

Section 4D of chapter 40 of the General Laws, inserted by section 1 of chapter 883 of the acts of 1967, is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

All bills submitted for payments on account of work done under such agreement shall be plainly marked to indicate that the work was done under authority thereof, and payments at such intervals as provided by the agreement shall be made to the commonwealth or the public authority or upon direction of the commonwealth or the public authority, at such intervals as the government provides, directly to the contractor performing the work under agreement.

Approved June 1, 1978

Chap. 200. AN ACT REQUIRING CREDIT UNIONS TO MAINTAIN A RESERVE FOR DELINQUENT LOANS.

Be it enacted, etc., as follows:

Section 20 of chapter 171 of the General Laws, as most recently amended by section 2 of chapter 134 of the acts of 1976, is hereby further amended by striking out paragraph (1) and inserting in place thereof the following paragraph:-

(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 on all balances of all outstanding loans, exclusive of all loans made under paragraph (5) of subdivision A of section twenty-four, under subdivisions B and C of said section twenty-four, and under subdivision D of said section twenty-four

which are secured by second mortgages, and exclusive of that portion of all loans insured by the Federal Housing Administration, and that portion of all loans secured by shares or deposits in the credit union, or twenty per cent of such balances on all outstanding loans which are not excluded and 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.

Approved June 1, 1978

Chap. 201. AN ACT FURTHER REGULATING AUDIT PROCEDURES.

Be it enacted, etc., as follows:

Section 12 of chapter 11 of the General Laws is hereby amended by striking out the second sentence, added by chapter 270 of the acts of 1975.

Approved June 1, 1978

EMERGENCY LETTER - June 2, 1978 @ 11:00 A.M.

Chap. 202. AN ACT PROVIDING FOR THE ESTABLISHMENT AND MAINTENANCE OF PREGNANCY MAINTENANCE SERVICES.

Be it enacted, etc., as follows:

Chapter 111 of the General Laws is hereby amended by inserting after section 51A the following section:-

Section 51B. Local boards of health, hospitals, dispensaries or other agencies may establish and maintain clinics or other services for pregnant girls and women for the purpose of carrying pregnancies to full term and delivery. For the purpose of this section, such other services may include medical treatment for such pregnant persons and, their unborn or newborn children, and reasonable transportation costs to and from the place where such treatment is given, subject to the rules and regulations which the department may from time to time establish.

Approved June 1, 1978

Chap. 203. AN ACT FURTHER REGULATING THE APPROVAL OF THE CIVIL SERVICE COMMISSION OF MUNICIPAL CLASSIFICATION PLANS ESTABLISHED BY THE PERSONNEL ADMINISTRATOR.

Be it enacted, etc., as follows:

Section 2A of chapter 31 of the General Laws is hereby amended by striking out paragraph (b), as most recently amended by section 59 of chapter 835 of the acts of 1974, and inserting in place thereof the following paragraph:-

(b) Establish, with the approval of the commission, classification plans for positions in every city and town which are subject

to any provisions of this chapter. Upon the establishment of each such classification plan, the administrator shall forthwith make such plan effective. He shall keep said classification plan current and, with like approval, may from time to time amend or change said classification plan. Failure of the commission to approve or reject said amendment or change within thirty days after the request by the administrator for approval thereof shall constitute an approval of said amendment or change.

Approved June 1, 1978

Chap. 204. AN ACT RELATIVE TO THE APPOINTING AUTHORITY OF THE DIRECTOR OF CAMPAIGN AND POLITICAL FINANCE.

Be it enacted, etc., as follows:

Section 3 of chapter 55 of the General Laws, as appearing in section 1 of chapter 151 of the acts of 1975, is hereby amended by striking out the fifth paragraph and inserting in place thereof the following paragraph:-

The director shall appoint at least one full-time accountant, one full-time clerk, two full-time investigators, and one full-time secretary, with not less than one and not more than three additional part-time aides during election years. Said positions or any other positions appointed by the director shall not be subject to the provisions of chapter thirty-one.

Approved June 1, 1978

Chap. 205. AN ACT PROVIDING FOR THE ANNUAL OBSERVANCE OF PUBLIC EMPLOYEES WEEK.

Be it enacted, etc., as follows:

Chapter 6 of the General Laws is hereby amended by inserting after section 12BB, added by chapter 524 of the acts of 1977, the following section:-

Section 12CC. The governor shall annually issue a proclamation setting apart the first week of August as Public Employees Week during which suitable commemoration of the achievements of public employees shall be made.

Approved June 1, 1978

EMERGENCY LETTER - June 14, 1978 @ 3:36 P.M.

Chap. 206. AN ACT PROVIDING FOR AN ADVISORY EXPRESSION OF OPINION BY THE VOTERS OF BERKSHIRE COUNTY ON ALLOWING CASINO GAMBLING IN SAID COUNTY.

Be it enacted, etc., as follows:

The state secretary shall cause to be placed upon the official ballot to be used at the biennial state election to be held in the year nineteen hundred and seventy-eight in Berkshire county the following question:-

"Do you approve of allowing casino gambling, so called, in Berkshire County?"

The state secretary shall transmit to the general court and the county commissioners of Berkshire county a written statement of the results of the votes on said question by filing the same with the clerk of the house of representatives and at the office of said county commissioners.

Approved June 1, 1978

Chap. 207. AN ACT RELATIVE TO THE MEMBERSHIP OF THE BOARD OF STATE EXAMINERS OF ELECTRICIANS.

Be it enacted, etc., as follows:

Chapter 13 of the General Laws is hereby amended by striking out section 32, as most recently amended by section 16 of chapter 835 of the acts of 1974, and inserting in place thereof the following section:-

Section 32. The state examiners of electricians, hereinafter, called the board, shall consist of the state fire marshal, the associate commissioner for the division of occupational education in the department of education, ex officio, and five persons to be appointed for terms of three years each by the governor. One of said appointees shall be a representative of the public, subject to the provisions of section nine B. One of said appointees shall be a local wiring inspector who shall be an electrician licensed under chapter one hundred and forty-one. One of said appointees shall be a master electrician holding a "Certificate A" license issued under said chapter one hundred and forty-one, a citizen of the commonwealth, and shall have had at least ten years' experience as an employing master electrician, one shall be actively engaged as a master electrical contractor holding a "Certificate A" and "Certificate B" license issued under said chapter one hundred and forty-one, shall be a citizen of the commonwealth, and shall have at least ten years' experience as an employing master electrical contractor, and one shall be a journeyman electrician holding a "Certificate B" license issued under said chapter one hundred and forty-one, shall be a wage earner, a citizen of the commonwealth, and shall have at least ten years' practical experience in the installation of wires and appliances for carrying electricity for light, heat or power purposes. The state fire marshal shall be chairman. The board shall appoint an executive secretary who shall be a wage earner, a citizen of the commonwealth, and a practical electrician of at least ten years' experience in such installation. The board may also appoint, subject to chapter thirty-one, such other clerical and technical assistants as may be necessary to discharge its duties under chapter one hundred and forty-one and shall establish their duties. The members, ex officio, shall receive no compensation for their services under chapter one hundred and forty-one, but the appointive members shall each receive for their services thereunder a salary of seven hundred and fifty dollars. The board may expend for the salaries of the appointive members and of the secretary and other employees and for necessary traveling and other expenses for themselves and their employees such sums as are annually appropriated therefor.

Approved June 1, 1978

Chap. 208. AN ACT MAKING APPROPRIATIONS FOR THE FISCAL YEAR ENDING JUNE THIRTIETH, NINETEEN HUNDRED AND SEVENTY-EIGHT 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 three hundred and sixty-three A of the acts of nineteen hundred and seventy-seven, for the fiscal year ending June the thirtieth, nineteen hundred and seventy-eight or for such period as may be specified, the sums so appropriated to be in addition to any amounts at present available for the purpose.

SECTION 2.

Item

EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS.

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 \$3,349,500

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%

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 that a traffic signal be installed at the intersection of Bynner street and Willow Pond road on the Jamaica way, prior appropriation continued \$2,500,000

Highway Fund	100.0%
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EXECUTIVE OFFICE OF TRANSPORTATION AND CONSTRUCTION.
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 six 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	\$1,800,000
	Highway Fund	100.0%
6030-7201	For the expenses of snow and ice control, including the removal of sand, and including the cost of sand, salt and chemicals	
	Highway Fund	100.0%

SECTION 3. This act shall take effect upon its passage.
Approved June 2, 1978

Chap. 209. AN ACT AUTHORIZING THE CITY OF MARLBOROUGH TO BORROW MONEY TO FUND CERTAIN PAYMENTS.

Be it enacted, etc., as follows:

SECTION 1. The city of Marlborough may borrow, at one time prior to the fixing of the tax rate for the fiscal year ending June thirtieth, nineteen hundred and seventy-nine, such sums as may be necessary to fund liabilities incurred and expenditures made in excess of available appropriations during the fiscal year ending June thirtieth, nineteen hundred and seventy-eight, notwithstanding the limitations of sections thirty-one and thirty-one D of chapter forty-four of the General Laws, together with the sum of four hundred sixty-nine thousand five hundred and thirty-three dollars to eliminate the revenue deficit incurred by said city during the fiscal year which ended June thirtieth, nineteen hundred and seventy-seven, but not exceeding, in any event, the sum of one million dollars, and may issue bonds or notes therefor.

SECTION 2. Bonds or notes issued under this act shall bear on their face the words, City of Marlborough Funding Loan, Act of 1978. Each issue shall constitute a separate loan and such loans shall be payable in not more than five years from their dates. Debt incurred under authority of this act shall not be included in determining the limit of indebtedness of the city under the provisions of section ten of chapter forty-four of the General Laws, but shall, except as herein provided, be subject to the provisions of said chapter forty-four, including the provisions of section seventeen thereof relative to temporary loans in anticipation of the issue of bonds or notes.

SECTION 3. Sums equal to the amounts borrowed under section one shall be credited first to the nineteen hundred and seventy-seven revenue deficit account to the amount of four hundred sixty-nine thousand five hundred and thirty-three dollars, and the remainder shall be credited to each overdrawn account specified in the order of the city council authorizing the borrow-

ing, to the extent of any deficit therein as of June thirtieth, nineteen hundred and seventy-eight.

SECTION 4. Deductions made by the assessors under clause (a) of section twenty-three of chapter fifty-nine of the General Laws for a fiscal year on account of estimated receipts, other than those estimated by the state tax commission, any provision of General Law to the contrary notwithstanding, shall be subject to the approval of said commission and shall not exceed the aggregate amount of actual receipts received during the preceding calendar year from the same sources as certified to said commission by the city auditor on or before March first.

SECTION 5. For each fiscal year beginning with the fiscal year ending on June thirtieth, nineteen hundred and seventy-nine the overlay to be assessed for the city under section twenty-five of said chapter fifty-nine shall be not less than three per cent.

SECTION 6. If at any time, in the opinion of a majority of the members of the board described in clause (9) of section eight of chapter forty-four of the General Laws, a deficiency in the collection of taxes or other revenue makes it necessary for the city to incur an emergency loan to meet expenses or liabilities of the city, such a deficiency may be treated as an emergency appropriation under said clause (9).

SECTION 7. The provisions of sections four, five and six shall be in effect whether or not any loan issued under this act is outstanding.

SECTION 8. This act shall take effect upon its passage.

Approved June 5, 1978

Chap. 210. AN ACT PROVIDING FOR DISCLOSURES OF CERTAIN FINANCIAL INTERESTS BY PUBLIC OFFICIALS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to institute, immediately, certain requirements of disclosure of financial interests by public officials, 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 43 of chapter 3 of the General Laws, as amended by section 1 of chapter 458 of the acts of 1976, is hereby further amended by adding the following paragraph:-

No legislative agent shall offer or give to any public official or public employee, as defined in section 1 of chapter 268B, or to a member of such person's immediate family gifts aggregating more than one hundred dollars in a calendar year.

SECTION 2. Section twenty-two A of chapter 30 is hereby repealed.

SECTION 3. Section 9 of chapter 53 of the General Laws, as most recently amended by chapter 86 of the acts of 1976, is hereby further amended by adding the following sentence:- No nomination paper or certificate of nomination of a candidate for public office, as defined by chapter 268B, shall be accepted by the state

secretary nor be valid unless accompanied by a receipt from the state ethics commission verifying the fact that a statement of financial interest has been filed pursuant to the provisions of said chapter 268B.

SECTION 4. Section 4 of chapter 268A of the General Laws, added by section 1 of chapter 779 of the acts of 1962, is hereby amended by striking out the fifth paragraph and inserting in place thereof the following paragraph:-

A member of the general court shall not be subject to paragraphs (a) or (c). However, no member of the general court shall personally appear for any compensation other than his legislative salary before any state agency, unless:

- (1) the particular matter before the state agency is ministerial in nature; or
- (2) the appearance is before a court of the commonwealth; or
- (3) the appearance is in a quasi-judicial proceeding.

For the purposes of this paragraph, ministerial functions include, but are not limited to, the filing or amendment of: tax returns, applications for permits or licenses, incorporation papers, or other documents. For the purposes of this paragraph, a proceeding shall be considered quasi-judicial if:

- (1) the action of the state agency is adjudicatory in nature; and
- (2) the action of the state agency is appealable to the courts; and
- (3) both sides are entitled to representation by counsel and such counsel is neither the attorney general nor the counsel for the state agency conducting the proceeding.

SECTION 5. The ninth paragraph of section 4 of chapter 268A of the General Laws, added by section 1 of chapter 779 of the acts of 1962, is hereby amended by striking out, in line 7, the words "state secretary" and inserting in place thereof the words:- state ethics commission.

SECTION 6. Section 5 of chapter 268A of the General Laws, added by section 1 of chapter 779 of the acts of 1962, is hereby amended by striking out clause (d) and inserting in place thereof the following clauses:-

(d) a partner of a state employee who knowingly acts as agent or attorney for anyone other than the commonwealth in connection with any particular matter in which the commonwealth or a state agency is a party or has a direct and substantial interest and in which the state employee participates or has participated as a state employee or which is the subject of his official responsibility, or

(e) a former state employee or elected official, including a former member of the general court, who acts as legislative agent, as defined in section 39 of chapter 3, for anyone other than the commonwealth or a state agency before the governmental body with which he has been associated, within one year after he leaves that body, shall be punished by a fine of not more than three thousand dollars or by imprisonment for not more than two years, or both.

SECTION 7. Section 5 of chapter 268A of the General Laws, added by section 1 of chapter 779 of the acts of 1962, is hereby further amended by striking out the last paragraph.

SECTION 8. The third paragraph of section 5 of chapter 268A of the General Laws, added by section 1 of chapter 779 of the acts of 1962, is hereby amended by striking out, in line 7, the words "state secretary" and inserting in place thereof the words:- state ethics commission.

SECTION 9. Section 6 of chapter 268A of the General Laws, added by section 1 of chapter 779 of the acts of 1962, is hereby amended by striking the second paragraph and inserting in place thereof the following paragraph:-

Any state employee whose duties would otherwise require him to participate in such a particular matter shall advise the official responsible for appointment to his position and the state ethics commission of the nature and circumstances of the particular matter and make full disclosure of such financial interest, and the appointing official shall thereupon either

- (1) assign the particular matter to another employee; or
- (2) assume responsibility for the particular matter; or
- (3) make a written determination that the interest is not so substantial as to be deemed likely to affect the integrity of the services which the commonwealth may expect from the employee, in which case it shall not be a violation for the employee to participate in the particular matter. Copies of such written determination shall be forwarded to the state employee and filed with the state ethics commission by the person who made the determination. Such copy shall be retained by the commission for a period of six years.

SECTION 10. Chapter 268A of the General Laws is hereby amended by inserting after section 6 the following section:-

Section 6A. Any public official, as defined by section 1 of chapter 268B, who in the discharge of his official duties would be required knowingly to take an action which would substantially affect such official's financial interests, unless the effect on such an official is no greater than the effect on the general public, shall file a written description of the required action and the potential conflict of interest with the state ethics commission established by said chapter 268B.

SECTION 11. The third paragraph of section 7 of chapter 268A of the General Laws, added by section 1 of chapter 779 of the acts of 1962, is hereby amended by striking out, in lines 17, 18, 21 and 24, the words "state secretary" and inserting in place thereof the words:- state ethics commission.

SECTION 12. Section 9 of chapter 268A of the General Laws, added by section 1 of chapter 779 of the acts of 1962, is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

The state ethics commission may bring a civil action against any person who has acted to his economic advantage in violation of sections two to eight, inclusive, and may recover on behalf of the commonwealth damages in the amount of the economic advantage or five hundred dollars, whichever is greater. If there has been no final criminal judgment of conviction or acquittal of the same violation, upon receipt of the written approval of the attorney general, the state ethics commission may, in the discretion of the court, so recover additional damages in an amount not ex-

ceeding twice the amount of the economic advantage or five hundred dollars, and a judgment for such damages shall bar any criminal prosecution for the same violation.

SECTION 13. Chapter 268A of the General Laws, is hereby further amended by striking out section 10 and inserting in place thereof the following section:-

Section 10. The state ethics commission shall issue opinions interpreting the requirements of this chapter, in accordance with clause (g) of section 3 of chapter 268B.

SECTION 14. The eighth paragraph of section 11 of chapter 268A of the General Laws, added by section 1 of chapter 779 of the acts of 1962, is hereby amended by striking out, in line 7, the words "state secretary" and inserting in place thereof the words:- state ethics commission.

SECTION 15. The third paragraph of section 12 of chapter 268A of the General Laws, added by section 1 of chapter 779 of the acts of 1962, is hereby amended by striking out, in line 7, the words "state secretary" and inserting in place thereof the words:- state ethics commission.

SECTION 16. Section 13 of chapter 268A of the General Laws, added by section 1 of chapter 779 of the acts of 1962, is hereby amended by striking the second paragraph and inserting in place thereof the following paragraph:-

Any county employee whose duties would otherwise require him to participate in such a particular matter shall advise the official responsible for appointment to his position and the state ethics commission of the nature and circumstances of the particular matter and make full disclosure of such financial interest, and the appointing official shall thereupon either

- (1) assign the particular matter to another employee; or
- (2) assume responsibility for the particular matter; or
- (3) make a written determination that the interest is not so

substantial as to be deemed likely to affect the integrity of the services which the county may expect from the employee, in which case it shall not be a violation for the employee to participate in the particular matter. Copies of such written determination shall be forwarded to the county employee and filed with the state ethics commission by the person who made the determination. Such copy shall be retained by the commission for a period of six years.

SECTION 17. The third paragraph of section 14 of chapter 268A of the General Laws, added by section 1 of chapter 779 of the acts of 1962, is hereby amended by striking out, in lines 15, 17 and 18, the words "state secretary" and inserting in place thereof the words:- state ethics commission.

SECTION 18. Section 15 of chapter 268A of the General Laws, added by section 1 of chapter 779 of the acts of 1962, is hereby amended by striking out paragraph (b) and inserting in place thereof the following paragraph:-

The state ethics commission may bring a civil action against any person who has acted to his economic advantage in violation of sections two, three, or eight, or eleven to fourteen, inclusive, and may recover on behalf of the county damages in the amount of the economic advantage or five hundred dollars, whichever is

greater. If there has been no final criminal judgment of conviction or acquittal of the same violation, upon receipt of the written approval of the attorney general and the district attorney, the state ethics commission may, in the discretion of the court, recover additional damages in an amount not exceeding twice the amount of the economic advantage, and a judgment for such damages shall bar any criminal prosecution for the same violation.

SECTION 19. Section sixteen of chapter two hundred sixty-eight A is hereby repealed.

SECTION 20. The General Laws are hereby amended by inserting after Chapter 268A the following chapter:-

CHAPTER 268B

FINANCIAL DISCLOSURE BY CERTAIN PUBLIC OFFICIALS AND EMPLOYEES

Section 1. Definitions.

As used in this chapter, unless the context requires otherwise,

(a) "amount" means a category of value, rather than an exact dollar figure, as follows: greater than \$1000 but not more than \$2500; greater than \$2500 but not more than \$5000; greater than \$5000 but not more than \$10,000; greater than \$10,000 but not more than \$25,000; greater than \$25,000 but not more than \$50,000; greater than \$50,000 but not more than \$100,000; greater than \$100,000.

(b) "business" means any corporation, partnership, sole proprietorship, firm, franchise, association, organization, holding company, joint stock company, receivership, business or real estate trust, or any other legal entity organized for profit or charitable purposes;

(c) "business with which he is associated" means any business in which the reporting person or a member of his immediate family is a general partner, proprietor, officer or other employee, including one who is self-employed, or serves as a director, trustee or in any similar managerial capacity; and any business more than one percent of any class of the outstanding equity of which is beneficially owned in the aggregate by the reporting person and members of his immediate family;

(d) "candidate for public office" means any individual who seeks nomination or election to public office, as defined by this chapter.

For the purposes of this chapter, an individual shall be deemed to be seeking nomination or election to public office if he has (1) received a political contribution or made an expenditure, or has given his consent for any other person or committee to receive a political contribution or make an expenditure, for the purpose of influencing his nomination or election to such office, whether or not the specific public office for which he will seek nomination or election is known at the time the political contribution is received or the expenditure is made, or (2) taken the action necessary under the laws of the commonwealth to qualify himself for nomination or election to such office;

(e) "commission" means the state ethics commission established by section 2;

(f) "equity" means any stock or similar ownership interest in a business;

(g) "gift" means a payment, entertainment, subscription, advance, services or anything of value, unless consideration of equal or greater value is received; "gift" shall not include a political contribution reported as required by law, a commercially reasonable loan made in the ordinary course of business, anything of value received by inheritance, or a gift received from a member of the reporting person's immediate family or from a relative within the third degree of consanguinity of the reporting person or of the reporting person's spouse or from the spouse of any such relative;

(h) "governmental body" means any state or county agency, authority, board, bureau, commission, council, department, division, or other entity, including the general court and the courts of the commonwealth;

(i) "immediate family" means a spouse and any dependent children residing in the reporting person's household;

(j) "income" means income from whatever source derived, whether in the form of a fee, salary, allowance, forbearance, forgiveness, interest, dividend, royalty, rent, capital gain, or any other form of recompense or any combination thereof; provided, however, that interest from savings accounts or from government obligations other than those of the commonwealth or any political subdivision thereof or any public agency or authority created by the general court, alimony and support payments, proceeds from a life insurance policy, retirement or disability benefits, and social security payments shall not be considered income for the purposes of this chapter;

(k) "legislative agent" means any person who for compensation or reward does any act to promote, oppose or influence legislation, or to promote, oppose or influence 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. The term shall include persons who, as any part of their regular and usual employment and not simply incidental thereto, attempt to promote, oppose or influence legislation or the governor's approval or veto thereof, whether or not any compensation in addition to the salary for such employment is received for such services;

(l) "Major policy making position" means: the executive or administrative head or heads of a governmental body; all members of the judiciary; any person whose salary equals or exceeds that of a state employee classified in step one of job group XXV of the general salary schedule contained in section forty-six of chapter thirty and who reports directly to said executive or administrative head; the head of each division, bureau, or other major administrative unit within such governmental body; and persons exercising similar authority;

(m) "person" means a business, individual, corporation, union, association, firm, partnership, committee, or other organization or group of persons.

(n) "political contribution" means a contribution of money or anything of value to an individual, candidate, political committee, or person acting on behalf of an individual, candidate or political committee, for the purpose of influencing the nomination or election of said individual or candidate, or for the purpose of promot-

ing or opposing a charter change, referendum question, constitutional amendment, or other question submitted to the voters, and shall include any: (1) gift, subscription, loan, advance, deposit of money, or thing of value, except a loan of money to a candidate by a national or state bank made in accordance with the applicable banking laws and regulations and in the ordinary course of business; (2) transfer of money or anything of value between political committees; (3) payment, by any person other than a candidate or political committee, or compensation for the personal services of another person which are rendered to such candidate or committee; (4) purchase from an individual, candidate or political committee, or person acting on behalf of an individual, candidate or political committee, whether through the device of tickets, advertisements, or otherwise, for fund-raising activities, including testimonials, held on behalf of said individual, candidate, or political committee, to the extent that the purchase price exceeds the actual cost of the goods sold or services rendered; (5) discount or rebate not available to other candidates for the same office and to the general public; and (6) forgiveness of indebtedness or payment of indebtedness by another person; but shall not include the rendering of services by speakers, editors, writers, poll watchers, poll checkers or others, nor the payment by those rendering such services of such personal expenses as may be incidental thereto, nor the exercise of ordinary hospitality;

(o) "Public employee" means any person who holds a major policymaking position in a governmental body; provided, however, that any person who receives no compensation other than reimbursements for expenses, or any person serving on a governmental body that has no authority to expend public funds other than to approve reimbursements for expenses shall not be considered a public employee for the purposes of this chapter;

(p) "public office" means any position for which one is nominated at a state primary or chosen at a state election, excluding the positions of Senator and Representative in congress;

(q) "public official" means anyone who holds a public office, as defined by clause (p) of this section;

(r) "reporting person" means any person required to file a statement of financial interest pursuant to the provisions of section 5 of this chapter.

Section 2. State ethics commission.

(a) There is established a state ethics commission composed of five members. At no time shall more than three members be from the same political party.

(b) Three members of the commission shall be appointed by the governor, one of whom shall be designated as chairman, and one member shall be appointed by the state secretary and one member shall be appointed by the attorney general. At no time shall more than two of the members to be appointed by the governor be from the same political party.

(c) Members of the commission shall serve for terms of five years.

(d) No person shall be appointed to more than one full five year term on the commission.

(e) Not less than thirty days prior to making any appointment to the commission, the appointing official shall give public notice that a vacancy on the commission exists.

(f) No member or employee of the commission shall:

(1) hold or be a candidate for any other public office while a member or employee or for one year thereafter;

(2) hold office in any political party or political committee;

(3) participate in or contribute to the political campaign of any candidate for public office.

(g) Members of the commission may be removed by a majority vote of the governor, state secretary, and attorney general, for substantial neglect of duty, inability to discharge the powers and duties of office, violation of subsection (f) of this section, gross misconduct, or conviction of a felony.

(h) Any vacancy occurring on the commission shall be filled within ninety days by the original appointing authority. A person appointed to fill a vacancy occurring other than by expiration of a term of office shall be appointed for the unexpired term of the member he succeeds, and shall be eligible for appointment to one full five year term.

(i) The commission shall elect a vice chairman. The vice chairman shall act as chairman in the absence of the chairman or in the event of a vacancy in that position.

(j) Three members of the commission shall constitute a quorum and three affirmative votes shall be required for any action or recommendation of the commission; the chairman or any three members of the commission may call a meeting; advance notice of all meetings shall be given to each member of the commission and to any other person who requests such notice;

(k) Members of the commission shall be compensated for work performed for the commission at such rate as the secretary of administration and finance shall determine, and shall be reimbursed for their expenses.

(l) The commission shall annually report to the general court and the governor concerning the action it has taken; the names and salaries and duties of all individuals in its employ and the money it has disbursed; and shall make such further reports on matters within its jurisdiction as may appear necessary;

(m) The commission shall employ an executive director, a general counsel, and, subject to appropriation, such other staff, including but not limited to clerks, accountants, and investigators, as are necessary to carry out its duties pursuant to this chapter and chapter 268A. The staff shall serve at the pleasure of the commission and shall not be subject to the provisions of chapter 31 or section 9A of chapter 30. The executive director shall be responsible for the administrative operation of the commission and shall perform such other tasks as the commission shall determine. The general counsel shall be the chief legal officer of the commission. The commission may employ, subject to appropriation, the services of experts and consultants necessary to carry out its duties. The commissioner of public safety, the state auditor, the comptroller, the attorney general, and the director of the office of campaign and political finance may make available to the commission personnel and other assistance as the commission may request.

Section 3. Powers and duties of the commission.

The commission shall:

(a) prescribe and publish, pursuant to the provisions of chap-

ter 30A, rules and regulations to carry out the purposes of this chapter, including rules governing the conduct of proceedings hereunder;

(b) prepare and publish, after giving the public an opportunity to comment, forms for the statements and reports required to be filed by this chapter and make such forms available to any and all persons required to file statements and reports pursuant to the provisions of this chapter;

(c) prepare and publish, pursuant to the provisions of chapter 30A, methods of accounting and reporting to be used by persons required to file statements and reports by this chapter;

(d) make statements and reports filed with the commission available upon the written request of any individual for public inspection and copying during regular office hours and make copying facilities available free of charge or at a charge not to exceed actual cost; the commission shall forward a copy of said request to the individual whose statement has been examined;

(e) compile and maintain an index of all reports and statements filed with the commission to facilitate public access to such reports and statements;

(f) inspect all statements of financial interests filed with the commission in order to ascertain whether any reporting person has failed to file such a statement or has filed a deficient statement. If, upon inspection, it is ascertained that a reporting person has failed to file a statement of financial interests, or if it is ascertained that any such statement filed with the commission fails to conform with the requirements of section five of this chapter, then the commission shall, in writing, notify the delinquent; such notice shall state in detail the deficiency and the penalties for failure to file a statement of financial interests;

(g) upon written request from a person who is or may be subject to the provisions of this chapter or chapter 268A, render advisory opinions on the requirements of said chapters. An opinion rendered by the commission, until and unless amended or revoked, shall be a defense in a criminal action brought under chapter 268A and shall be binding on the commission in any subsequent proceedings concerning the person who requested the opinion and who acted in good faith, unless material facts were omitted or misstated by the person in the request for an opinion. Such requests shall be confidential; provided, however, that the commission may publish such opinions, but the name of the requesting person and any other identifying information shall not be included in such publication unless the requesting person consents to such inclusion;

(h) preserve all statements and reports filed with the commission for a period of six years from the date of receipt;

(i) act as the primary civil enforcement agency for violations of chapter 268A, as specified in sections 9 and 15 of that chapter, and of this chapter;

(j) on or before February first of each year the executive director of the commission shall request a list of all major policy-making positions for the governmental bodies below from the persons listed below:

- (1) the house of representatives, the speaker of the house;
- (2) the senate, the president of the senate;
- (3) the state secretary's office, the state secretary;

- (4) the attorney general's office, the attorney general;
 - (5) the state auditor's office, the state auditor;
 - (6) the treasurer and receiver general's office, the state treasurer;
 - (7) for each court of the commonwealth, the chief judge of such court;
 - (8) for each executive office in the commonwealth and all governmental bodies within such executive office, the secretary for such executive office;
 - (9) the governor's office, the governor;
 - (10) the lieutenant governor's office, the lieutenant governor;
 - (11) for each county, the chairman of the county commissioners;
 - (12) for each authority or other governmental body not covered by clauses one through eleven above, the executive or administrative head of such authority or governmental body;
- and such persons shall furnish such lists within sixty days. The executive director may add any position that he determines to be a major policy making position in such governmental body to such list. Any person aggrieved by such action of the executive director may appeal such action to the commission.

Section 4. Investigations by the commission.

(a) Upon receipt of a sworn complaint signed under pains and penalties of perjury, or upon receipt of evidence which is deemed sufficient by the commission, the commission shall initiate a preliminary inquiry into any alleged violation of chapter 268A or this chapter. At the beginning of a preliminary inquiry into any alleged violation of chapter 268A or this chapter, the general counsel shall notify the attorney general of such action. All commission proceedings and records relating to a preliminary inquiry shall be confidential, except that the general counsel may turn over to the attorney general evidence which may be used in a criminal proceeding. The general counsel shall notify any person who is the subject of the preliminary inquiry of the existence of such inquiry and the general nature of the alleged violation within thirty days of the commencement of the inquiry.

(b) If a preliminary inquiry fails to indicate reasonable cause for belief that this chapter or chapter 268A has been violated, the commission shall immediately terminate the inquiry and so notify, in writing, the complainant, if any, and the person who had been the subject of the inquiry. All commission records and proceedings from such an inquiry shall remain confidential.

(c) If a preliminary inquiry indicates reasonable cause for belief that this chapter or chapter 268A has been violated, the commission may, upon a majority vote, initiate a full investigation and appropriate proceedings to determine whether there has been such a violation.

The commission may require by summons the attendance and testimony of witnesses and the production of books, papers and other records relating to any matter being investigated by it pursuant to this chapter or chapter 268A. Such a summons may be issued by the commission only upon a majority vote of the commission and shall be served in the same manner as summonses for witnesses in civil cases, and all provisions of law relative to summonses issued in such cases, including the compensation of witnesses, shall apply to summonses issued by the commission. Any justice of the superior court may, upon application by the commis-

sion, in his discretion issue an order requiring the attendance of witnesses summoned as aforesaid and the giving of testimony or the production of books, papers and other records before the commission in furtherance of any investigation pursuant to the provisions of this chapter or chapter 268A.

Any member of the commission may administer oaths and any member of the commission may hear testimony or receive other evidence in any proceeding before the commission.

All testimony in commission proceedings shall be under oath. All parties shall have the right to call and examine witnesses, to introduce exhibits, to cross-examine witnesses who testify, to submit evidence, and to be represented by counsel. Before testifying, all witnesses shall be given a copy of the regulations governing commission proceedings. All witnesses shall be entitled to be represented by counsel.

Any person whose name is mentioned during a proceeding of the commission and who may be adversely affected thereby may appear personally before the commission on his own behalf or file a written statement for incorporation into the record of the proceeding.

All proceedings of the commission carried out pursuant to the provisions of this subsection shall be public, unless the members vote to go into executive session.

Within thirty days after the end of proceedings pursuant to the provisions of this subsection, the commission shall meet in executive session for the purpose of reviewing the evidence before it. Within thirty days after completion of deliberations, the commission shall publish a written report of its findings and conclusions.

(d) The commission, upon a finding pursuant to the provisions of the preceding subsection that there has been a violation of chapter 268A or a violation of this chapter, may issue an order requiring the violator to:

- (1) cease and desist such violation of chapter 268A or this chapter;
- (2) file any report, statement or other information as required by chapter 268A or this chapter; or
- (3) pay a civil penalty of not more than \$1000 for each violation of this chapter or chapter 268A.

The commission may file a civil action in superior court to enforce such an order.

(e) Any final action by the commission made pursuant to this chapter shall be subject to review in superior court upon petition of any interested person filed within thirty days after the action for which review is sought. The court shall enter a judgment enforcing, modifying or setting aside the order of the commission or it may remand the proceeding to the commission for such further action as the court may direct.

Section 5. Statements of financial interests.

(a) Every candidate for public office shall file a statement of financial interest for the preceding calendar year with the commission on or before the date on which a certificate of nomination or nomination papers for such candidate are submitted to the state secretary.

(b) Every public official shall file a statement of financial interests for the preceding calendar year with the commission on or

before the last Tuesday in May of each year that such public official holds such office and on or before May first of the year after such public official leaves such office; provided, however, that no public official shall be required to file a statement of financial interests for any year in which he held public office for less than eight days.

(c) Every public employee shall file a statement of financial interests for the preceding calendar year with the commission within ten days after becoming a public employee, on or before May first of each year thereafter that such person is a public employee and on or before May first of the year after such person ceases to be a public employee; provided, however, that no public employee shall be required to file a statement of financial interests for any year in which he was a public employee for less than eight days.

(d) The commission shall, upon receipt of a statement of financial interests pursuant to the provisions of this section, issue to the person filing such statement a receipt verifying the fact that a statement of financial interests has been filed and a receipted copy of such statement.

(e) No public employee shall be allowed to continue in his duties or to receive compensation from public funds unless he has filed a statement of financial interests with the commission as required by this chapter.

(f) The statement of financial interests filed pursuant to the provisions of this section shall be on a form prescribed by the commission and shall be signed under penalty of perjury by the reporting person.

(g) Reporting persons shall disclose, to the best of their knowledge, the following information for the preceding calendar year, or as of the last day of said year with respect to the information required by clauses 2, 3, and 6 below; such persons shall also disclose the same information with respect to their immediate family provided, however, that no amount need be given for such information with regard to the reporting person's immediate family:

(1) the name and address of, the nature of association with, the share of equity in, if applicable, and the amount of income if greater than one thousand dollars derived from each business with which he is associated;

(2) the identity of all securities and other investments with a fair market value of greater than one thousand dollars which were beneficially owned, not otherwise reportable hereunder; and the amount of income if over one thousand dollars from any such security which is issued by the commonwealth or any political subdivision thereof or any public agency or authority created by the general court;

(3) the name and address of each creditor to whom more than one thousand dollars was owed and the original amount, the amount outstanding, the terms of repayment, and the general nature of the security pledged for each such obligation except that the original amount and the amount outstanding need not be reported for a mortgage on the reporting person's primary residence; provided, however, that obligations arising out of retail installment transactions, educational loans, medical and dental expenses, debts incurred in the ordinary course of business, and any obligation to make alimony or support payments, shall

not be reported; and provided, further, that such information need not be reported if the creditor is a relative of the reporting person within the third degree of consanguinity or affinity;

(4) the name and address of the source, and the cash value of any reimbursement for expenses aggregating more than one hundred dollars in the calendar year if the source of such reimbursement is a legislative agent; or if the recipient is a public official and the source of such reimbursement is a person having a direct interest in legislation, legislative action, or a matter before a governmental body; or if the recipient is a public employee and the source of such reimbursement is person having a direct interest in a matter before the governmental body by which the recipient is employed;

(5) the name and address of the donor, and the fair market value, if determinable, of any gifts aggregating more than one hundred dollars in the calendar year, if the recipient is a public official and the source of such gift(s) is a person having a direct interest in legislation, legislative action, or a matter before a governmental body; or if the recipient is a public employee and the source of such gift(s) is a person having a direct interest in a matter before the governmental body by which the recipient is employed;

(6) the description, as appearing on the most recent tax bill, and the amount of assessed value of all real property located within the commonwealth, in which a direct or indirect financial interest was held, which has an assessed value greater than one thousand dollars; and, if the property was transferred during the year, the name and address of the person furnishing consideration to the reporting person or receiving it from him in respect to such transfer;

(7) the name and address of the source, and the fair market value, of any honoraria aggregating more than one hundred dollars if the source of such honoraria is a legislative agent; or if the recipient is a public official and the source of such honoraria is a person having a direct interest in legislation, legislative action, or a matter before a governmental body; or if the recipient is a public employee and the source of such honoraria is a person having a direct interest in a matter before the governmental body by which the recipient is employed;

(8) the name and address of any creditor who has forgiven an indebtedness of over one thousand dollars, and the amount forgiven; provided, however, that no such information need be reported if the creditor is a relative within the third degree of consanguinity or affinity of the reporting person, or the spouse of such a relative;

(9) the name and address of any business from which the reporting person is taking a leave of absence;

(10) the identity of any equity in a business with which the reporting person is associated which has been transferred to a member of the reporting person's immediate family; provided, however, that a member of the reporting person's family need not report any such transfer to the reporting person.

Nothing in this section shall be construed to require the disclosure of information which is privileged by law.

Failure of a reporting person to file a statement of financial interests within ten days after receiving notice as provided in

clause (f) of section 3 of this chapter, or the filing of an incomplete statement of financial interests after receipt of such a notice, is a violation of this chapter and the commission may initiate appropriate proceedings pursuant to the provisions of section 4 of this chapter.

Section 6. Gifts from legislative agents.

No legislative agent shall knowingly and wilfully offer or give to a public official or public employee or a member of such person's immediate family, and no public official or public employee or member of such person's immediate family shall knowingly and wilfully solicit or accept from any legislative agent, gifts with an aggregate value of one hundred dollars or more in a calendar year.

Section 7. Penalties for violation of confidentiality and for perjury.

Any person who violates the confidentiality of a commission inquiry under the provisions of paragraph (a) of section 4 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.

Any person who wilfully affirms or swears falsely in regard to any material matter before a commission proceeding under paragraph (c) of section 4 of this chapter, or who files a false statement of financial interests under section 5 of this chapter shall be punished by a fine of not more than one thousand dollars or by imprisonment in a state prison for not more than two and a half years, or both.

SECTION 21. The state ethics commission established by chapter 268B of the General Laws, inserted by section 20 of this act, is hereby authorized and directed to prepare legislation establishing financial disclosure requirements for officials and employees of cities, towns, and special districts of the commonwealth. Said commission shall file its recommendations with the clerk of the house of representatives on or before the first Wednesday in December, nineteen hundred and seventy-nine.

SECTION 22. Sections 3, 4, and 7 of chapter 268B of the General Laws, inserted by section 20 of this act, and 4, 5 and 7 to 19, inclusive, 23 and 24 of this act shall take effect on November 1, 1978. Sections 5 and 6 of chapter 268B of the General Laws, inserted by section 20 of this act, and sections 1 to 3, inclusive, 21 and 26 of this act shall take effect on January 1, 1979. Section 6 of this act shall take effect on February 1, 1979. All other sections of chapter 268B of the General Laws, inserted by section 20 of this act, and all other sections of this act shall take effect upon passage.

SECTION 23. Any legal action commenced under chapter 268A before November 1, 1978, shall remain valid regardless of the provisions of chapter 268B.

SECTION 24. Any opinion issued under sections 10 or 16 of chapter 268A before November 1, 1978, shall remain valid and shall be binding on the state ethics commission until and unless reversed or modified by the state ethics commission.

SECTION 25. Of the members first appointed to the state ethics commission, pursuant to clause (b) of section 2 of chapter 268B,

(1) the governor shall appoint one member for a term of five years, one member for a term of three years, and one member for a term of one year;

(2) the state secretary shall appoint a member for a term of four years; and

(3) the attorney general shall appoint a member for a term of two years.

SECTION 26. Any public official or public employee, as defined by section 1 of chapter 268B, who does not hold public office or public employment on February 1, 1979, shall not be required to file a statement of financial interests pursuant to section 5 of chapter 268B on account of his having held public office or public employment before that date.

SECTION 27. Clause (e) of section 5 of chapter 268A of the General Laws, inserted by section 6 of this act, shall not apply to any state employee or elected official who ceases to be a state employee or public official before February 1, 1979.

Approved June 5, 1978

Chap. 211. AN ACT REQUIRING COUNTIES TO USE CERTAIN FEDERAL FUNDS TO REDUCE TAX ASSESSMENTS ON CITIES AND TOWNS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is, in part, to provide for the use of certain federal funds to reduce certain county tax assessments on cities and towns, 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 30 of chapter 35 of the General Laws, as most recently amended by section 1 of chapter 582 of the acts of 1975, is hereby further amended by adding the following sentence:- Funds received by any county from the federal antirecession fiscal assistance program shall be used to reduce the tax assessment on the cities and towns of such county pursuant to the provisions of this section and section thirty-one.

Approved June 6, 1978

Chap. 212. AN ACT RELATIVE TO THE STORAGE OF COMPRESSED AIR.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to protect the lives and safety of the citizens of the commonwealth, 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 34 of chapter 146 of the General Laws, as most recently amended by chapter 139 of the acts of 1962, is hereby further amended by adding the following paragraph:-

Portable tanks and bottles containing compressed air used for

breathing purposes while combatting fires or used in rescue operations in contaminated areas; and storage tanks and mechanical filling systems used to fill such portable tanks and bottles shall be exempt from the provisions of this section; provided, that such tanks, bottles and mechanical filling systems bear the stamp of approval from the Interstate Commerce Commission or have been inspected and approved by an inspector of the division who is authorized to make such inspections. All such storage tanks and mechanical filling systems must meet recognized national standards of safety and purity; and provided, further, that such portable tanks and bottles must also be hydrostatically tested every five years as required by the department.

Approved June 6, 1978

Chap. 213. AN ACT FURTHER REGULATING THE SALE OF MOTOR FUEL AT RETAIL.

Be it enacted, etc., as follows:

Section 295E of chapter 94 of the General Laws, as amended by chapter 134 of the acts of 1971, is hereby further amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

Any retail dealer who sells and delivers motor fuel to a customer from a dispensing device, shall return the quantity indicator on the meter face to zero before each delivery by either automatic or manual means. A retail dealer shall not set the price indicator on the meter face of the dispensing device at a price per gallon higher than that posted on the dispensing device. Whoever violates any provision of the preceding two sentences shall, notwithstanding any contrary provision of section two hundred and ninety-five K, be punished by a fine of fifty dollars for the first offense and by a fine of one hundred dollars for each subsequent offense. The provisions of the first sentence of this paragraph shall not apply to motor fuel which is dispensed from a self-service pump operated by a customer.

Approved June 6, 1978

Chap. 214. AN ACT FURTHER REGULATING THE METHODS OF APPORTIONING SEWERAGE CONSTRUCTION COSTS.

Be it enacted, etc., as follows:

Chapter 83 of the General Laws is hereby amended by striking out section 15, as appearing in the Tercentenary Edition, and inserting in place thereof the following section:-

Section 15. The city council of a city or a town may adopt a system of sewerage for a part or the whole of its territory, and may provide that assessments under section fourteen shall be made upon owners of land within such territory by a fixed uniform rate or a rate based upon a uniform unit method.

A fixed uniform rate shall be based upon the estimated average cost of all the sewers therein, according to the frontage of such land on any way in which a sewer is constructed, or according

to the area of such land within a fixed depth from such way, or according to the area of such land within a fixed depth from such way, or according to both such frontage and area; but no assessment in respect to any such land, which by reason of its grade or level or any other cause cannot be drained into such sewer, shall be made until such incapacity is removed. If the assessment is according to the area within such fixed depth, the lien therefor shall attach to the parcel assessed.

A uniform unit method shall be based upon sewerage construction costs divided among the total number of existing and potential sewer units to be served, after having proportioned the cost of special and general benefit facilities. Each sewer unit shall be equal to a single family residence. Potential sewer units shall be calculated on the basis of zoning then in effect. Existing and potential multifamily, commercial, industrial and semipublic uses shall be converted into sewer units on the basis of residential equivalents.

A city by ordinance or a town by by-law may separate the costs of general benefit facilities, including but not limited to pumping stations, trunk and force mains, from that of special benefit facilities, including but not limited to the sewer mains, serving adjacent properties. A portion of costs of the general benefit facilities may be apportioned by the uniform unit method on all areas to receive benefits within the pumping district or combination of districts. The cost of the general benefit facilities, attributable to undeveloped land not abutting a sewer street, may not be assessed until properties are serviced by public sewerage. The proportional cost of the special benefit and general benefit facilities may be assessed against all properties abutting a sewer street.

Approved June 6, 1978

Chap. 215. AN ACT PROVIDING PENALTIES FOR CERTAIN PERSONS WHO FAIL TO REPORT CASES OF CHILD ABUSE OR NEGLECT.

Be it enacted, etc., as follows:

SECTION 1. Section 51A of chapter 119 of the General Laws, as most recently amended by chapter 942 of the acts of 1977, is hereby further amended by inserting after the fourth paragraph the following paragraph:-

Within sixty days of the receipt of a report by the department from any person required to report, the department shall notify such person, in writing, of its determination of the nature, extent and cause or causes of the injuries to the child, and the social services that the department intends to provide to the child or his family.

SECTION 2. The department of public welfare shall notify all categories of persons required to report under the provisions of section fifty-one A of chapter one hundred and nineteen of the General Laws of their responsibilities provided in said section. The failure of any person required to report, to receive notification as described in this section, shall not be a defense to any action brought pursuant to section fifty-one A.

SECTION 3. Section one of this act shall take effect on January first, nineteen hundred and seventy-nine.

Approved June 6, 1978

Chap. 216. AN ACT RELATIVE TO HISTORIC HOMESTEADS.

Be it enacted, etc., as follows:

SECTION 1. Section 26 of chapter 9 of the General Laws is hereby amended by striking out the first sentence, as appearing in section 1 of chapter 1155 of the acts of 1973, and inserting in place thereof the following sentence:- There shall be in the department of the secretary of state a Massachusetts historical commission, hereinafter and in sections twenty-six A to twenty-seven D, inclusive, called the commission.

SECTION 2. Said chapter 9 is hereby further amended by inserting after section 27C the following section:-

Section 27D. Any person owning or in possession of a homestead or tract of land which has been owned or in the possession of his family for one hundred years or more may apply to the commission to list the homestead or tract of land in a register to be maintained by the commission. The commission shall provide forms for such application and shall rule on the authenticity of the homestead or the ownership or possession of the tract of land according to criteria it shall establish and make public.

Upon the authentication of the homestead or tract of land by the commission, it shall list the homestead or tract of land on its register and provide the applicant with a plaque of suitable design determined by the commission to be affixed to the homestead or tract of land.

The plaque shall identify the homestead or tract of land as an historic homestead and specify that it is one hundred or more years old as of the date of recognition. If the date or year of construction of the homestead or purchase of tract of land is known, that date or year may appear on the plaque in lieu of the fact that the homestead or tract of land is one hundred or more years old. The plaque shall not bear the name of any member of the commission or any other public official, but may carry an appropriate emblem to be determined by the commission.

All costs of administering this program, including maintenance of the register, research into the authenticity of the homestead or tract of land, plaque and plaque design, and mailing costs shall be determined by the commission and shall be borne by the applicant.

The applicant shall be responsible for displaying the plaque on the homestead or tract of land in a suitable manner and shall bear all costs of such display.

The commission may arrange to present plaques to applicants so desiring at the commission's annual meeting.

Approved June 6, 1978

Chap. 217. AN ACT DIRECTING THE DEPARTMENT OF PUBLIC UTILITIES AND THE ENERGY FACILITY SITING COUNCIL TO PROMULGATE RULES AND

REGULATIONS REGARDING HYDROELECTRIC POWER.

Be it enacted, etc., as follows:

Every electric company shall, on a form approved by the department of public utilities and the energy facilities siting council, identify all hydroelectric generation sites within its market area, and file such identification with the department of public utilities and the energy siting council prior to June first, nineteen hundred and seventy-nine.

Approved June 6, 1978

Chap. 218. AN ACT FURTHER REGULATING THE SALE OF AGRICULTURAL AND OTHER SEEDS.

Be it enacted, etc., as follows:

SECTION 1. Section 84 of chapter 128 of the General Laws, as appearing in section 2 of chapter 203 of the acts of 1975, is hereby amended by striking out the definition of "Labeling" and inserting in place thereof the following definition:-

"Labeling", all labels including invoices, or other written, printed or graphic representations, in any form, accompanying and pertaining to any seed whether in bulk or in containers.

SECTION 2. Said section 84 of said chapter 128, as so appearing, is hereby further amended by striking out the definition of "Treated" and inserting in place thereof the following definition:-

"Treated", seed that has received an effective process or application of a substance designed to reduce, control or repel certain disease organisms, insects or other pests attacking such seeds or seedlings growing therefrom, or for which a claim is made.

SECTION 3. Said chapter 128 is hereby further amended by striking out section 86, as so appearing, and inserting in place thereof the following section:-

Section 86. Each container of agricultural seeds, including lawn seeding mixtures, shall also bear the commonly accepted name of the kind and variety or cultivar of those kinds which are usually named as to variety or cultivar, as prescribed by rules and regulations, of each seed component in excess of five per cent of the whole and the percentage by weight of each in the order of its predominance. When the variety or cultivar thereof is unknown, the label or tag shall have printed thereon the words "variety unknown". When more than one component is required to be named, the word "mixture" or "mixed" shall be shown conspicuously on the label. The lot number or other lot identification, the origin, if known, of alfalfa, red clover, white clover, and field corn, except hybrid corn, shall also be shown on such label. If the origin is unknown, that fact shall be stated. The container shall bear thereon the percentage by weight of all weed seeds, the percentage by weight of agricultural seeds other than those required to be named on the label, which shall be designated as "other crop seed", and the percentage by weight of inert matter. For each agricultural seed named there shall appear, the percentage of germination, exclusive of hard seed, the percentage of hard seed, if present and the calendar month

and year the test was completed to determine such percentages.

SECTION 4. Section 87 of said chapter 128, as so appearing, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

Containers of one pound or less for peas, beans and sweet corn and containers of one-quarter pound or less for all other kinds of vegetable seeds shall also bear, thereon, the date of test or calendar year for which seed is packaged, and the kind and variety or cultivar of seed. For seed that germinates less than the standard last adopted by the director, there shall appear on the containers the percentage of germination, exclusive of hard seed, the percentage of hard seed, if present, the calendar month and year the test was completed to determine such percentages, and the words "Below Standard" in not less than eight point type.

SECTION 5. Said chapter 128 is hereby further amended by striking out section 88, as so appearing, and inserting in place thereof the following section:-

Section 88. For flower seeds the label shall include the name of the kind and variety or cultivar, if any, or a statement of type and performance characteristics as prescribed in regulations. For those having annual, biennial and perennial sorts, or any two of such sorts, a statement shall appear in a conspicuous location on the seed container to indicate whether the seed is of the annual, biennial or perennial sort.

If flower seeds are in packets of the size for use in home flower gardens the label shall contain the date of test or calendar year for which seed is packaged.

For seeds so packaged for which standard testing procedures shall have been adopted, and which germinate less than the standard last adopted by the director and approved by the commissioner under section ninety-eight the label shall contain the percentage of germination, exclusive of hard seed, the percentage of hard seed, if present, and the calendar month and year the test was completed to determine such percentages and the words "Below Standard" in not less than eight point type.

For flower seeds in containers other than packets of the size prepared for use in home flower gardens there shall appear the lot number or other lot identification.

Seeds so packaged for which standard testing procedures shall have been adopted shall contain the percentage of germination, exclusive of hard seed, the percentage of hard seed, if present, and the calendar month and year the test was completed to determine such percentages. For seeds germinating less than the standard, there shall appear the words "Below Standard" in not less than eight point type.

SECTION 6. Section 89 of said chapter 128, as so appearing, is hereby amended by inserting after the word "variety", in line 3, the words:- or cultivar.

SECTION 7. Section 90 of said chapter 128, as so appearing, is hereby amended by inserting after the word "eighty-nine", in line 4, the word:- , inclusive.

SECTION 8. Said section 90 of said chapter 128, as so appearing, is hereby further amended by striking out the second para-

graph and inserting in place thereof the following paragraph:-

Neither shall seed be sold which is not labeled in accordance with the provisions of sections eighty-four to one hundred and one, inclusive; nor which bears false or misleading labeling; nor pertaining to which there has been a false or misleading advertisement; nor consisting of or containing, "Prohibited noxious weed seeds" nor consisting of or containing "Restricted noxious weed seeds" at a rate per pound in excess of the number declared on the label attached to the container of the seed or associated with the seed, subject to tolerances; nor containing more than one per cent of all weed seeds; nor labeled to use the word "trace" as a substitute for any statement as to quality or percentage which is required; nor shall seed be sold which is so weak or low in germination according to standards adopted by rules and regulations prescribed by the director under the provisions of section ninety-eight as to be unfit for seeding purposes; nor which is represented to be "certified seed", "registered seed" or "foundation seed" or designated by any other term conveying similar meanings, unless such seed has been produced, processed and labeled in accordance with the procedures and in compliance with the rules and regulations of an officially recognized certification agency or agencies and bears an official tag or label of such an agency, or which is represented as hybrid seed unless such seed conforms to the definition of hybrid in section eighty-four, except that this provision shall not apply to variety names in common trade usage.

SECTION 9. Said chapter 128 is hereby further amended by striking out section 91, as so appearing, and inserting in place thereof the following section:-

Section 91. No person within the commonwealth shall detach, alter, deface or destroy any label provided for in said sections eighty-four to one hundred and one, inclusive, or the regulations promulgated thereunder; nor alter or substitute seed, in a manner that may defeat the purpose of said sections; nor disseminate any false or misleading advertisement concerning agricultural, vegetable, flower or tree and shrub seed; nor hinder or obstruct any authorized person in the performance of his duties under said sections eighty-four to one hundred and one, inclusive; nor fail to comply with an official order to withhold from sale certain seeds as provided in section ninety-five; nor move or otherwise handle or dispose of any lot of seed held under a "stop-sale" order or tags attached thereto, except with the written permission of the enforcing officer, and for the purpose specified therein.

No person shall sell, offer or expose for sale any color mixture of a single kind of flower seed representing four or more colors or shades, in which any one color or shade occurs in sixty per cent or more of the plants which the mixture is capable of producing, unless colors or shades and approximate percentage of each is indicated on the label, or sell, offer or expose for sale a mixture of flower seed kinds in which any one kind is present in excess of twenty-five per cent by seed count unless the kinds present and the approximate percentage of each are indicated on the label.

SECTION 10. Said chapter 128 is hereby further amended by striking out section 92, as so appearing, and inserting in place thereof the following section:-

Section 92. Sections eighty-five to ninety-one, inclusive, shall neither apply to seed or grain not intended for sowing purposes, nor to seed for sowing purposes in storage in, or consigned to, a seed cleaning or processing establishment for cleaning or processing; provided, that the invoice or labeling accompanying any shipment of seed bears the statement "seeds for processing", and provided that any labeling or other representation made with respect to the uncleaned or unprocessed seed shall be subject to sections eighty-four to one hundred, inclusive.

Approved June 6, 1978

Chap. 219. AN ACT AUTHORIZING THE CITY OF SPRINGFIELD TO GRANT AN ANNUITY TO ANNA A. COSTELLO.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any contrary provisions of law and for the purpose of promoting the public good and in consideration of the long and meritorious service of William V. Costello, former police patrolman in the police department of the city of Springfield, who died August seventeenth, nineteen hundred and seventy-seven, said city may grant to Anna A. Costello, widow of said William V. Costello an annuity under the provisions of section ninety-five A of chapter thirty-two of the General Laws from August seventeenth, nineteen hundred and seventy-seven. The annuity provided by this section shall be in lieu of any other annuity or pension payable to said widow under any other general or special law.

SECTION 2. This act shall take effect upon its acceptance during the current year by the city of Springfield.

Approved June 6, 1978

Chap. 220. AN ACT RELATIVE TO THE REGISTRATION OF PODIATRISTS.

Be it enacted, etc., as follows:

Section 13 of chapter 112 of the General Laws, as most recently amended by section 17 of chapter 443 of the acts of 1970, is hereby further amended by adding the following sentence:- The term physician and surgeon when used in sections twelve B, twelve G, twenty-three N and eighty B shall include a podiatrist acting within the limitation imposed by this section.

Approved June 6, 1978

Chap. 221. AN ACT RELATIVE TO THE ANNUAL OBSERVANCE OF FIRE FIGHTERS MEMORIAL SUNDAY.

Be it enacted, etc., as follows:

Chapter 6 of the General Laws is hereby amended by inserting

after section 15II, inserted by chapter 185 of the acts of 1978, the following section:-

Section 15JJ. The governor shall annually issue a proclamation setting apart the second Sunday in June as "Fire Fighters Memorial Sunday", to honor all departed fire fighters and recommends that said day be observed in an appropriate manner by the people of the commonwealth.

Approved June 8, 1978

EMERGENCY LETTER - June 9, 1978 @ 2:59 P.M.

Chap. 222. 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 19 of the acts of 1976, 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 - \$17.00 per Draft Foot.
- For vessels over 3500 to 7000 Gross Tons - \$18.00 per Draft Foot.
- For vessels over 7000 to 15000 Gross Tons - \$19.30 per Draft Foot.
- For vessels over 15000 to 25000 Gross Tons - \$20.30 per Draft Foot.
- For vessels over 25000 to 35000 Gross Tons - \$21.00 per Draft Foot.
- For vessels over 35000 to 45000 Gross Tons - \$22.00 per Draft Foot.

For vessels over 45000 Gross Tons - \$23.00 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 that anchors in the area outside Deer Island light 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 a 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. When a pilot is ordered to a vessel and said vessel does not sail or his services are not required, the vessel shall pay a cancellation charge of twenty-five dollars;

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

7. 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;

8. 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;

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

10. 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

11. 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 June 9, 1978

Chap. 223. AN ACT AUTHORIZING THE COUNTY COMMISSIONERS OF NORFOLK 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 commissioners of Norfolk county are hereby authorized to approve for payment and to pay, subject to appropriation, and after such appropriation, the treasurer of said county is hereby authorized to pay, the following unpaid bills incurred by said county totaling ten thousand five hundred and twenty-nine dollars and thirty-one cents as appearing on a list on file in the division of accounts in the department of corporations and taxation and which bills are legally unenforceable against said county.

SECTION 2. No bill shall be approved by the county commissioners of said county or paid by said county treasurer under the authority of this act unless and until a certificate has been signed and filed with the treasurer of said county stating under the penalties of perjury, that the goods or services for which said bill was submitted were ordered by an official or employee of said county and that the goods so ordered were actually received by said county or that the services were actually 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 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 June 9, 1978

Chap. 224. AN ACT RELATIVE TO THE APPOINTMENT OF A
TREASURER OF THE CAPE COD COLLABORATIVE
BOARD.

Be it enacted, etc., as follows:

SECTION 1. The Cape Cod collaborative board, established under the provisions of section four E of chapter forty of the General Laws, shall appoint a treasurer, who need not be a treasurer of a city, town or regional school district belonging to said collaborative board. Said collaborative board may compensate such treasurer for his services as treasurer of said collaborative board in such amount as it may determine. No member of said collaborative board shall be eligible to serve as treasurer of said board. Said treasurer shall give bond annually for the faithful performance of his duties as treasurer of said collaborative board in a form approved by the commissioner of corporations and taxation and in such sum, not less than the amount established by said commissioner, as shall be fixed by said collaborative board. Said treasurer shall receive and disburse any monies of the trust fund of the Cape Cod collaborative board without further appropriation.

SECTION 2. This act shall take effect upon its passage.
Approved June 9, 1978

Chap. 225. AN ACT FURTHER MODIFYING THE ALCOHOLIC
BEVERAGE CONTROL LAWS.

Be it enacted, etc., as follows:

Section 17 of chapter 138 of the General Laws, as most recently amended by section 2 of chapter 453 of the acts of 1970, is hereby further amended by striking out the third paragraph and inserting in place thereof the following paragraph:-

In addition to the number of licenses otherwise authorized to

be granted by the provisions of this section, the local licensing authorities of any city or town, except the city of Boston, which has voted to grant licenses for the sale of all alcoholic beverages as provided in the first question appearing in section eleven, may grant not more than one license for the sale of wines or malt beverages only, or both under section twelve, for each population unit of five thousand or fraction thereof; provided, that in any such city or town, said authorities may grant at least five additional licenses for the sale of such beverages, irrespective of its population; and the local licensing authorities may also grant not more than one license for the sale of wines or malt beverages only or both under the provisions of section fifteen for each population unit of five thousand or fraction thereof; provided, that in any such city or town said authorities may grant at least five additional licenses for the sale of such beverages, irrespective of its population; and provided, further, that the establishment of this limitation shall not be construed to prevent the renewal of any license granted prior to June fifteenth, nineteen hundred and thirty-seven.

Approved June 9, 1978

Chap. 226. AN ACT AUTHORIZING THE METROPOLITAN DISTRICT COMMISSION TO CONVEY TO GEORGE H. LARSEN AND CAROLYN B. LARSEN CERTAIN PARK LAND IN THE CITY OF NEWTON.

Be it enacted, etc., as follows:

The metropolitan district commission, acting for and on behalf of the commonwealth, is hereby authorized to sell and convey for private or business purposes to George H. Larsen and Carolyn B. Larsen, all the right, title and interest of the commonwealth in a parcel of park land being part of the Charles River reservation and situated in the city of Newton, containing 11,663 square feet more or less, and shown on a plan entitled "Commonwealth of Massachusetts-Metropolitan District Commission-Park Engineering-Charles River Reservation-Quinobequin Road-Newton-January, 1972, Benjamin W. Fink, Director of Park Engineering", bounded and described as follows:

Beginning at a stone bound in the easterly sideline of Quinobequin Road as shown on said plan;

Thence in a southeasterly direction 313 feet more or less to a point at land of the Commonwealth of Massachusetts and George H. Larsen and Carolyn B. Larsen;

Thence by a curve to the right with a radius of 132 feet a distance of 51 feet more or less to a stone bound;

Thence by a variable curve to the right a distance of 104.28 feet to a point;

Thence northwesterly 194.61 feet to the point of beginning.

Said parcel is a portion of the land taken by the metropolitan park commission by taking dated July 6, 1898, recorded with the Southern district registry of deeds in Middlesex county, Book 2674, Page 241.

Such conveyance shall be for the consideration of thirty-five thousand dollars and upon such terms and conditions as said commission shall determine.

Approved June 9, 1978

Chap. 227. AN ACT INCREASING THE NUMBER OF CORPORATORS OF THE WORCESTER ART MUSEUM.

Be it enacted, etc., as follows:

The fourth paragraph of the certificate of incorporation of the Worcester Art Museum is hereby amended by striking out the word "seventy-five", inserted by section 2 of chapter 140 of the acts of 1962, and inserting in place thereof the word:- one hundred.

Approved June 9, 1978

Chap. 228. AN ACT AUTHORIZING THE PAYMENT OF WAGES TO CERTAIN BUILDING CUSTODIAN EMPLOYEES OF THE CITY OF NEW BEDFORD.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, the city of New Bedford is hereby authorized to appropriate and pay wages to certain building custodian employees of said city for the period of April first, nineteen hundred and seventy-five, through June thirtieth, nineteen hundred and seventy-seven, as set forth in the findings of the Wage and Hour Division of the United States Department of Labor; provided, however, that the total amount so paid shall not exceed twenty-four thousand seven hundred and thirty-nine dollars and sixty-six cents.

SECTION 2. Any action taken by the city of New Bedford in appropriating or paying such wages is hereby validated and confirmed as though section one of this act was in effect at the time such action was taken.

Approved June 9, 1978

Chap. 229. AN ACT RELATIVE TO THE EXAMINATION AND AUDIT OF CREDIT UNIONS.

Be it enacted, etc., as follows:

Section 17 of chapter 171 of the General Laws, as most recently amended by chapter 16 of the acts of 1974, is hereby further amended by striking out the third sentence and inserting in place thereof the following sentence:- Such examination and audit shall be made in such form and manner as the commissioner may prescribe, and such examination and audit of a credit union having assets over five million dollars shall be made by a certified public accountant or public accountant not connected with the credit union.

Approved June 9, 1978

Chap. 230. AN ACT RELATIVE TO THE CREMATION OF BODIES.

Be it enacted, etc., as follows:

Chapter 114 of the General Laws is hereby amended by inserting after section 44 the following section:-

Section 44A. The body of a deceased person to be cremated shall be contained in a suitable receptacle; provided, however, that a casket shall not be used for such cremation unless such use has been requested by a person lawfully entitled to the custody and control of such body.

Approved June 9, 1978

Chap. 231. AN ACT INCREASING THE SALARIES OF THE MAYOR AND CITY COUNCILLORS OF THE CITY OF REVERE.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any general or special law to the contrary, the salary of the mayor of the city of Revere shall be twenty-five thousand dollars annually and the salary of each member of the city council of said city shall be two thousand five hundred dollars annually.

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

Approved June 9, 1978

Chap. 232. AN ACT FURTHER REGULATING DEPOSITS IN CO-OPERATIVE BANKS.

Be it enacted, etc., as follows:

Section 16 of chapter 170 of the General Laws, as most recently amended by section 3 of chapter 685 of the acts of 1975, is hereby further amended by striking out the first and second paragraphs and inserting in place thereof the following two paragraphs:-

Except as otherwise provided in this chapter and in other applicable provisions of law, no person individually and no two or more persons, as provided in section fifteen, shall hold more than three hundred serial shares and more than the combined total of two thousand paid-up and savings shares in the denomination of one hundred dollars nor more than one hundred and fifty serial shares and more than the combined total of one thousand paid-up and savings shares in the denomination of two hundred dollars. Each person so holding shares with one or more other persons also may hold shares individually, but the total amount of shares in such corporation held at the same time by such person both individually and with one or more other persons shall not exceed in the denomination of one hundred dollars three hundred serial shares and the combined total of two thousand paid-up and savings shares, or in the denomination of two hundred dollars one hundred and fifty serial shares and the combined total of one thousand paid-up and savings shares. Of the shares which are

permitted to be held as aforesaid, other than serial shares, no person individually shall hold in one corporation, at the same time, more than a combined total of nine hundred paid-up and savings shares in the denomination of one hundred dollars other than term deposit account savings shares issued pursuant to a term deposit account plan approved by the commissioner pursuant to subsection three B of section thirteen, nor more than the combined total of four hundred and fifty paid-up and savings shares in the denomination of two hundred dollars other than term deposit account savings shares. No two or more persons, as provided in section fifteen, shall hold more than the combined total of one thousand eight hundred paid-up and savings shares in the denomination of one hundred dollars other than term deposit account savings shares, nor more than the combined total of nine hundred paid-up and savings shares in the denomination of two hundred dollars other than term deposit account savings shares. Each person so holding shares with one or more other persons also may hold shares individually, but the total amount of shares in such corporation held at the same time by such person both individually and with one or more other persons shall not exceed in the denomination of one hundred dollars the combined total of one thousand eight hundred paid-up and savings shares other than term deposit account savings shares, or in the denomination of two hundred dollars the combined total of nine hundred paid-up and savings shares other than term deposit account savings shares. Said limitations upon individual holdings shall apply to shares held by more than one fiduciary in the same estate and to shares held for each estate where the same person is fiduciary in two or more distinct estates.

The foregoing limitation shall not apply to shares held by the commonwealth or any town, city, county, instrumentality or political subdivision thereof, a trustee or custodian appointed pursuant to the Self-Employed Individuals Tax Retirement Act of 1962, or pursuant to Employee Retirement Security Act of 1974, a banking institution, corporation, trust, religious, educational, charitable, medical service or cemetery organization or corporation, partnership, association or other business entity, labor union, credit union, fraternal benefit society, by any public or private retirement or pension system, association, corporation or trust, or by any housing authority referred to in section twenty-six of chapter one hundred and twenty-one. Such foregoing limitations shall also not apply with respect to any one estate or proceeding in the name of a judge of probate or by order of approval of court, or on account of a fund held by any fiduciary subject to the supervision of any court or on account of any fund held in custody or trust under the jurisdiction of the commonwealth or any town, city, county, instrumentality or political subdivision thereof for public uses or otherwise or to 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 administration or to deposits of the funds of the Co-operative Banks Employees Retirement Association. The aggregate of deposits in all classes held shall not exceed one hundred and fifty thousand dollars or one and one-half per cent of the share capital of such co-operative

bank, whichever is the greater, exclusive of dividends credited.
Approved June 9, 1978

EMERGENCY LETTER - June 12, 1978 @ 11:26 A.M.

Chap. 233. AN ACT AUTHORIZING THE BROCKTON EDISON COMPANY TO CHANGE ITS NAME TO EASTERN EDISON COMPANY.

Be it enacted, etc., as follows:

The Brockton Edison Company, a Massachusetts electric company, is hereby authorized to change its name by proper corporate action pursuant to section eight of chapter one hundred and sixty-four of the General Laws, to Eastern Edison Company.
Approved June 9, 1978

Chap. 234. AN ACT INCREASING THE NUMBER OF POLICE OFFICERS AUTHORIZED TO ENFORCE CERTAIN MARINE FISHERY LAWS.

Be it enacted, etc., as follows:

Chapter 130 of the General Laws is hereby amended by striking out section 8A, as amended by section 7 of chapter 524 of the acts of 1964, and inserting in place thereof the following section:-

Section 8A. In a city or town bordering on coastal waters, a police officer employed on a full time, provisional or reserve basis shall, for the enforcement of sections thirty-one, thirty-seven, thirty-eight, thirty-eight A, thirty-nine, forty-one, forty-one A, forty-three and forty-four, have the authority granted to a natural resource officer, subject to written rules and regulations of the secretary of the executive office of environmental affairs.

Approved June 9, 1978

EMERGENCY LETTER - June 26, 1978 @ 11:22 A.M.

Chap. 235. AN ACT FURTHER REGULATING THE TESTING OF WEIGHTS AND MEASURES.

Be it enacted, etc., as follows:

Chapter 98 of the General Laws is hereby amended by striking out section 42, as most recently amended by section 1 of chapter 447 of the acts of 1960, and inserting in place thereof the following section:-

Section 42. After giving said notice, said sealers shall go to the houses, stores, shops, vehicles, or other commercial premises, during normal business hours, of a person not complying therewith, and shall test and adjust, seal or condemn in accordance with the results of their tests, the weighing and measuring devices of such person; provided, however, that no such person shall use a weighing or measuring device without first having it tested and sealed; provided further, that devices for determining the measurement of leather bought, sold or offered for sale shall

be tested at least semiannually; and provided, further, that when a vehicle tank used in the sale of commodities by liquid measure has once been sealed, it shall not be necessary to seal it again while it remains in the same condition as when first sealed. A person who neglects or refuses to exhibit his weighing or measuring devices to a sealer or deputy, or who hinders, obstructs or in any way interferes with a sealer or deputy in the performance of duty, or violates any provisions of this section, shall be punished by a fine of not more than fifty dollars for the first offense, a fine of not more than one hundred dollars for the second offense, and a fine of not more than two hundred dollars for each subsequent offense.

Approved June 13, 1978

Chap. 236. AN ACT MAKING APPROPRIATIONS FOR THE FISCAL YEAR ENDING JUNE THE THIRTIETH, NINETEEN HUNDRED AND SEVENTY-EIGHT 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 three hundred and sixty-three A of the acts of nineteen hundred and seventy-seven and chapter five of the acts of nineteen hundred and seventy-eight, for the fiscal year ending June the thirtieth, nineteen hundred and seventy-eight or for such period as may be specified, the sums so appropriated to be in addition to any amounts available for the purpose.

SECTION 2.

EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE.

Miscellaneous.

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 such items of appropriation are charged \$7,000,000

DEPARTMENT OF PUBLIC WELFARE.

4403-2000 For a program of aid to families with dependent children; provided, that all federal funds received for the purpose of this item shall be credited to the General Fund \$17,000,000

SECTION 3. This act shall take effect upon its passage.
Approved June 15, 1978

Chap. 237. AN ACT RELATIVE TO THE REPORTING OF CERTAIN DEATHS.

Be it enacted, etc., as follows:

Section 6 of chapter 38 of the General Laws is hereby amended by striking out the sixth and seventh sentences, as appearing in section 4 of chapter 632 of the acts of 1945, and inserting in place thereof the following three sentences:- The body shall not be moved, and the scene where the body is located shall not be disturbed until the district attorney or his representative either arrives at the scene or gives directions as to what shall be done at the scene and for the removal of the body. The district attorney or his representative upon receipt of notification shall thereafter be in sole charge of the criminal investigation of the death. The medical examiner, on his own authority may, and if he is so requested by the district attorney or the attorney general, shall make or cause to be made in his presence an autopsy of the aforesaid body.

Approved June 15, 1978

Chap. 238. AN ACT AUTHORIZING THE DEPARTMENT OF MENTAL HEALTH TO MAKE CERTAIN COURT-ORDERED IMPROVEMENTS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide for the improvement of the physical environment for these retarded citizens, 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 capital expenditures, whether on state property or not, or substantial changes in services which are specified in court orders or interim or final consent decrees entered in the following cases by the United States District Court for the District of Massachusetts shall be exempt from the provisions of sections twenty-five C, twenty-five D, twenty-five E, twenty-five F, and twenty-five G of chapter one hundred and eleven of the General Laws or any other general or special law requiring a determination of need: MARC v. Dukakis, Civil Action No. 75-5023-T; MARC v. Dukakis, Civil Action No. 75-5210-T; Ricci v. Greenblat, Civil Action No. 72-469-T; Gauthier v. Benson, Civil Action No. 75-3910-T; and McEvoy v. Stevens, Civil Action No. 74-2769-T.

Approved June 16, 1978

Chap. 239. AN ACT VALIDATING THE PAYMENT OF A CERTAIN BILL BY THE CITY OF LAWRENCE.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section thirty-one of chapter forty-four of the General Laws or any other law to the contrary, the city of Lawrence is hereby authorized to pay from any available funds the sum of three hundred and seventy-five dollars to John X. Foley, a construction cost consultant, for services rendered by him in estimating the cost of renovating the Bessie M. Burke Memorial Hospital, the bill for which is legally unenforceable against said city.

SECTION 2. Any action taken by the city of Lawrence, the board of trustees of the Bessie M. Burke Memorial Hospital, the committee on accounts on the part of the city council, the city auditor and city treasurer in approving and paying said bill is hereby validated and confirmed as though this act was in effect at the time such action was taken.

SECTION 3. This act shall take effect upon its passage.
Approved June 16, 1978

Chap. 240. AN ACT EXEMPTING CERTAIN POSITIONS IN THE TOWN OF DENNIS FROM THE CIVIL SERVICE LAW AND RULES.

Be it enacted, etc., as follows:

SECTION 1. The positions of plumbing inspector, building inspector, and sealer of weights and measures in the town of Dennis, 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 June 16, 1978

Chap. 241. AN ACT AUTHORIZING THE TOWN OF EGREMONT TO HOLD TOWN MEETINGS AT THE MT. EVERETT REGIONAL HIGH SCHOOL BUILDING IN THE TOWN OF SHEFFIELD.

Be it enacted, etc., as follows:

SECTION 1. The town of Egremont, with the approval of the Southern Berkshire regional school district committee, may hold its town meetings or any adjournments thereof at the Mt. Everett regional high school building in the town of Sheffield, provided that any meeting for the election by official ballot of federal, state or other officials shall be held within the town of Egremont.

SECTION 2. This act shall take effect upon its passage.
Approved June 16, 1978

Chap. 242. AN ACT EXEMPTING CERTAIN POSITIONS IN THE TOWN OF MILTON FROM THE CIVIL SERVICE LAW AND RULES.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any general or special law or rule or regulation to the contrary, all positions in the official service in the accounting, assessors, cemetery, general services, building, public works and youth departments in the town of Milton and all secretarial and clerical positions in the fire and police departments of said town, and all clerks of appointed and elected boards and committees, in said town shall be exempt from the provisions of chapter thirty-one of the General Laws.

SECTION 2. Any incumbent, who has permanent civil service status, in any of the positions under section one on the effective date of this act, shall not lose any rating, seniority, retirement or pension rights or any other rights or privileges under any provisions of civil service law.

SECTION 3. This act shall take effect upon its passage.
Approved June 16, 1978

Chap. 243. AN ACT EXEMPTING THE POSITION OF PLUMBING INSPECTOR IN THE TOWN OF PLYMOUTH FROM THE CIVIL SERVICE LAW AND RULES.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any provision of law or regulation to the contrary, the position of plumbing inspector in the town of Plymouth 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 June 16, 1978

Chap. 244. AN ACT RELATIVE TO CERTIFICATION OF REAL ESTATE VALUES OF SAVINGS BANK MORTGAGE LOANS.

Be it enacted, etc., as follows:

SECTION 1. Section 36 of chapter 168 of the General Laws is hereby amended by striking out paragraph 2, as appearing in section 1 of chapter 432 of the acts of 1955, and inserting in place thereof the following paragraph:-

2. Appraisal. - At least two members of the board of investment, or two officers of the corporation approved by said board, shall certify, in writing, the value of the property offered as security according to their best judgment; and in the case of a mortgage loan acquired by purchase, two members of said board, or two officers of the corporation approved by said board, shall certify in writing, the value of the property mortgaged according to their best judgment. In either case such value may be determined upon the signed opinion in writing of an appraiser approved by said board.

SECTION 2. Said section 36 of said chapter 168 is hereby further amended by striking out paragraph 4, as amended by

section 6 of chapter 50 of the acts of 1962, and inserting in place thereof the following paragraph:-

4. Revision of Terms. - With the approval of the board of investment of such corporation, at the request of the owner of the equity of redemption, the amount of the periodic payments of principal or interest, or both, called for by any note and mortgage and any other terms or provisions of any note or mortgage may be changed, provided, that, in the case of any change in the amount of any such periodic payments, the unpaid balance of principal is not in excess of the percentage of value of the mortgaged property required for one of the classes of mortgage loans authorized under section thirty-five as certified in accordance with the provisions of paragraph 2; and provided, that in such case, the periodic payments as changed shall meet the minimum payments required for such class of mortgage; and provided, further, that in the case of any change authorized hereunder, such change shall be consistent with the requirements for such class of mortgage as changed hereunder. Every such change shall be evidenced by a writing setting forth such change, the payments to be made pursuant thereto, the provisions of any mortgage extension and any other changed terms or provisions, which writing shall be filed with the papers relating to the loan.

No such change shall result in the extension of the term of such mortgage beyond the maximum number of years permitted under section thirty-five for such mortgage as changed hereunder, computed from the date of such extension. Neither the note evidencing the loan nor the mortgage securing the same shall be prejudiced by any such change, notwithstanding the fact that no provision for such change was originally made in the note or mortgage; and both note and mortgage shall continue to be held by the corporation as good and sufficient security for the balance remaining unpaid after the date of such change. Nothing in this paragraph shall be construed to prevent any real estate mortgage loan held by such corporation from being rewritten, substituted or converted into any other class of mortgage loan which such corporation may lawfully hold; provided, that the unpaid balance of principal is not in excess of the percentage of the then value of the mortgaged property required for such other class of loan, as certified in accordance with the provisions of paragraph 2.

In revising the terms of any mortgage under the authority of this paragraph, no additional money shall be loaned or advanced thereon, but this provision shall not prevent such corporation from making a new mortgage loan of one of the classes authorized by section thirty-five, or from making an additional advance on such mortgage as authorized by section twenty-eight A of chapter one hundred and eighty-three.

Approved June 16, 1978

Chap. 245. AN ACT ASCERTAINING THE WILL OF THE
VOTERS OF THE CITY OF NEW BEDFORD RELATIVE TO ESTABLISHING THE GAME OF JAI ALAI INCLUDING WAGERING THEREON IN SAID CITY.

Be it enacted, etc., as follows:

The state secretary shall cause to be placed upon the official ballot to be used in the city of New Bedford at the biennial state election to be held in the year nineteen hundred and seventy-eight the following nonbinding question: "Shall the game of jai alai, including wagering thereon, be legalized and established in the city of New Bedford?"

Approved June 16, 1978

Chap. 246. AN ACT AUTHORIZING THE BARNSTABLE WATER COMPANY TO USE CERTAIN LANDS AS A WATER SUPPLY.

Be it enacted, etc., as follows:

Section 2 of chapter 286 of the acts of 1911 is hereby amended by striking out the second sentence.

Approved June 16, 1978

Chap. 247. AN ACT AMENDING THE DEFINITION OF A PUBLIC RECORD RELATING TO CERTAIN COMMUNICATIONS AS TO BIDS AND PROPOSALS.

Be it enacted, etc., as follows:

Clause Twenty-sixth of section 7 of chapter 4 of the General Laws is hereby amended by striking out subclause (h), as appearing in section 1 of chapter 1050 of the acts of 1973, and inserting in place thereof the following subclause:-

(h) proposals and bids to enter into any contract or agreement until the time for the opening of bids in the case of proposals or bids to be opened publicly, and until the time for the receipt of bids or proposals has expired in all other cases; and inter-agency or intra-agency communications made in connection with an evaluation process for reviewing bids or proposals, prior to a decision to enter into negotiations with or to award a contract to, a particular person.

Approved June 16, 1978

Chap. 248. AN ACT MAKING A CORRECTIVE CHANGE IN THE WETLANDS PROTECTION ACT, SO-CALLED.

Be it enacted, etc., as follows:

Section 40 of chapter 131 of the General Laws is hereby amended by striking out the fourteenth paragraph, as appearing in chapter 818 of the acts of 1974, and inserting in place thereof the following paragraph:-

No work proposed in any notice of intention shall be undertaken until the final order, determination or notification with respect to such work has been recorded in the registry of deeds, or if the land affected thereby be registered land, in the registry section of the land court for the district wherein the land lies.

Approved June 16, 1978

Chap. 249. AN ACT MAKING A TECHNICAL CHANGE IN THE LAW REGULATING PLUMBING.

Be it enacted, etc., as follows:

Section 13 of chapter 142 of the General Laws, as most recently amended by section 9 of chapter 843 of the acts of 1977, is hereby further amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

In all cities and towns, the examiners, subject to the approval of the department of public health, shall make and from time to time in like manner alter, amend, and repeal rules and regulations relative to the construction, alteration, repair and inspection of plumbing in such cities and towns, which rules and regulations shall be reasonable, uniform and based on generally accepted standards of plumbing practice; provided, however, that the application of such rules and regulations may be varied by the examiners in a particular city or town upon petition of the board of health or health department thereof. The examiners shall adopt a regulation requiring all cities and towns to use a uniform application for a permit to perform plumbing work.

Approved June 16, 1978

Chap. 250. AN ACT ESTABLISHING DISASTER RELIEF COORDINATORS IN LOCAL WELFARE OFFICES.

Be it enacted, etc., as follows:

The second paragraph of section 2A of chapter 117 of the General Laws, as appearing in chapter 533 of the acts of 1974, is hereby amended by adding the following sentence:- The director of each office operated by the department shall designate a member to serve as a disaster relief coordinator. The disaster relief coordinator shall cooperate with other agencies in the furnishing of disaster assistance to eligible persons and maintain liaison with private charitable organizations providing similar assistance.

Approved June 16, 1978

Chap. 251. AN ACT MAKING APPROPRIATIONS FOR THE FISCAL YEAR NINETEEN HUNDRED AND SEVENTY-NINE FOR THE MAINTENANCE 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-nine 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	\$1,793,250 15
2.	For contractual services	233,000 00

3.	For supplies and materials	370,000 00
4.	For current charges and obligations	195,000 00
5.	For equipment	18,513 50
8.	For debt and interest	10,000 00
11.	For reserve fund	20,000 00
11a.	For reserve for salary increases	40,000 00
12.	For group insurance	129,720 00
	For total expenditures	\$2,809,483 65

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

Approved June 16, 1978

Chap. 252. AN ACT AUTHORIZING THE CITY OF HAVERHILL TO USE CERTAIN PARK LAND FOR THE PURPOSE OF CONSTRUCTING A NEW MUNICIPAL HOSPITAL.

Be it enacted, etc., as follows:

SECTION 1. The city of Haverhill is hereby authorized to construct a new municipal hospital on a certain parcel of land located in said city held for park purposes and bounded and described as follows:-

Beginning at the Southeasterly side of Groveland Street in Haverhill at its intersection with a service road leading to Kennedy Circle, being shown as the Northwesterly corner of Lot #1, Block 153, Plan 423 in Assessors' Office; thence turning and running in a Southwesterly direction along said Lot #1 and the service road for a distance of approximately 120 feet; thence turning and running along said service road in a Westerly direction for a distance of approximately 740 feet to Brown Street; thence turning and running in a Southeasterly direction along the Northerly side of Brown Street for a distance of approximately 780 feet to Savage Street; thence turning and running along the Westerly side of Savage Street for a distance of approximately 500 feet, to a point which marks the Southeasterly corner of Lot #7, Block 153, Plan 423 in Assessors' Office; thence turning and running along said Lots #7, #6, #5 and #4 of Block 153, Plan 423 in a Northwesterly direction for a distance of approximately 240 feet to the dividing line of said Lots 3 and 4; thence turning and running in a Northeasterly direction along Lot #4, Block 153, Plan 423 to said Groveland Street; thence turning and running in a Northwesterly direction along said Groveland Street for a distance of approximately 180 feet to the point of beginning.

Consisting of approximately 9.06 acres.

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

Approved June 19, 1978

Chap. 253. AN ACT RELATIVE TO THE PROCEDURE REGARDING REGISTERED LAND.

Be it enacted, etc., as follows:

Section 79 of chapter 185 of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by striking out the second sentence.

Approved June 19, 1978

Chap. 254. AN ACT MAKING APPROPRIATIONS FOR THE FISCAL YEAR NINETEEN HUNDRED AND SEVENTY-NINE FOR THE MAINTENANCE OF BRISTOL 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 ending June thirtieth, nineteen hundred and seventy-nine.

BRISTOL COUNTY.		<u>Subtotal</u>	<u>Total</u>
<u>Item</u>			
1.	For interest on county debt		\$78,150 35
2.	For reduction of county debt		308,973 00
3.	For county commissioners, salaries and expenses		67,090 41
	1. Personal services	\$60,090 41	
	2. Contractual services	2,900 00	
	3. Supplies and materials	3,250 00	
	4. Current charges and obligations	725 00	
	5. Equipment	125 00	
4.	For transportation and expenses of county and acting commissioners		1,200 00
5.	For clerk of courts, salaries and expenses		352,665 30
	1. Personal services	318,295 30	
	2. Contractual services	20,350 00	
	3. Supplies and materials	9,200 00	
	4. Current charges and obligations	1,140 00	
	5. Equipment	3,680 00	
6.	For county treasurer, salaries and expenses		116,992 80
	1. Personal services	99,842 80	
	2. Contractual services	10,725 00	
	3. Supplies and materials	5,500 00	
	4. Current charges and obligations	925 00	
7.	For sheriff, salaries and expenses		37,825 59
	1. Personal services	34,875 59	
	2. Contractual services	2,100 00	
	3. Supplies and materials	400 00	
	4. Current charges and obligations	450 00	
8.	For registry of deeds, salaries and expenses		
	Northern District		215,766 15
	1. Personal services	176,081 15	
	2. Contractual services	25,650 00	
	3. Supplies and materials	10,000 00	
	4. Current charges and obligations	1,240 00	
	5. Equipment	2,795 00	
	Southern District		235,709 70
	1. Personal services	193,499 70	
	2. Contractual services	12,800 00	
	3. Supplies and materials	24,800 00	
	4. Current charges and obligations	510 00	

<u>Item</u>	<u>Subtotal</u>	<u>Total</u>
5. Equipment	\$4,100 00	
Fall River District		\$202,227 05
1. Personal services	172,627 05	
2. Contractual services	16,350 00	
3. Supplies and materials	4,700 00	
4. Current charges and obligations	2,780 00	
5. Equipment	5,770 00	
8a. For registry of probate, salaries and expenses		36,090 00
2. Contractual services	11,730 00	
3. Supplies and materials	11,300 00	
4. Current charges and obligations	9,340 00	
5. Equipment	3,720 00	
9. For law library, salaries and expenses		37,718 30
Taunton		37,718 30
1. Personal services	12,068 30	
2. Contractual services	515 00	
3. Supplies and materials	150 00	
4. Current charges and obligations	24,985 00	
New Bedford		35,658 30
1. Personal services	12,068 30	
2. Contractual services	680 00	
3. Supplies and materials	260 00	
4. Current charges and obligations	22,650 00	
Fall River		42,183 30
1. Personal services	12,068 30	
2. Contractual services	1,165 00	
3. Supplies and materials	200 00	
4. Current charges and obligations	22,800 00	
5. Equipment	5,950 00	
10. For highways, including state highways, bridges and land damages		85,000 00
6. All other	85,000 00	
12. For superior court costs		1,094,539 15
1. Personal services	310,716 15	
2. Contractual services	711,125 00	
3. Supplies and materials	11,475 00	
4. Current charges and obligations	34,358 00	
5. Equipment	20,865 00	
6. All other	6,000 00	
13. For civil expenses in probate court		74,785 60
1. Personal services	42,688 60	
2. Contractual services	24,950 00	
3. Supplies and materials	2,500 00	
4. Current charges and obligations	597 00	
5. Equipment	4,050 00	
14. For district courts, salaries and expenses		355,332 45
First District Court of Bristol		355,332 45
1. Personal services	321,809 45	
2. Contractual services	14,260 00	
3. Supplies and materials	7,590 00	
4. Current charges and obligations	7,195 00	
5. Equipment	4,478 00	
Second District Court of Bristol		696,278 05
1. Personal services	582,783 05	
2. Contractual services	35,650 00	
3. Supplies and materials	22,980 00	
4. Current charges and obligations	51,005 00	
5. Equipment	3,860 00	
Third District Court of Bristol		741,147 00
1. Personal services	684,199 10	
2. Contractual services	23,110 00	
3. Supplies and materials	18,900 00	
4. Current charges and obligations	11,750 00	

<u>Item</u>	<u>Subtotal</u>	<u>Total</u>
5. Equipment	\$2,687 90	
6. All other	500 00	
Fourth District Court of Bristol		\$314,111 28
1. Personal services	272,807 38	
2. Contractual services	18,015 00	
3. Supplies and materials	7,343 90	
4. Current charges and obligations	4,340 00	
5. Equipment	8,695 00	
6. All other	2,910 00	
Bristol County Juvenile Court		560,640 75
1. Personal services	507,112 75	
2. Contractual services	36,894 00	
3. Supplies and materials	8,858 00	
4. Current charges and obligations	5,351 00	
5. Equipment	2,425 00	
15. For medical examiners and commitments of insane		57,700 00
16. For jail and house of correction, maintenance and operation		1,078,804 76
1. Personal services	813,864 76	
3. Supplies and materials	230,350 00	
4. Current charges and obligations	18,740 00	
5. Equipment	15,850 00	
18. For court houses and registry buildings, maintenance and operation		635,553 55
1. Personal services	395,085 10	
2. Contractual services	142,368 75	
3. Supplies and materials	90,265 00	
4. Current charges and obligations	3,685 00	
5. Equipment	4,149 70	
20. For agricultural school or county cooperative extension service		1,374,520 18
1. Personal services	947,771 23	
2. Contractual services	150,000 00	
3. Supplies and materials	200,000 00	
4. Current charges and obligations	29,150 00	
5. Equipment	47,598 95	
26. For miscellaneous and contingent expenses		126,212 22
27. For unpaid bills of previous years		65,000 00
28. For reserve fund		100,000 00
28a. For reserve for salary increases		985,000 00
28d. For reserve for counsel for indigent defendants		200,000 00
29. For advertising recreational, industrial and agricultural advantages of the county		150,000 00
34. For conservation		30,000 00
36. For Dutch elm disease		15,000 00
41. For Americana trail promotion		25,000 00
42. For county home care for the elderly		<u>21,612 00</u>
Total amount of appropriations		\$10,554,487 24
Less estimated amount available for reduction of county tax		<u>2,427,485 26</u>
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		\$8,127,001 98

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.

<u>Item</u>	<u>Subtotal</u>	<u>Total</u>
16. For jail and house of correction		\$104,700 00
2. Contractual services	\$104,700 00	
24. For noncontributory pensions		125,000 00
25. For contributory retirement system and supervisory expenses		492,695 00
39. For group insurance		<u>500,000 00</u>
		\$1,222,395 00

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

The foregoing was laid before the Governor on the 6th day of June, 1978 and after ten days it had "the force of a law", as prescribed by the Constitution, as it was not returned by him with his objections thereto within that time.

Chap. 255. AN ACT AUTHORIZING ISSUANCE OF AN ANNUAL ALCOHOLIC BEVERAGE LICENSE FOR THE OAK RIDGE GOLF CLUB, INC. IN THE TOWN OF AGAWAM.

Be it enacted, etc., as follows:

Section 1 of chapter 319 of the acts of 1976 is hereby amended by striking out, in lines 6 and 7, the words "Roland B. Collins and Julian R. Breton, d/b/a/ Oak Ridge Golf Club" and inserting in place thereof the words:- Oak Ridge Golf Club, Inc.

Approved June 19, 1978

Chap. 256. AN ACT PROVIDING THAT CERTAIN LICENSES AND PERMITS GRANTED OR TO BE GRANTED BY THE DEPARTMENT OF PUBLIC WORKS FOR THE PURPOSE OF CREATING AND MAINTAINING FILLED LAND AND A DIKE AND RIPRAP SLOPES AND OF MAINTAINING EXISTING SOLID FILL IN LYNN HARBOR BE IRREVOCABLE.

Be it enacted, etc., as follows:

SECTION 1. Section 2 of chapter 1023 of the acts of 1973 is hereby amended by striking out the words "be irrevocable; provided that applicable provisions of chapter ninety-one of the General Laws are or have been complied with" and inserting in place thereof, the following words:- "and notwithstanding the provisions of section fifteen of chapter ninety-one of the General Laws, be irrevocable".

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

Approved June 21, 1978

Chap. 257. AN ACT PROVIDING THAT THE OFFICE OF CHIEF OF THE POLICE DEPARTMENT OF THE TOWN OF COHASSET SHALL BE EXEMPT FROM CIVIL SERVICE LAW AND RULES.

Be it enacted, etc., as follows:

SECTION 1. The office of chief of the police department of the town of Cohasset shall be exempt from the provisions of chapter thirty-one of the General Laws.

SECTION 2. The provisions of section one shall not impair the civil service status of any person holding said office on the effective date of this act.

SECTION 3. This act shall take effect upon its passage.
Approved June 21, 1978

Chap. 258. AN ACT CHANGING THE FILING DATE FOR A CERTAIN REAL ESTATE TAX ABATEMENT.

Be it enacted, etc., as follows:

The third paragraph of clause Forty-first A of section 5 of chapter 59 of the General Laws, as appearing in section 1 of chapter 287 of the acts of 1974, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- Any such person may, on or before December fifteenth of each year, apply to the board of assessors for an exemption of all or part of such real property from taxation during such year; provided, however, that in the case of real estate owned by a person jointly or as a tenant in common with a person not his spouse, the exemption shall not exceed that proportion of total valuation which the amount of his interest in such property bears to the whole tax due.

Approved June 21, 1978

Chap. 259. AN ACT CLARIFYING DESTRUCTION OR INJURY TO FISHING GEAR.

Be it enacted, etc., as follows:

Section 31 of chapter 130 of the General Laws, as most recently amended by chapter 233 of the acts of 1960, is hereby further amended by striking out, in lines 1 and 2, the word "willfully".

Approved June 21, 1978

Chap. 260. AN ACT RELATIVE TO THE INSURANCE COVERAGE OF THE SURVIVING SPOUSE OF AN EMPLOYEE OR RETIRED EMPLOYEE OF CERTAIN GOVERNMENTAL UNITS.

Be it enacted, etc., as follows:

Chapter 32B of the General Laws is hereby amended by inserting after section 9D the following section:-

Section 9D $\frac{1}{2}$. A county by vote of the county commissioners; a city having a Plan D or Plan E charter by majority vote of its city council, any other city by vote of its city council, approved by the mayor; a district, except as hereinafter provided, by vote

of the registered voters of the district at a district meeting; a regional school district by vote of the regional district school committee; a veterans' services district by vote of the district board; a welfare district by vote of the district welfare committee; a district established under the provisions of section twenty-seven A of chapter one hundred and eleven by vote of the joint committee; may provide that it will pay in addition to fifty per cent of a stated monthly payment, as described in section nine D, a subsidiary or additional amount, with a correspondingly lesser amount to be paid by the surviving spouse of an insured or retired employee.

A town may provide for such payment by vote of the town or if a majority of the votes cast in answer to the following question which shall be printed on the official ballot to be used at an election in said town is in the affirmative:- "Shall the town, in addition to the payment of fifty per cent of premium costs payable by the surviving spouse of an employee or retired employee for group general or blanket hospital, surgical, medical and other health insurance pay an additional or subsidiary rate?" Section nine D shall not apply in any governmental unit which accepts the provisions of this section.

Approved June 21, 1978

Chap. 261. AN ACT PROVIDING THAT GEORGE F. LAVIGNE SHALL, NOTWITHSTANDING CERTAIN MAXIMUM AGE REQUIREMENTS, BE ELIGIBLE FOR APPOINTMENT AS A CORRECTION OFFICER IN THE DEPARTMENT OF CORRECTION.

Be it enacted, etc., as follows:

Notwithstanding the provisions of any law or rule to the contrary regulating the maximum age of an applicant for appointment as a correction officer in the department of correction, George F. Lavigne shall be eligible to take the next open competitive examination for correction officer and, provided he meets all other requirements, shall be eligible for certification and appointment as a correction officer.

Approved June 21, 1978

Chap. 262. AN ACT REDUCING THE HOUR REQUIREMENT NECESSARY FOR AN APPRENTICE TO LEARN HIS OCCUPATION.

Be it enacted, etc., as follows:

Clause (1) of section 11I of chapter 23 of the General Laws, as appearing in section 2 of chapter 707 of the acts of 1941, is hereby amended by striking out, in line 1, the word "four" and inserting in place thereof the word:- two,.

Approved June 21, 1978

Chap. 263. AN ACT LIMITING THE TERMS OF MEMBERS OF THE DESIGNER SELECTION BOARD.

Be it enacted, etc., as follows:

The first paragraph of section 30B of chapter 7 of the General Laws, as appearing in chapter 676 of the acts of 1966, is hereby amended by adding the following sentence:- No person shall be appointed to serve more than two consecutive terms.

Approved June 21, 1978

Chap. 264. AN ACT EXEMPTING CERTAIN PERSONS FROM THE LAW PROHIBITING VEHICLES FROM STANDING UNATTENDED WITHOUT STOPPING THE ENGINE.

Be it enacted, etc., as follows:

Section 13 of chapter 90 of the General Laws is hereby amended by striking out the second sentence, as amended by chapter 476 of the acts of 1973, and inserting in place thereof the following sentence:- No person having control or charge of a motor vehicle, except a person having control or charge of a police, fire or other emergency vehicle in the course of responding to an emergency or a person having control or charge of a motor vehicle while engaged in the delivery or acceptance of goods, wares or merchandise for which the vehicle's engine power is necessary for the loading or unloading of such goods, wares or merchandise, shall allow such vehicle to stand in any way and remain unattended without stopping the engine of said vehicle, effectively setting the brakes thereof or making it fast, and locking and removing the key from the locking device and from the vehicle.

Approved June 21, 1978

Chap. 265. AN ACT TEMPORARILY EXEMPTING CERTAIN SINGLE FAMILY DWELLINGS FROM CERTAIN PROVISIONS OF THE PROGRAM FOR THE DETECTION OF THE SOURCES OF LEAD POISONING.

Be it enacted, etc., as follows:

SECTION 1. The provisions of section one hundred and ninety-four of chapter one hundred and eleven of the General Laws relative to a program for the detection of sources of lead poisoning and relative to priority in the inspection of dwellings shall not apply to owner-occupied single family houses unless a child residing therein has been found to have a case of lead poisoning.

SECTION 2. This act shall expire on January first, nineteen hundred and eighty-three.

The foregoing was laid before the Governor on the 12th day of June, 1978 and after ten days it had "the force of a law", as prescribed by the Constitution, as it was not returned by him with his objections thereto within that time.

Chap. 266. AN ACT ESTABLISHING GREATER TAX ENFORCEMENT PROCEDURES IN THE COMMONWEALTH.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to insure the orderly administration and collection of taxes in the commonwealth, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of public convenience and necessity. _____

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any provision of general or special law to the contrary, the attorney general shall, solely for the specific purposes contained herein, have the power and authority to require by summons the attendance and testimony under oath of witnesses and the production before him of books and papers relating to any matter being investigated by him of the affairs, transactions, or occurrences relative to the administration and collection of taxes in the commonwealth. Such summons may be issued by the attorney general or by an assistant attorney general specifically designated by the attorney general and may require the attendance of the witness at any courthouse or at any office maintained by the attorney general within the commonwealth. Such summons may require the presence of the witness at any time during normal business hours and shall describe with particularity the books, records, documents, papers or tangible objects to be produced. Such summons shall be served upon the witness not later than two business days prior to the time at which he is required to appear. Such summons may be served at any place within the commonwealth and in any manner authorized by law for the service of summons upon witnesses in criminal cases issued on behalf of the commonwealth and all other provisions of law relating to summonses issued in such cases shall apply to summonses issued under this act, so far as applicable. Any justice of the supreme judicial court or of the superior court may upon application by the attorney general compel the attendance of witnesses summoned as aforesaid, the giving of testimony under oath and the production of books and papers before the attorney general in furtherance of any investigation under this act in the same manner and to the same extent as before the supreme judicial or superior courts. Such justice may also compel any witness to answer any questions theretofore put to such witness by the attorney general. In the event that such justice shall compel the giving of testimony, he may, upon motion of the court or upon application of the attorney general, or such witness, order that the public be excluded from such proceeding and shall impound all papers and documents, and reproductions thereof, relating thereto.

SECTION 2. Examination of the witness shall be conducted by the attorney general or by an assistant attorney general, who shall first place the witness on oath or affirmation. The person conducting the examination may arrange to have the testimony taken stenographically or recorded by any other means authorized by law or by rule of court. The witness may have counsel present to advise him during the examination.

SECTION 3. No person performing an official act in connection

with the proceedings authorized by this act shall, except in the performance of his official duties or unless specifically directed to do so by a court, disclose that a summons authorized by section one has issued, the nature of the information sought by means of such summons, or any matter occurring at the examination of any witness whose presence has been compelled by such summons. The examination of the witness shall be closed to the public; no person shall be present except the attorney general, such assistant attorneys general as are necessary or convenient to the examination of the witness, the witness under examination, the witness's counsel, and such other persons as are necessary or convenient to the examination of the witness. If a transcript of the testimony given by any witness is prepared, it shall not be delivered to any one other than the attorney general or an assistant attorney general unless a justice of the superior court otherwise directs; provided, however, that if criminal proceedings are instituted against any person, the testimony which any witness in such proceedings has given shall be discoverable in the same manner as the statements of any other witness.

SECTION 4. This act shall take effect upon its passage and shall become inoperative on July first, nineteen hundred and eighty.

SECTION 5. Nothing in this act shall be so construed as limiting the powers of district attorneys in regard to legal actions or proceedings arising from the administration and enforcement of laws relating to state taxation.

Approved June 23, 1978

Chap. 267. AN ACT AUTHORIZING THE ISSUANCE OF AN ADDITIONAL LICENSE TO SELL ALCOHOLIC BEVERAGES NOT TO BE DRUNK ON THE PREMISES IN THE TOWN OF NEWBURY.

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 Newbury is hereby authorized to issue one additional license for the sale at retail of all alcoholic beverages under the provisions of section fifteen of said chapter one hundred and thirty-eight.

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

Approved June 23, 1978

Chap. 268. AN ACT ENLARGING THE BATTLE GREEN HISTORIC DISTRICT IN THE TOWN OF LEXINGTON.

Be it enacted, etc., as follows:

SECTION 1. Section 2 of chapter 447 of the acts of 1956, as amended by section 1 of chapter 579 of the acts of 1966, is hereby further amended by striking out lines 5 through 74, and inserting in place thereof the following words:-

Battle Green District: Beginning at the intersection of the northerly line of Hancock Avenue with the easterly line of the railroad right of way; thence southerly and then southeasterly along the easterly and northeasterly line of the railroad right of way to a point in said northeasterly line of the railroad right of way distant two hundred feet southeasterly from the easterly line of Hancock Street; thence northerly along a line distant two hundred feet easterly from and parallel to said easterly line of Hancock Street to the northeasterly lot line of the property now numbered 6 Meriam Street; thence southeasterly along said northeasterly lot line to the northwesterly line of Meriam Street; thence southeasterly in a straight line across Meriam Street to the intersection of the southeasterly line of Meriam Street with the southwesterly line of Oakland Street; thence southeasterly along said southwesterly line of Oakland Street to the westerly lot line of the property now numbered eleven Oakland Street; thence southerly along said westerly lot line and said westerly lot line extended to a point on the northerly line of the railroad right of way; thence easterly along said northerly line of the railroad right of way to the northwesterly line of Woburn Street; thence southwestwesterly along said northwesterly line of Woburn Street to the easterly line of Fletcher Avenue; thence southwestwesterly in a straight line across Woburn Street and Massachusetts Avenue to the intersection of the southerly line of Massachusetts Avenue with the westerly line of Winthrop Road; thence southerly and then southwestwesterly along said westerly and the northwesterly line of Winthrop Road to a point distant two hundred fifty feet southerly from the southerly line of Massachusetts Avenue; thence westerly along a line distant two hundred fifty feet southerly from and parallel to the southerly line of Massachusetts Avenue to a point distant two hundred feet easterly from the easterly line of Waltham Street; thence southerly along a line distant two hundred feet easterly from and parallel to said easterly line of Waltham Street to the northerly lot line of the property now numbered eighty-two Waltham Street; thence westerly along said northerly lot line to the easterly line of Waltham Street; thence westerly in a straight line to the intersection of the northerly lot line of the property now numbered twenty-two Muzzey Street with the easterly line of Muzzey Street; thence westerly in a straight line across Muzzey Street to the intersection of the westerly line of Muzzey Street with the northerly line of Raymond Street; thence westerly along said northerly line of Raymond Street to the westerly line of Clarke Street; thence southerly along said westerly line of Clarke Street to the intersection of the northeasterly line of Forest Street; thence northwestwesterly to the easterly lot line of the property now numbered 43 Forest Street; thence northeasterly along said lot line to the southerly lot line of the property now numbered 9 Belfry Terrace; thence northeasterly along the easterly lot line of 9 Belfry Terrace to the southerly lot line of the property now numbered 11 Belfry Terrace; thence northeasterly along the easterly lot line to the northerly lot line of the property now numbered 11 Belfry Terrace; thence northwestwesterly along the northerly lot line of the property now numbered 11 Belfry Terrace to the southerly lot line of the property now numbered 1906 Massachusetts Avenue to a point three hundred feet southerly

from the southerly line of Massachusetts Avenue; thence northwesterly and then westerly along a line distant three hundred feet southwesterly and southerly from and parallel to the southwesterly and southerly line of Massachusetts Avenue to the westerly line of Forest Street; thence northerly along said westerly line of Forest Street to a point two hundred feet southerly from the southerly line of Massachusetts Avenue; thence westerly along a line distant two hundred feet southerly from and parallel to the southerly line of Massachusetts Avenue to the southwesterly line of Parker Street; thence southwesterly by a straight line to the intersection of the westerly line of Worthen Road with the southerly line of Lincoln Street; thence westerly and then southwesterly along said southerly and the southeasterly line of Lincoln Street to a point distant four hundred and fifty feet westerly from the westerly line of Worthen Road; thence northwesterly across Lincoln Street to the intersection of the northwesterly line of Lincoln Street with the northeasterly line of Hastings Road; thence northwesterly along said northeasterly line of Hastings Road to the southeasterly line of Massachusetts Avenue; thence northwesterly in a straight line across Massachusetts Avenue to the intersection of the northwesterly line of Massachusetts Avenue with the northeasterly line of Hastings Road; thence northwesterly along said northeasterly line of Hastings Road to a point distant two hundred feet northwesterly from said northwesterly line of Massachusetts Avenue; thence northeasterly along a line distant two hundred feet northwesterly from and parallel to the northwesterly line of Massachusetts Avenue to the westerly line of Worthen Road; thence northerly and then northeasterly along said southwesterly, westerly and the northwesterly line of Worthen Road to the southwesterly line of Bedford Street; thence northeasterly in a straight line across Bedford Street to the intersection of the northeasterly line of Bedford Street with the southeasterly line of Camellia Place; thence northeasterly along said southeasterly line of Camellia Place to the southwesterly line of the railroad right of way; thence northeasterly in a straight line across said railroad right of way to the point of beginning.

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

Approved June 23, 1978

Chap. 269. AN ACT EXTENDING THE TIME WITHIN WHICH
THE TOWN OF AMESBURY MAY BORROW MONEY
IN ANTICIPATION OF FEDERAL GRANTS.

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 the town in the amount of one hundred and forty-eight thousand dollars payable in not more than one year from their dates, in order to pay the federal aid anticipation notes of the town dated June twenty-eighth, nineteen hundred and seventy-four in the amount

of one hundred and thirteen thousand dollars and which was most recently renewed on December twenty-second, nineteen hundred and seventy-seven and payable on June twenty-second, nineteen hundred and seventy-eight and federal aid anticipation note of the town dated August first, nineteen hundred and seventy-four in the amount of thirty-five thousand dollars and which was most recently renewed on December twenty-second, nineteen hundred and seventy-seven and payable on June twenty-second, nineteen hundred and seventy-eight. 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 23, 1978

Chap. 270. AN ACT AUTHORIZING THE TOWN OF DUXBURY TO OPERATE A CREMATORY.

Be it enacted, etc., as follows:

SECTION 1. The town of Duxbury is hereby authorized to allow the cemetery trustees of said town to establish, operate and maintain a crematory, pursuant to sections six to nine, inclusive, of chapter one hundred and fourteen of the General Laws and such trustees shall have all the powers of a crematory corporation.

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

Approved June 23, 1978

Chap. 271. AN ACT RELATIVE TO INSOLVENT INSURANCE COMPANIES.

Be it enacted, etc., as follows:

SECTION 1. Section 180C of chapter 175 of the General Laws, as appearing in section 3 of chapter 472 of the acts of 1939, is hereby amended by inserting after the second paragraph the following four paragraphs:-

Within one hundred and twenty days of a final determination of insolvency of a company by the supreme judicial court, the receiver shall make application to the supreme judicial court for approval of a proposal to disburse assets out of such company's marshalled assets from time to time as such assets become available, to the Massachusetts Insurers Insolvency Fund and to any similar organization in another state, hereinafter referred to collectively as Funds. The supreme judicial court may approve or disapprove the proposal in whole or in part.

Such proposal shall at least include provision for:

(a) reserving amounts for the payment of the expenses of administration and claims falling within the priorities established in section one hundred and eighty F;

(b) disbursement of the assets marshalled to date and subse-

quent disbursements of assets as they become available;

(c) equitable allocation of disbursements to each of the Funds entitled thereto; and

(d) the securing by the receiver from each of the Funds entitled to disbursements an agreement to return to the receiver such assets previously disbursed as may be required to pay claims of secured creditors and claims falling within the priorities established in section one hundred and eighty F. No bond shall be required of any such Fund.

The receiver's proposal shall provide for disbursements to the Funds in amounts at least equal to the payments made or to be made thereby for which such Funds could assert claims against the receiver, and shall further provide that if the assets available for disbursement from time to time do not equal or exceed the amount of such payments made or to be made by the Funds then disbursements shall be in the amount of available assets.

Notice of such application shall be given to the Funds in and to the commissioners of insurance of each of the states in which the insurer was doing business. Any such notice shall be deemed to have been given when deposited in the United States mails, first class postage prepaid, at least thirty days prior to submission of such application to the supreme judicial court. Action on the application may be taken by the supreme judicial court provided the above required notice has been given and the proposal complies with this section.

SECTION 2. Section 180F of said chapter 175, as so appearing, is hereby amended by inserting after the second paragraph the following paragraph:-

The priorities of distribution in a liquidation proceeding shall be in the following order:

- (1) Expenses of administration;
- (2) Compensation of employees other than officers for services rendered within three months prior to the commencement of a proceeding under section one hundred and eighty C not to exceed one thousand dollars for each such employee;
- (3) Claims for taxes and debts due to federal or any state or local government which are secured by liens perfected prior to the commencement of delinquency proceedings;
- (4) Claims by policyholders, beneficiaries, and insurers arising from and within the coverage of and not in excess of the applicable limits of insurance policies and insurance contracts issued by the company, and claims presented by the Massachusetts Insurers Insolvency Fund or any similar organization in another state; and
- (5) All other claims.

Approved June 23, 1978

Chap. 272. AN ACT FURTHER REGULATING THE ESTABLISHMENT OF CIVIL SERVICE LISTS.

Be it enacted, etc., as follows:

SECTION 1. Section 12 of chapter 31 of the General Laws is hereby amended by striking out the first paragraph, as most

recently amended by section 80 of chapter 835 of the acts of 1974, and inserting in place thereof the following paragraph:-

Each list of persons eligible to any position shall be prepared or revised as soon as may be after their respective ratings or standings have been determined by the administrator by examination or otherwise in accordance with the rules of the commission, but, in case of the determination thereof by a written examination, not later than six months after the date of such examination. An eligible list may be established prior to six months from the date of examination. Where an eligible list for any position is established within six months of the date of the written examination, a provisional appointment or a temporary transfer to fill such position, whether permanent or temporary, may be continued for the period for which such appointment or transfer was authorized, any provision of section fifteen or section sixteen A to the contrary notwithstanding, but not beyond six months and fourteen days from the date of the written examination. The administrator shall not place on any such list any person not a citizen of the United States. All lists established as aforesaid shall be open to public inspection. All persons who have taken an examination shall be notified of the results thereof not later than ninety days after the date of such examination. Not more than one eligible list shall be maintained for any one position. Eligibility of applicants for placement on, and their standing on, the eligible list shall be determined on the basis of the last examination taken for such position.

SECTION 2. The provisions of the first paragraph of section twelve of chapter thirty-one of the General Laws, as amended by section one of this act, shall apply to examinations administered on or after July first, nineteen hundred and seventy-nine.

Approved June 23, 1978

Chap. 273. AN ACT EXTENDING THE TIME IN WHICH THE COUNTY COMMISSIONERS OF ESSEX COUNTY MAY MAKE CERTAIN PAYMENTS ON CERTAIN LOANS.

Be it enacted, etc., as follows:

Section 2 of chapter 935 of the acts of 1977 is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:- Each authorized issue shall constitute a separate loan and such loans shall be payable in not more than five years from their dates.

Approved June 23, 1978

Chap. 274. AN ACT PROVIDING THAT THE OFFICE OF CHIEF OF POLICE IN THE CITY OF NORTHAMPTON BE EXEMPT FROM THE CIVIL SERVICE LAW AND RULES.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any contrary provision of law,

the office of chief of police in the city of Northampton shall be exempt from the provisions of chapter thirty-one of the General Laws.

SECTION 2. The provisions of section one shall not impair the civil service status of any person holding said office on the effective date of this act.

SECTION 3. The state secretary shall cause to be placed on the official ballot to be used in the city of Northampton at the biennial state election to be held in the year nineteen hundred and seventy-eight the following question: "Shall an act passed by the General Court in the year nineteen hundred and seventy-eight, entitled 'An Act providing that the office of chief of police in the city of Northampton 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 23, 1978

Chap. 275. AN ACT ABOLISHING THE CHILD WELFARE COMMISSION IN THE CITY OF HOLYOKE AND AUTHORIZING THE ESTABLISHMENT OF A CHILD WELFARE CLINIC IN SAID CITY.

Be it enacted, etc., as follows:

SECTION 1. Chapter two hundred and sixty-seven of the acts of nineteen hundred and twenty-three is hereby repealed.

SECTION 2. For the purposes of operating a clinic for prenatal and postnatal care and a well child clinic for preschool children for residents of the city of Holyoke, there is hereby established in said city a clinic to be known as the child welfare clinic, hereinafter in this act referred to as the clinic. The clinic shall exercise its powers and perform its duties under the direction and control of the board of said city, and there also shall be established a child welfare clinic advisory board to consist of six members.

Said board of health with recommendations from the board of directors of the Holyoke Health Center subject to the approval of the mayor of said city, shall appoint to said advisory board successors whose terms shall be two years. The members of said advisory board shall serve without compensation. Subject to the direction and control of said board of health, the clinic may provide services including physical examination, immunization, screening, referrals, laboratory examinations and treatment in restricted situations. Said services may include medical, dental and psychological clinics and would be dispersed to all age groups dependent on need and facilities. The clinic may employ necessary assistants and employees and define the duties of same and said board of health may make such rules and regulations, not inconsistent with this act, as may be necessary for the proper operation of the clinic.

SECTION 3. The child welfare clinic advisory board, established by section two, shall initially consist of the six members

of the child welfare commission of said city and as the term of office of such member terminates, their successor shall be appointed as provided by said section two.

SECTION 4. This act shall take effect upon its acceptance by the board of aldermen of the city of Holyoke.

Approved June 23, 1978

Chap. 276. AN ACT RELATIVE TO THE LOSS OF LICENSES FOR CERTAIN FISH AND GAME VIOLATIONS.

Be it enacted, etc., as follows:

Chapter 131 of the General Laws is hereby amended by striking out section 34, as appearing in section 1 of chapter 802 of the acts of 1967, and inserting in place thereof the following section:-

Section 34. A license, permit, or certificate issued under a provision of this chapter, except a license issued under clauses (3), (4) or (6) of section twenty-three, held by a person found guilty of, or convicted of, or assessed in any manner after a plea of nolo contendere, or penalized for, a violation of clause (15) of section four or section eleven, twelve, thirteen, sixteen, thirty-two, thirty-three, fifty-four, fifty-seven, fifty-eight, sixty-one, sixty-two, sixty-three, sixty-four, sixty-five, sixty-six, sixty-seven, sixty-eight, seventy, seventy-two, seventy-three, seventy-five or eighty, or a rule or regulation made under the authority thereof, or for fishing, hunting or trapping outside the season established under section five, or for the unlawful taking or possession of a deer, for which that particular license, permit, or certificate was issued, such particular license, permit, or certificate shall be void, and shall immediately be surrendered to an officer authorized to enforce this chapter. Said person or a person acting on his behalf shall not be given or make application for, that particular license, permit or certificate with respect to the violation for which said person was found guilty or penalized as aforesaid, during the period of one year from the date such person was found guilty or penalized, and such particular license, permit or certificate so issued shall be void and shall be surrendered to an officer authorized to enforce this chapter. Every license, permit, or certificate issued under a provision of this chapter, held by a person found guilty or assessed as aforesaid on three or more separate occasions for violations of a provision of this chapter, or a rule or regulation made under the authority thereof, shall be void and shall be immediately surrendered to an officer authorized to enforce this chapter. Said person or a person acting on his behalf shall not be given, or make application for, any license, permit or certificate under this chapter, during the period of one year from the date of his being found guilty or penalized as aforesaid, and such license, permit or certificate so issued shall be void and shall be surrendered to an officer authorized to enforce this chapter. No fee received for a license, permit, or certificate made void under this section shall be refunded to the holder thereof.

Approved June 23, 1978

Chap. 277. AN ACT RELATIVE TO THE OWNERSHIP OF CERTAIN UNCLAIMED GRAVES IN CERTAIN CEMETERIES.

Be it enacted, etc., as follows:

Chapter 114 of the General Laws is hereby amended by inserting after section 3 the following section:-

Section 3A. Any cemetery corporation created by such special charter or organized under the provisions of section one may take over the ownership of a grave in such cemetery provided that such grave has not been used for a period of fifty years and provided further that the ownership thereof cannot be ascertained. If such ownership is ascertained after such taking such cemetery corporation shall pay the fair value of such grave at the time of taking to the owner thereof.

Approved June 23, 1978

Chap. 278. AN ACT AUTHORIZING ROBERT S. SWANSON TO TAKE A CIVIL SERVICE EXAMINATION FOR CORRECTIONAL OFFICER NOTWITHSTANDING THE MAXIMUM AGE REQUIREMENT.

Be it enacted, etc., as follows:

Notwithstanding any rule or law to the contrary regulating the maximum age of applicants for appointment as a correctional officer, Robert S. Swanson of the town of West Bridgewater shall be eligible to take the next open competitive examination for correctional officer, and provided he meets all other requirements, shall be eligible for certification and appointment.

Approved June 23, 1978

Chap. 279. AN ACT RELATIVE TO THE PLACEMENT OF MOBILE HOMES ON FOUNDATIONS.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any general or special law to the contrary, no city or town shall require a one story mobile home to be placed on a full perimeter foundation; provided, however, that such mobile home has been installed or placed upon a site in compliance with applicable manufacturers specifications; and provided, further, that such mobile home shall be subject to all other laws and rules and regulations.

SECTION 2. This act shall cease to be operative on January first, nineteen hundred and eighty.

Approved June 23, 1978

Chap. 280. AN ACT PROVIDING FOR THE COLLECTION OF SERVICE FEES BY THE EXCLUSIVE BARGAINING REPRESENTATIVES.

Be it enacted, etc., as follows:

Section 17G of chapter 180 of the General Laws, as most recently amended by section 3 of chapter 1078 of the acts of 1973, is hereby further amended by striking out the second sentence and inserting in place thereof the following sentence:-
The amount of such agency service fee shall be as provided in section twelve of chapter one hundred and fifty E.

Approved June 23, 1978

Chap. 281. AN ACT INCREASING THE AMOUNT OF MONEY THE CITY OF EVERETT MAY BORROW FOR THE CONSTRUCTION OF AN OFF-STREET PARKING FACILITY.

Be it enacted, etc., as follows:

SECTION 1. Section 1 of chapter 108 of the acts of 1976 is hereby amended by striking out, in line 2, the words "used in connection with" and inserting in place thereof the words:-
located within a one-quarter mile radius of,- and by striking out, in line 5, the words "two hundred and seventy-five" and inserting in place thereof the words:- nine hundred.

SECTION 2. Said chapter 108 is hereby further amended by striking out section 2, and inserting in place thereof the following section:-

Section 2. Said city is authorized from time to time to lease said structure to the Everett Cottage Hospital doing business as the Whidden Memorial Hospital, a corporation duly organized on June fifteenth, eighteen hundred and ninety-four under the provisions of chapter one hundred and fifteen of the public statutes, or to lease said structure to any other party or to contract for the maintenance and operation thereof in such a manner as to provide for use of said structure by staff, employees, patients and visitors of said Whidden Memorial Hospital as well as by the general public. Notwithstanding the provisions of any law or ordinance the city shall not be subject to competitive bidding or the solicitation of bids by advertisement in connection with the awarding of any such lease or contract. 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 may be agreed to by the lessee and as the city council, subject to the approval of the mayor, shall determine.

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

Approved June 26, 1978

Chap. 282. AN ACT RELATIVE TO THE EXPERIENCE OF CERTAIN FIREFIGHTERS IN PROMOTIONAL EXAMINATIONS.

Be it enacted, etc., as follows:

Notwithstanding the provisions of any rule or law to the contrary, any firefighter who successfully passes a promotional examination held under the provisions of chapter thirty-one of the General Laws and who had continuous service as a firefighter prior to their probationary appointment between January first, nineteen hundred and seventy-three and December, nineteen hundred and seventy-seven, shall have such time in grade considered as experience for such promotional purposes.

Approved June 26, 1978

EMERGENCY LETTER - June 27, 1978 @ 2:14 P.M.

Chap. 283. AN ACT VALIDATING CERTAIN PROCEEDINGS BY THE TOWN OF SHERBORN AT THE ANNUAL MEETING IN THE YEAR NINETEEN HUNDRED AND SEVENTY-EIGHT.

Be it enacted, etc., as follows:

SECTION 1. The adoption by the town of Sherborn of certain amendments to its zoning by-laws at the annual town meeting in the year nineteen hundred and seventy-eight is hereby validated and confirmed, notwithstanding the fact that the notices for the public hearing by the planning board on the amendments were published twice in one week rather than in two successive weeks.

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

Approved June 27, 1978

Chap. 284. AN ACT PROVIDING THAT THE POSITION OF EMERGENCY MEDICAL TECHNICIAN IN THE AMBULANCE SERVICE OF THE TOWN OF BILLERICA SHALL BE EXEMPT FROM CIVIL SERVICE LAW AND RULES.

Be it enacted, etc., as follows:

SECTION 1. The position of emergency medical technician in the ambulance service of the town of Billerica 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 27, 1978

Chap. 285. AN ACT EXEMPTING THE OFFICE OF SUPERINTENDENT OF PUBLIC WORKS OF THE TOWN OF WINTHROP FROM THE PROVISIONS OF THE CIVIL SERVICE LAW.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any contrary provisions of law, the office of superintendent of public works of the town of Winthrop 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 June 27, 1978

Chap. 286. AN ACT REGULATING THE CONSIGNMENT OF FINE ART.

Be it enacted, etc., as follows:

The General Laws are hereby amended by inserting after chapter 104 the following chapter:-

CHAPTER 104A.
CONSIGNMENT OF FINE ART.

Section 1. As used in this chapter, the following words shall, unless the context clearly requires otherwise, have the following meanings:

"Artist", the person who creates a work of fine art or, if such person is deceased, such person's heir, legatee, or personal representative.

"Fine art", a painting, sculpture, drawing, work of graphic art, including an etching, lithograph, offset print, silk screen, or work of graphic art of like nature, a work of calligraphy, or a work in mixed media including a collage, assemblage, or any combination of the foregoing art media.

"Art dealer", a person engaged in the business of selling works of fine art, other than a person exclusively engaged in the business of selling goods at public auction.

"Person", an individual partnership, corporation, association or other group, however organized.

"Consignment", a delivery of a work of fine art under which no title to, estate in, or right to possession of, fine art, superior to that of the consignor shall vest in the consignee, notwithstanding the consignee's power or authority to transfer and convey to a third person all of the right, title and interest of the consignor in and to such fine art.

Section 2. Notwithstanding any custom, practice or usage of the trade to the contrary, whenever an artist delivers or causes to be delivered a work of fine art of the artist's own creation to an art dealer in the commonwealth for the purpose of exhibition or sale, or both, on a commission, fee or other basis of compensation, the delivery to and acceptance of such work of fine art by the art dealer shall constitute a consignment, unless the delivery to the art dealer is pursuant to an outright sale for which the artist receives or has received full compensation for the work of fine art upon delivery.

Section 3. The following provisions shall apply to consignment of a work of fine art:

(a) The art dealer, after delivery of the work of fine art, shall constitute an agent of the artist for the purpose of sale or exhibition of the consigned work of fine art.

(b) The work of fine art shall constitute property held in trust by the consignee for the benefit of the consignor, and shall not be subject to claim by a creditor of the consignee.

(c) The consignee shall be responsible for the loss of, or damage to, the work of fine art.

(d) The proceeds from the sale of the work of fine art shall constitute funds held in trust by the consignee for the benefit of the consignor. Such proceeds shall first be applied to pay any balance due the consignor, unless the consignor expressly agrees otherwise in writing.

Section 4. A work of fine art received as a consignment shall remain trust property, notwithstanding the subsequent purchase thereof by the consignee directly or indirectly for the consignee's own account until the price is paid in full to the consignor. If such work is thereafter resold to a bona fide purchaser before the consignor has been paid in full, the proceeds of the resale received by the consignee shall constitute funds held in trust for the benefit of the consignor to the extent necessary to pay any balance still due to the consignor and such trusteeship shall continue until the fiduciary obligation of the consignee with respect to such transaction is discharged in full.

Section 5. Any provision of a contract or agreement whereby the consignor waives any provision of this chapter is void.

Section 6. The provisions of this chapter shall not apply to a written contract executed prior to its effective date, unless either the parties agree by mutual consent that the provisions of this chapter shall apply or such contract is extended or renewed after the effective date of this chapter. The provisions of this chapter shall prevail over any conflicting or inconsistent provisions of chapter one hundred and four and chapter one hundred and six.

Approved June 27, 1978

Chap. 287. AN ACT PROVIDING A PENALTY FOR WILLFULLY INJURING POLICE DOGS AND HORSES.

Be it enacted, etc., as follows:

Chapter 272 of the General Laws is hereby amended by inserting after section 77 the following section:-

Section 77A. Whoever willfully tortures, torments, beats, kicks, strikes, mutilates, injures, disables or otherwise mistreats, a dog or horse owned by a police department or police agency of the commonwealth or any of its political subdivisions or whoever, willfully by any action whatsoever, interferes with the lawful performance of such dog or horse shall be punished by a fine of not less than one hundred dollars and not more than five hundred dollars or by imprisonment for not more than two and one-half years or both. Persons violating this section may be arrested without a warrant by any officer qualified to serve criminal process provided said offense is committed in his presence.

Approved June 27, 1978

Chap. 288. AN ACT PROHIBITING DISCRIMINATION IN THE GRANTING OF MORTGAGE LOANS AND THE

FURNISHING OF CREDIT OR SERVICES SOLELY
ON ACCOUNT OF AGE.

Be it enacted, etc., as follows:

SECTION 1. Section 4 of chapter 151B of the General Laws is hereby amended by striking out subsection 3B, as most recently amended by section 1 of chapter 637 of the acts of 1975, and inserting in place thereof the following subsection:-

3B. For any person engaged in the business of granting mortgage loans to discriminate against any person in the granting of any mortgage loan, including but not limited to the interest rate, terms or duration of such mortgage loan, because of his race, color, religious creed, national origin, sex, ancestry or age; provided that in the case of age the following shall not be unlawful practices:

(1) an inquiry of age for the purpose of determining a pertinent element of creditworthiness;

(2) the use of empirically derived credit systems which consider age; provided that such systems are based on demonstrably and statistically sound data; and provided, further, that such systems do not assign a negative factor or score to any applicant who has reached age sixty-two;

(3) the offering of credit life insurance or credit disability insurance, in conjunction with any mortgage loan, to a limited age group;

(4) the failure or refusal to grant any mortgage loan to a person who has not attained the age of majority; or

(5) the failure or refusal to grant any mortgage loan the duration of which exceeds the life expectancy of the applicant as determined by the most recent Individual Annuity Mortality Table.

SECTION 2. Subsection 14 of said section 4 of said chapter 151B, as most recently amended by section 2 of said chapter 637 is hereby further amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

For any person furnishing credit or services to deny or terminate such credit or services or to adversely affect an individual's credit standing because of such individual's sex, marital status or age; provided that in the case of age the following shall not be unlawful practices:

(1) an inquiry of age for the purpose of determining a pertinent element of creditworthiness;

(2) the use of empirically derived credit systems which consider age, provided such systems are based on demonstrably and statistically sound data and provided further that such systems do not assign a negative factor or score to any applicant who has reached age sixty-two;

(3) the offering of credit life insurance or credit disability insurance, in conjunction with any credit or services, to a limited age group;

(4) the denial of any credit or services to a person who has not attained the age of majority;

(5) the denial of any credit or services the duration of which exceeds the life expectancy of the applicant as determined by

the most recent Individual Annuity Mortality Table; or

(6) the offering of more favorable credit terms to students, to persons aged eighteen to twenty-one, or to persons who have reached the age of sixty-two.

Approved June 27, 1978

Chap. 289. AN ACT EXEMPTING THE POSITION OF INSPECTOR OF PLUMBING IN CERTAIN TOWNS FROM CIVIL SERVICE LAW AND RULES.

Be it enacted, etc., as follows:

SECTION 1. Section 11 of chapter 142 of the General Laws, as most recently amended by section 9 of chapter 843 of the acts of 1977, is hereby further amended by adding the following paragraph:-

In a town having a population of less than five thousand persons the appointment of a plumbing inspector shall be exempt from the provisions of chapter thirty-one.

SECTION 2. The provisions of this act shall not impair the civil service status of any plumbing inspector holding said office on the effective date of this act.

Approved June 27, 1978

Chap. 290. AN ACT AUTHORIZING THE COUNTY COMMISSIONERS OF BERKSHIRE COUNTY TO EQUIP AND FURNISH A CERTAIN COUNTY BUILDING LOCATED IN THE CITY OF PITTSFIELD.

Be it enacted, etc., as follows:

Section 1 of chapter 268 of the acts of 1975 is hereby amended by inserting after the word "premises", in line 4, the words:- and furnish and equip the same.

Approved June 27, 1978

Chap. 291. AN ACT RELATIVE TO THE RESPONSIBILITIES OF THE DESIGNER SELECTION BOARD AND THE COMMISSIONER OF ADMINISTRATION AND FINANCE IN THE AWARDED OF CERTAIN PUBLIC BUILDING CONSTRUCTION CONTRACTS.

Be it enacted, etc., as follows:

SECTION 1. The fourth paragraph of section 30B of chapter 7 of the General Laws, as most recently amended by section 3 of chapter 311 of the acts of 1975, is hereby further amended by striking out the third sentence and inserting in place thereof the following sentence:- The board shall, on the basis of such criteria as it deems appropriate, and after a review of information submitted by all persons applying for appointment and interviews, where appropriate, recommend to the commissioner at least three designers for each project stating the reasons therefor, and

transmitting to him all material made or received by the board relating to such recommendation.

SECTION 2. Said section 30B of said chapter 7 is hereby further amended by striking out the seventh paragraph, as most recently amended by section 4 of said chapter 311, and inserting in place thereof the following paragraph:-

When the commissioner appoints a designer he shall forthwith notify in writing the director of building construction of the appointment, the reasons for making the appointment and shall instruct said director forthwith to enter into a contract with the designer, subject to such conditions as the commissioner may set forth in said notice.

Approved June 27, 1978

Chap. 292. AN ACT RELATIVE TO THE POWERS OF THE DEPARTMENT OF PUBLIC UTILITIES.

Be it enacted, etc., as follows:

SECTION 1. Chapter 166 of the General Laws is hereby amended by inserting after section 25 the following section:-

Section 25A. The following terms as used in this section shall have the following meanings:

"Utility", means any person, firm, corporation or municipal lighting plant that owns or controls or shares ownership or control of poles, ducts, conduits or rights of way used or useful, in whole or in part, for supporting or enclosing wires or cables for the transmission of intelligence by telegraph, telephone or television or for the transmission of electricity for light, heat or power.

"Attachment", means any wire or cable for transmission of intelligence by telegraph, telephone or television, including cable television, or for the transmission of electricity for light, heat, or power and any related device, apparatus, appliance or equipment installed upon any pole or in any telegraph or telephone duct or conduit owned or controlled, in whole or in part, by one or more utilities.

"Licensee", means any person, firm or corporation other than a utility, which is authorized to construct lines or cables upon, along, under and across the public ways.

"Usable Space", means the total space which would be available for attachments, without regard to attachments previously made, (i) upon a pole above the lowest permissible point of attachment of a wire or cable upon such pole which will result in compliance with any applicable law, regulation or electrical safety code or (ii) within any telegraph or telephone duct or conduit.

The department of public utilities shall have authority to regulate the rates, terms and conditions applicable to attachments, and in so doing shall be authorized to consider and shall consider the interest of subscribers of cable television services as well as the interest of consumers of utility services; and upon its own motion or upon petition of any utility or licensee said department shall determine and enforce reasonable rates, terms and conditions of use of poles or of communication ducts or conduits of a utility

for attachments of a licensee in any case in which the utility and licensee fail to agree.

No attachments shall be made to the poles, towers, piers, abutments, conduits, manholes, and other fixtures necessary to sustain, protect, or operate the wires and cables of any lines used principally for the supplying of electricity in bulk.

SECTION 2. The department, pursuant to section twenty-five A of chapter one hundred and sixty-six of the General Laws, inserted by section one of this act, shall determine a just and reasonable rate for the use of poles and communication ducts and conduits of a utility for attachments of a licensee by assuring the utility recovery of not less than the additional costs of making provision for attachments nor more than the proportional capital and operating expenses of the utility attributable to that portion of the pole, duct or conduit occupied by the attachment. Such portion shall be computed by determining the percentage of the total usable space on a pole or the total capacity of the duct or conduit that is occupied by the attachment.

SECTION 3. Section two of this act shall become inoperative on January first, nineteen hundred and eighty-four.

Approved June 27, 1978

Chap. 293. AN ACT RELATIVE TO THE COST OF OPERATION OF SHELLFISH PURIFICATION PLANTS.

Be it enacted, etc., as follows:

Chapter 130 of the General Laws is hereby amended by striking out section 77, as most recently amended by chapter 30 of the acts of 1977, and inserting in place thereof the following section:-

Section 77. For the purpose of partially defraying the costs of the operation and maintenance of shellfish purification plants, the department of fisheries, wildlife and recreational vehicles shall charge the users of said service the sum of one dollar and fifty cents per one-half bushel.

Approved June 27, 1978

Chap. 294. AN ACT RELATIVE TO PUBLIC RECORDS.

Be it enacted, etc., as follows:

Section 10 of chapter 66 of the General Laws is hereby amended by striking out paragraph (a), as appearing in section 3 of chapter 1050 of the acts of 1973, and inserting in place thereof the following paragraph:-

(a) Every person having custody of any public record, as defined in clause Twenty-sixth of section seven of chapter four, shall, at reasonable times and without unreasonable delay, permit it, or any segregable portion of a record which is an independent public record, to be inspected and examined by any person, under his supervision, and shall furnish one copy thereof upon payment of a reasonable fee. Every person for whom a search of public records is made shall, at the direction of the person

having custody of such records, pay the actual expense of such search.

Approved June 27, 1978

Chap. 295. AN ACT INCREASING THE PENALTY FOR VIOLATIONS OF REGULATIONS OF BOARD OF FIRE PREVENTION REGULATIONS.

Be it enacted, etc., as follows:

Chapter 148 of the General Laws is hereby amended by striking out section 10B, inserted by chapter 331 of the acts of 1954, and inserting in place thereof the following section:-

Section 10B. Any person who knowingly violates any rule or regulation made by the board of fire prevention regulations shall, except as otherwise provided, be punished by a fine of not less than one hundred dollars nor more than one thousand dollars.

Approved June 27, 1978

Chap. 296. AN ACT INCREASING THE PENALTY FOR THE VIOLATION OF RULES, ORDERS OR REGULATIONS OF THE BOARD OF FIRE PREVENTION, FIRE MARSHAL OR HEAD OF A FIRE DEPARTMENT.

Be it enacted, etc., as follows:

The first sentence of section 30 of chapter 148 of the General Laws, as amended by chapter 214 of the acts of 1956, is hereby further amended by striking out, in line 5, the word "ten" and inserting in place thereof the word:- fifty.

Approved June 27, 1978

Chap. 297. AN ACT INCREASING THE PENALTY FOR SHUTTING OFF, DISCONNECTING, OBSTRUCTING, REMOVING OR DESTROYING CERTAIN FIRE PROTECTION DEVICES WITHOUT A PERMIT.

Be it enacted, etc., as follows:

Section 27A of chapter 148 of the General Laws, inserted by chapter 283 of the acts of 1932, is hereby amended by striking out the third sentence and inserting in place thereof the following sentence:- Violation of this section shall be punished by imprisonment for not more than one year or by a fine of not more than one thousand dollars, or both.

Approved June 27, 1978

Chap. 298. AN ACT AUTHORIZING THE TOWN OF MIDDLEBOROUGH TO GRANT A LICENSE FOR THE SALE OF WINE AND MALT BEVERAGES WITHIN FIVE HUNDRED FEET OF A CHURCH.

Be it enacted, etc., as follows:

Notwithstanding the provisions of section sixteen C of chapter one hundred and thirty-eight of the General Laws, the selectmen of the town of Middleborough are hereby authorized to grant a license under section fifteen of said chapter one hundred and thirty-eight for the sale of wine and malt beverages at the premises known as Panesis Fruit Store located at 34 Center street in said town.

Approved June 27, 1978

Chap. 299. AN ACT ASCERTAINING THE WILL OF THE VOTERS OF THE CITY OF TAUNTON RELATIVE TO INCREASING THE SALARY OF THE MAYOR.

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 Taunton, the state secretary shall cause the following nonbinding 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-eight:-

"Shall the salary of the mayor of the city of Taunton be increased by three step raises over a three year period as follows: A. First year twenty-five hundred dollars retroactive to January first, nineteen hundred and seventy-eight; B. Second year twenty-five hundred dollars; C. Third year two thousand dollars?"

Approved June 27, 1978

Chap. 300. AN ACT ALLOWING RETAIL GAS STATIONS TO FURTHER ADVERTISE THE PRICE OF MOTOR FUEL.

Be it enacted, etc., as follows:

Section 295C of chapter 94 of the General Laws, as appearing in section 1 of chapter 459 of the acts of 1939, is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

No signs, advertising materials or other displays, other than the signs referred to in the preceding paragraph, shall be posted or displayed upon such pumps or other dispensing devices.

Approved June 27, 1978

EMERGENCY LETTER - June 28, 1978 @ 3:39 P.M.

Chap. 301. AN ACT ALLOWING MUNICIPAL LIGHTING PLANTS TO PURCHASE CERTAIN EQUIPMENT UNDER FIVE THOUSAND DOLLARS WITHOUT BIDS.

Be it enacted, etc., as follows:

The first paragraph of section 56D of chapter 164 of the General Laws is hereby amended by striking out the first sentence, as amended by chapter 16 of the acts of 1968, and insert-

ing in place thereof the following sentence:- No contract for the purchase of equipment, supplies or materials, the actual or estimated cost of which amounts to two thousand dollars or more, and no contract for the purchase of generation, transmission or distribution equipment, the actual cost or estimated cost of which amounts to five thousand dollars or more, except in cases of special emergency involving the health, safety or welfare of the people or their property, shall be awarded unless proposals for the same have been invited by advertisement in at least one newspaper published in the city or town in which the lighting plant is located, or, if there is no such newspaper, in a newspaper published in the same county, such publication to be at least one week before the time specified for the opening of said proposals.

Approved June 27, 1978

Chap. 302. AN ACT TO MAKE CERTAIN PERSONS
ELIGIBLE FOR JURY DUTY.

Be it enacted, etc., as follows:

SECTION 1. The second paragraph of section 1 of chapter 234 of the General Laws is hereby amended by striking out, in lines 11 and 12, as appearing in section 1 of chapter 148 of the acts of 1969, the words "; persons over seventy years of age".

SECTION 2. Said section 1 of said chapter 234 is hereby further amended by adding the following paragraph:-

A person seventy years of age or over may elect not to have his or her name placed on the list of jurors and in such event he or she shall be treated as a person exempt from jury duty under this section.

Approved June 28, 1978

Chap. 303. AN ACT DESIGNATING THE METROPOLITAN
DISTRICT COMMISSION HUMMOCK IN THE TOWN
OF HINGHAM AS THE MCCARTHY HUMMOCK.

Be it enacted, etc., as follows:

The hummock at the pumping station of the metropolitan district commission on route 3A in the town of Hingham shall be known and designated as the McCarthy Hummock in memory of Major William J. McCarthy, 101st Infantry, 26th Yankee Division, holder of the Silver Star and Purple Heart, and on the permanent honor roll of the Yankee Division; and his son Captain Francis P. McCarthy, Marine fighter pilot, holder of the Navy Cross, Distinguished Flying Cross and Purple Heart, who was shot down and killed in the battle of Midway on June sixth, nineteen hundred and forty-two. Said commission shall erect a suitable marker thereat.

Approved June 28, 1978

Chap. 304. AN ACT FURTHER IMPLEMENTING THE MASSA-
CHUSETTS RULES OF DOMESTIC RELATIONS
PROCEDURE.

Be it enacted, etc., as follows:

SECTION 1. Chapter 215 of the General Laws is hereby amended by striking out section 24, as amended by section 63 of chapter 400 of the acts of 1975, and inserting in place thereof the following section:-

Section 24. The preceding section shall apply to orders or judgments of probate courts in proceedings under chapter two hundred and eight, and under sections thirty-two and thirty-seven of chapter two hundred and nine, except that, as provided in the Massachusetts Rules of Domestic Relations Procedure, the filing of an appeal shall stay the running of the nisi period in a divorce case.

SECTION 2. Chapter 303 of the acts of 1976 is hereby amended by striking out section 3 and inserting in place thereof the following section:-

Section 3. The authority granted under the provisions of this act shall expire on December thirtieth, nineteen hundred and seventy-eight, except that the proceedings of any cause or matter transferred under authority of section two of this act before December thirtieth, nineteen hundred and seventy-eight, shall not be affected by the expiration of said authority.

SECTION 3. Section two of this act shall take effect upon its passage.

Approved June 28, 1978

Chap. 305. AN ACT CLARIFYING THE OPERATION OF
DOWER ON CERTAIN INTERESTS.

Be it enacted, etc., as follows:

SECTION 1. Chapter 186 of the General Laws is hereby amended by striking out sections 1 and 2 and inserting in place thereof the following two sections:-

Section 1. If land is demised for the term of one hundred years or more, the term shall, so long as fifty years thereof remain unexpired, be regarded as an estate in fee simple as to everything concerning the descent and devise thereof, upon the decease of the owner, the right of dower as defined in section one of chapter one hundred and eighty-nine therein, the sale thereof by executors, administrators, guardians, conservators or trustees, the levy of execution thereon, and the redemption thereof if mortgaged or taken on execution; and whoever holds as lessee or assignee under such a lease shall, so long as fifty years of the term remain unexpired, be regarded as a freeholder for all purposes.

Section 2. If dower as defined in section one of chapter one hundred and eighty-nine is assigned out of such land, the husband or widow and his or her assigns shall pay to the owner of the unexpired residue of the term one third of the rent

reserved in the lease under which the wife or husband held the term.

SECTION 1A. Chapter 189 of the General Laws is hereby amended by striking out section 1, as most recently amended by section 1 of chapter 165 of the acts of 1965, and inserting in place thereof the following section:-

Section 1. A surviving spouse shall hold for life one third of all land owned by a deceased spouse at the time of death. Such estate shall be known as tenancy by dower. Any encumbrances on land at the time of the owner's death shall have precedence over dower. To be entitled to such dower the surviving spouse shall file his election and claim therefor in the registry of probate within six months after the date of the approval of the bond of the executor or administrator of the deceased, and shall thereupon hold dower instead of the interest in real property given in section one of chapter one hundred and ninety, otherwise such estate shall be held to be waived. Dower may be assigned by the probate court in the same manner as dower is now assigned, and the tenant by dower shall be entitled to the possession and profits of one undivided third of the real estate of the deceased from her or his death until the assignment of dower, and to all remedies therefor which the heirs of the deceased have in the residue of the estate. Curtesy and, except as prescribed herein, dower are abolished.

SECTION 2. Chapter 189 of the General Laws is hereby amended by striking out sections 3 and 4 and inserting in place thereof the following two sections:-

Section 3. A surviving spouse shall not be entitled to dower in wild land, except woodlots or other land used with the farm or dwelling house of the deceased spouse.

Section 4. If the heir or other person who claims under a spouse redeems the land in which his surviving spouse has dower from a mortgage which was in force at his death, the surviving spouse shall either repay such part of the money which was paid by the person so redeeming as shall be equal to the proportion which the interest in the land mortgaged bears to the whole value thereof or, at his election, such surviving spouse shall be entitled to dower according to the value of the estate after deducting the money paid for redemption.

SECTION 3. Said chapter 189 is hereby further amended by striking out sections 7 to 16, inclusive, and inserting in place thereof the following ten sections:-

Section 7. A person may be barred of dower in all the land of such person's spouse by a jointure settled with assent before the marriage, if such jointure consists of a freehold estate in land for life at least and is to take effect in possession or profits immediately upon the death of such spouse. Assent to such jointure shall be expressed, if such is of full age, by becoming a party to the conveyance by which it is settled, or, if a minor, by joining with the parent or guardian of such person in such conveyance.

Section 8. A pecuniary provision, made for the benefit of an intended spouse and in lieu of dower, shall, if assented to as provided in the preceding section, bar dower in all the land of the person to whom such intended spouse is to marry.

Section 9. Such jointure or pecuniary provision, if made after marriage, or made before marriage and without the assent of the intended spouse, shall bar dower, unless within six months after the death of the person to whom such spouse is married, an election is made to waive such jointure or provision. If the person dies while absent from his spouse, such spouse shall have six months after notice of the death within which to make such election; and such spouse shall in all cases have six months after notice of the existence of such jointure or provision within which to make such election.

Section 10. If a spouse is entitled by law, by deed of jointure, or under the will of the person to whom such spouse is married, to an undivided interest in his land either for life or during the time in which such spouse is a surviving spouse, such interest may be assigned to such spouse, in whatever counties the land lies, by the probate court for the county in which the estate of the deceased spouse is settled. Such assignment may be made upon petition or, if such surviving spouse does not petition therefor within one year after the death, upon petition by an heir or devisee of such deceased spouse, by any person having an estate in the land subject to such interest, or by the guardian or conservator of any such heir, devisee or person, or by an executor or administrator if the probate court finds that the personal property will probably be insufficient to pay the debts and legacies of the decedent or charges of administration.

Section 11. Upon such petition, the court shall issue a warrant to three persons as commissioners, who shall be sworn to perform their duty faithfully and impartially and who shall set off the interest of the surviving spouse by metes and bounds if it can be so done without damage to the whole estate. But if the estate out of which the interest of the surviving spouse is to be assigned consists of a mill or other tenement which cannot be divided without damage to the whole, such interest may be assigned out of the rents or profits thereof, to be had and received by such spouse as a tenant in common with the other owners of the estate.

Section 12. If a surviving spouse is entitled to an undivided interest in land which is owned by the deceased spouse as tenant in common, the probate court, upon petition by the surviving spouse or by any person entitled to petition for assignment of the interest in such land, after notice as in case of other partitions, may empower the commissioners to make partition of the land so owned in common, and then to assign to the surviving spouse the interest in the portion set off to the estate of the deceased spouse.

Section 13. If a surviving spouse is entitled to an interest in land of which the deceased spouse died seized, the surviving spouse may, without having such interest assigned, continue to occupy such land with the heirs or devisees of the deceased, or

to receive share of the rents or profits thereof, so long as such heirs or devisees do not object thereto; and when the heirs or devisees or any of them desire to hold or occupy their share in severalty, the surviving spouse may claim such interest and shall have it assigned.

Section 14. No surviving spouse of a deceased person shall make claim for an interest in the real estate of such deceased, or begin any proceedings for the recovery thereof, unless such claim or action is made or begun within twenty years after the decease, or after he or she has ceased to occupy or receive the profits of his or her share of such real estate, except that if at the time of such decease the surviving spouse is absent from the Commonwealth, a minor, insane or imprisoned, he or she may make such claim or begin such proceeding at any time within twenty years after such disability ceases.

Section 15. If a person is lawfully evicted of land which has been assigned to such spouse as dower or settled as jointure, or is deprived of a provision made by will or otherwise in lieu of dower, such persons may be endowed anew in like manner as if such assignment, jointure or other provision had not been made.

Section 16. After the expiration of a period of ten years from the recording of any conveyance no spouse of any party making the conveyance shall make any claim to dower in the land conveyed unless within such period the spouse has recorded in the registry of deeds for the country or district where the land lies a notice identifying the conveyance and the place in the public records of its recording and stating that dower may be claimed in the land thereby conveyed. A reference to such notice shall be noted on the margin of the record of the conveyance.

Approved June 28, 1978

Chap. 306. AN ACT REMOVING THE TOWN OF TISBURY FROM MEMBERSHIP IN THE MARTHA'S VINEYARD COMMISSION.

Be it enacted, etc., as follows:

SECTION 1. The jurisdiction of the Martha's Vineyard Commission shall not include the town of Tisbury. Said town shall not be represented in the membership of said Commission.

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

Approved June 28, 1978

Chap. 307. AN ACT AUTHORIZING THE REPURCHASE OF MERCHANDISE ON THE ASSIGNMENT OF CERTAIN DEALERSHIPS.

Be it enacted, etc., as follows:

Chapter 93E of the General Laws is hereby amended by striking out section 4, as amended by section 3 of chapter 64 of the acts of 1976, and inserting in place thereof the following section:-

Section 4. In the event of any termination, assignment, cancellation or failure to renew, whether by mutual agreement or otherwise, a supplier shall within thirty days of such termination, assignment or failure to renew make or cause to be made an offer in good faith to repurchase from the dealer at then current wholesale prices any and all merchantable products purchased by said dealer from the petroleum supplier, provided however, that in such event the petroleum supplier shall have the right to apply the proceeds against any existing indebtedness owed to him by the dealer and further provided that such repurchased obligation is conditioned upon there being no other claims or liens against such products by or on behalf of other creditors of the dealer.

Approved June 28, 1978

Chap. 308. AN ACT INCREASING THE AMOUNT OF MONEY THE COUNTY COMMISSIONERS OF HAMPDEN COUNTY MAY BORROW FOR CONSTRUCTING AND EQUIPPING A COURT HOUSE FOR THE DISTRICT COURT OF HOLYOKE.

Be it enacted, etc., as follows:

SECTION 1. Section 1 of chapter 521 of the acts of 1975 is hereby amended by striking out, in lines 6 and 7 the words "three hundred and five thousand five hundred and twenty-two" and inserting in place thereof the words:- nine hundred and sixty-one thousand.

SECTION 2. Section 2 of said chapter 521 is hereby amended by striking out, in line 5 the words "three hundred and five thousand five hundred and twenty-two" and inserting in place thereof the words:- nine hundred and sixty-one thousand.

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

Approved June 29, 1978

Chap. 309. AN ACT EXEMPTING THE POSITION OF FACILITIES ENGINEER IN THE SCHOOL DEPARTMENT OF THE CITY KNOWN AS THE TOWN OF METHUEN FROM THE PROVISIONS OF THE CIVIL SERVICE LAW.

Be it enacted, etc., as follows:

SECTION 1. The position of facilities engineer in the school department of the city known as the town of Methuen 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 June 30, 1978

Chap. 310. AN ACT AUTHORIZING THE MODERATOR IN THE TOWN OF MILTON TO APPOINT THE MEMBERS OF THE BOARD OF APPEALS.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any general or special law or other law or regulation to the contrary, in the town of Milton there shall be a single board of appeals to be appointed by the moderator. Said board shall have jurisdiction of appeals under chapter ten of the general by-laws of the town of Milton; under chapter 40A of the General Laws; under that portion of chapter forty-one of the General Laws, pertaining to the subdivision control law; under section twenty-three of chapter twenty-three B of the General Laws; and under any and all other matters whereby law or the by-laws of the town a board of appeals is required.

Such board shall consist of three members, one of whom by designation of the moderator shall be the chairman, all of whom shall be residents of the town of Milton and one of whom shall be an attorney at law who at the time of his appointment shall have been a member of the Massachusetts Bar for not less than five years, and one of whom shall be an architect, civil engineer or master builder who at the time of his appointment shall have had not less than five years experience, such appointments shall be for terms of such length and so arranged that the term of one member shall expire each year.

Associate members of the board, who shall each be a resident of the town but need not be an attorney, architect, civil engineer or master builder, may be appointed by the moderator for three year terms.

No member or associate member shall act in any case in which there is a conflict of interest, and if there is a vacancy or a member is disqualified or for any reason is unable to act, his place shall be taken by an associate member designated by the chairman of the board and the associate member so designated shall serve until the completion of any case in which such associate member participates.

Every decision of the board shall be in writing and shall be a matter of public record.

Vacancies shall be filled for unexpired terms by the moderator in the same manner as in the case of original appointments.

The existing board of appeals, including associate members, notwithstanding appointments made under this act, shall continue to have authority to complete all cases in which the petition or application to the board was filed prior to the effective date of this act. If during said completions, terms of members or associate members involved in completing cases shall expire or there shall be vacancies, the moderator shall make such interim appointments or reappointments as are necessary.

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

Approved June 30, 1978

Chap. 311. AN ACT AUTHORIZING THE TOWN OF BRIDGEWATER TO ACQUIRE CERTAIN LAND IN SAID TOWN.

Be it enacted, etc., as follows:

SECTION 1. The town of Bridgewater may acquire by purchase for playground and recreation, conservation and water supply

purposes a certain parcel of land including the buildings thereon, located on and off Spruce, Vernon and Pine streets in said town, owned by Arthur C. Chaffee, Jr., David E. Chaffee and Roscoe P. Chaffee, and known as the "Chaffee Farm", and being described as all land shown on subdivision plan entitled, "Long Acres, Plan of Land in Bridgewater, Massachusetts, Prepared for Arthur C. Chaffee, Jr., et als, Scale 1" = 200', August 15, 1977, Revised January 31, 1978, Atlas Land Survey, Inc., Registered Land Surveyors, Thirty-five Spallus Road, Stoughton, Mass. 02072, Robert Love, Registered Land Surveyor," recorded as Plan No. 157 of 1978 in the registry of deeds in Plymouth county, being Section I, II and III as shown thereon, but excepting and excluding therefrom street frontage lots designated as Lots 1 through 12, 50 through 59, 189 through 198, 208 through 219, Lot A and Lot 14, and further, being a portion of these premises as described in the Deed of Arthur C. Chaffee, Jr., et ux, to Arthur C. Chaffee, Jr., Roscoe P. Chaffee and David E. Chaffee, dated September 5, 1968, and recorded in the registry of deeds in Plymouth county in Book 3467 at Page 260. Said town may expend for the purpose of such purchase a sum not exceeding, in the aggregate, nine hundred thirty-seven thousand dollars, which shall be paid over a term of five years, in equal annual installments, without interest.

SECTION 2. Any action taken pursuant to section one is hereby validated and is effective as though this act was in effect at the time of the posting of the warrant for the annual town meeting of the town of Bridgewater held in May, nineteen hundred and seventy-eight.

SECTION 3. This act shall take effect upon its passage.
Approved June 30, 1978

Chap. 312. AN ACT AUTHORIZING THE WATER RESOURCES COMMISSION TO GRANT CERTAIN EASEMENTS TO THE TOWN OF NORTHBOROUGH.

Be it enacted, etc., as follows:

SECTION 1. The water resources commission is hereby authorized to grant to the town of Northborough, acting by and through its board of selectmen, certain permanent and temporary easements in five tracts of land, located in said town for the purpose of the installation, construction, maintenance, and operation of a sanitary sewer system, and being bounded and described as follows:

Tract No. 1

Beginning at a point located on the common property line between the lands now or formerly of F.A. Perry et ux and the Commonwealth of Massachusetts, said point 40± feet southeast of the Hudson Street right-of-way as measured along said property line;

- Thence running N17°-55'-15"E, 110.61 feet to a point;
- Thence running N37°-55'-15"E, 438.61 feet to a point;
- Thence running S52°-04'-45"E, 30.00 feet to a point;

Thence running N55°-35'-05"E, 466.85 feet to a point;
 Thence running N24°-25'-15"E, 298.48 feet to a point;
 Thence running N38°-55'-15"E, 298.17 feet to a point;
 Thence running N39°-04'-45"W, 37.35 feet to a point;
 Thence running N88°-04'-45"W, 119.15 feet to a point;
 Thence running S77°-10'-14"W, 13.70 feet to a point;
 Thence running N12°-49'-46"W, 50± feet to a point;
 Thence running N77°-10'-14"E, 20.18 feet to a point;
 Thence running S88°-04'-45"E, 148.41 feet to a point;
 Thence running S39°-04'-45"E, 100.62 feet to a point;
 Thence running S38°-55'-15"W, 332.30 feet to a point;
 Thence running S24°-25'-15"W, 306.07 feet to a point;
 Thence running S55°-35'-05"W, 477.69 feet to a point;
 Thence running N34°-24'-55"W, 30.00 feet to a point;
 Thence running S37°-55'-15"W, 426.68 feet to a point;
 Thence running S17°-55'-15"W, 268.68 feet to a point;
 Thence running S23°-01'-04"W, 89.30 feet to a point;
 Thence running N60°-38'-20"W, 20.44 feet to a point;
 Thence running N39°-28'-25"E, 28.40 feet to a point;
 Thence running N39°-23'-20"E, 2.07 feet to a point;
 The last course being by land of the estate of Elizabeth Yellick
 Thence running N21°-47'-45"E, 161.89 feet to a point;
 The last course being by land of Edward Beland et ux,
 Thence running N17°-34'-50"E, 50.00 feet to a point;
 The last course being by land of F.A. Perry et ux;
 Thence running N54°-16'-00"W, 58.96 feet to the point of
 beginning.

The above described tract contains 2.2 acres more or less.

Tract No. 2

Beginning at a point located on the southeasterly corner of the tract herein described, said point being on the Hudson Street right-of-way;

Thence running along a line with a radius of 970.00 feet a length of 32.29 feet to a point;

Thence running N50°-52'-58"E, 152.47 feet to a point;

Thence running N50°-07'-40"E, 129.38 feet to a point;

Thence running N61°-22'-40"E, 378.82 feet to a point;

Thence running N40°-16'-21"E, 15.89 feet to a point;

Thence running N61°-22'-40"E, 98.14 feet to a point;

Thence running S88°-33'-30"E, 42.07 feet to a point;

Thence running N65°-39'-03"E, 61.25 feet to a point;

The last two courses being by land of William F. Kellicker et ux;

Thence turning a 90° angle to the right and running along a line a distance of 50± feet to a point;

The last course being by the Commonwealth of Massachusetts Water Resources Commission easement;

Thence running S83°-37'-40"W, 65± feet to a point;

Thence running S61°-22'-40"W, 348.01 feet to a point;

Thence running S65°-37'-40"W, 96.53 feet to a point;

Thence running S50°-07'-40"W, 191.77 feet to a point;

Thence running S50°-52'-58"W, 166.20 feet to a point;

Thence running N61°-34'-47"W, 50± feet to a point of beginning.

The above described tract contains 0.8 acres, more or less.

Tract No. 3

Beginning at a point on the southwestern most corner of the tract herein described, said point located on the Commonwealth of Massachusetts Water Resource Commission easement, said point being 15± feet south of a point common to the lands now or formerly of William F. Kellicker et ux and Roy C. Root et ux as measured along said easement line:

Thence running N83°-37'-40"E, 120± feet to a point;
 Thence running N56°-52'-40"E, 82.65 feet to a point;
 Thence running N14°-37'-40"E, 82.93 feet to a point;
 Thence running N60°-11'-46"E, 1.98 feet to a point;
 Thence running N34°-26'-10"W, 1.81 feet to a point;
 The last two courses being by land of Roy C. Root et ux;
 Thence running N16°-02'-20"E, 120.87 feet to a point;
 Thence running N28°-37'-40"E, 161.77 feet to a point;
 Thence running N41°-36'-19"E, 66.79 feet to a point;
 Thence running N41°-36'-20"E, 34.34 feet to a point;
 The last two courses being by land of Roy C. Root et ux;
 Thence running N22°-06'-50"E, 270.16 feet to a point;
 Thence running N35°-21'-35"E, 35± feet to a point;
 The last two courses being by the Commonwealth of Massachusetts

Water Resources Commission easement:

Thence running S26°-22'-40"W, 127.57 feet to a point;
 Thence running S4°-22'-40"W, 111.01 feet to a point;
 Thence running S28°-37'-40"W, 366.52 feet to a point;
 Thence running S15°-37'-40"W, 208.56 feet to a point;
 Thence running S56°-52'-40"W, 113.35 feet to a point;
 Thence running S83°-37'-40"W, 118± feet to a point;
 Thence running N26°-22'-20"W, 50± feet to a point of beginning;
 The last course being by land easement of the Commonwealth of Massachusetts Water Resource Commission.

The above described trace contains 0.9 acres, more or less.

Tract No. 4

Beginning at a point on the eastern most corner of the tract herein described, said point being on the Marlborough-Northborough Town Line;

Thence running S35°-52'-38"W, 50± feet to a point;
 Thence running N54°-07'-22"W, 750± feet to a point;
 Thence running N66°-54'-53"W, 270± feet to a point;
 Thence running N88°-37'-24"W, 102.95 feet to a point;
 Thence running S50°-29'-57"W, 285.35 feet to a point;
 Thence running S48°-54'-18"E, 16.80 feet to a point;
 Thence running S59°-26'-33"W, 309.57 feet to a point;
 Thence running S38°-37'-40"W, 78.34 feet to a point;
 Thence running N51°-22'-20"W, 15.00 feet to a point;
 Thence running S38°-37'-40"W, 126.83 feet to a point;
 Thence running N35°-21'-35"E, 200± feet to a point;
 The last course being by land easement of the Commonwealth of Massachusetts Water Resource Commission;

Thence running N59°-26'-33"E, 246.49 feet to a point;
 Thence running N48°-54'-19"W, 14.81 feet to a point;
 The last course being by land of Roy C. Root et ux;
 Thence running N50°-29'-57"E, 312.26 feet to a point;
 Thence running S88°-37'-22"E, 106.47 feet to a point;
 Thence running S66°-54'-53"E, 180± feet to a point;
 Thence running northeast along the Assabet River, 28± feet to a point;

Thence running S66°-54'-53"E, 100± feet to a point;

The last three courses by the Town of Northborough land sewer easement;

Thence running along the Marlborough-Northborough Town line, 780± feet to the point of beginning.

The above described tract contains 1.4 acres, more or less.

Tract No. 5

Beginning at a point on the Worcester County Highway Bound located on the east side of the Hudson Street right-of-way;

Thence running N51°-38'-40"E, 14.32 feet to a point;

Thence running N75°-18'-40"E, 207.68 feet to a point;

Thence running N88°-42'-40"E, 80.61 feet to a point;

The last three courses being by land of Robert E. Nichols;

Thence running N12°-49'-46"W, 157.80 feet to a point;

Thence running N61°-34'-47"W, 102.19 feet to a point;

Thence running southwesterly along a line common with the Hudson Street right-of-way, 302.13 feet to the point of beginning

The above described tract contains 1.0 acres, more or less.

The above described tracts of land are portions of the land taken by the commonwealth through its water resources commission in an order of taking date May 12, 1972 and recorded at the Worcester district registry of deeds in Worcester on June 12, 1972 and are shown as tract numbers 108, 111, 112, 113C1, 113C2, 113Y1, 113Y2, 113Y3, 115, 115A, 118, 119, 124, 125A, 127, 129, 130 and 160 on a Plan entitled "Commonwealth of Massachusetts, Water Resources Commission, Tyler Site" and recorded in Plan Book 412 page 56. Said tracts of land were taken by said commission by virtue of the authority and in the exercise of the powers conferred by chapter six hundred and sixty-nine of the acts of nineteen hundred and sixty, as amended, for the purpose of flood prevention and related purposes.

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

The consideration for the above described easements shall be subject to an agreement between said commission and said town and approved as to form by the attorney general.

Said commission shall authorize said town to enter upon tracts numbered 125 and 128 as shown in the above mentioned plan, held in easement by said commission for the purpose of the installation, construction, maintenance and operation of a sanitary sewer system; provided, that said town has prior approval from the owners in fee to install, construct, maintain and operate said sewer system, and does not defeat the purpose for which the easement was taken.

The town of Northborough shall, within 30 calendar days of commencement of any work on any land as described above, give written notice of such work to said commission.

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

Approved June 30, 1978

Chap. 313. AN ACT EXTENDING THE TIME FOR THE CHARTER COMMISSION IN THE CITY OF MEDFORD TO SUBMIT ITS PRELIMINARY REPORT.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of subsection (b) of section nine of chapter forty-three B of the General Laws, the charter commission of the city of Medford may submit its preliminary report as required by said subsection (b) within nine months after its election.

SECTION 2. This act shall take effect upon its passage.
Approved June 30, 1978

Chap. 314. AN ACT REQUIRING PRODUCTION IN ARBITRATION PROCEEDINGS.

Be it enacted, etc., as follows:

SECTION 1. Section 7 of chapter 251 of the General Laws, as appearing in section 1 of chapter 374 of the acts of 1960, is hereby amended by adding the following paragraph:-

(e) Any party in an arbitration proceeding may serve upon any other party a request for the production of documents and things and for entry upon land for inspection and other purpose as permitted by and in accordance with the procedure set forth in rule thirty-four of the Massachusetts Rules of Civil Procedure in effect at the time the request is made. The enforcement and objections of such request shall be made to the arbitrators and the arbitrators only shall issue such orders as they deem necessary on objections and on requests for enforcement of production both prior to and after the commencement of the hearing.

SECTION 2. The provisions of section seven of chapter two hundred and fifty-one of the General Laws as in effect prior to the effective date of this act shall apply to agreements and proceedings thereunder entered into prior to said effective date.

Approved June 30, 1978

Chap. 315. AN ACT AUTHORIZING THE LOWELL DEVELOPMENT AND FINANCIAL CORPORATION.

Be it enacted, etc., as follows:

Section 5 of chapter 844 of the acts of 1975 is hereby amended by striking out, in lines 16 to 19 inclusive, the words ", and, for the first five years of its existence, the corporation shall confine its activities exclusively to the rehabilitation, access to, and restoration of, the central business district."

Approved June 30, 1978

Chap. 316. AN ACT PROVIDING FOR THE EXCLUSION OF SPECTATORS FROM COURTROOMS DURING TRIALS OR PORTIONS OF TRIALS INVOLVING THE CRIME OF INCEST OR RAPE.

Be it enacted, etc., as follows:

Chapter 278 of the General Laws is hereby amended by inserting after section 16B the following section:-

Section 16C. To protect the parties involved at a trial arising from a complaint or indictment for incest or rape, the trial judge may exclude all spectators from the courtroom in which such trial is being held, or from said courtroom during those portions of such trial when direct testimony is to be presented; provided, that either of the parties requests that all spectators be so excluded at the trial or portions thereof; and provided further, that the defendant in such trial by a written statement waives his right to a public trial for those portions from which spectators are so excluded.

Approved June 30, 1978

Chap. 317. AN ACT PROVIDING FOR THE APPROPRIATION OF INCOME FROM THE INVESTMENT OR DEPOSIT OF FUNDS IN THE INSURANCE ESCROW ACCOUNT OF A MUNICIPAL LIGHTING PLANT TO BE USED SOLELY FOR THE PURPOSES OF SAID PLANT.

Be it enacted, etc., as follows:

Chapter 164 of the General Laws is hereby amended by inserting after section 57B, inserted by chapter 866 of the acts of 1977, the following section:-

Section 57C. Any city or town having a municipal light plant shall appropriate any income from the investment or deposit of funds in the insurance escrow account established by said plant solely for the purposes of said plant.

Approved June 30, 1978

Chap. 318. AN ACT RELATIVE TO THE ANNUAL OBSERVANCE OF NATIONAL FAMILY WEEK.

Be it enacted, etc., as follows:

Chapter 6 of the General Laws is hereby amended by inserting after section 15JJ, inserted by chapter 221 of the acts of 1978, the following section:-

Section 15KK. The governor shall annually issue a proclamation setting apart the third week of May as National Family Week, and recommending that said week be observed by the people in an appropriate manner.

Approved June 30, 1978

Chap. 319. AN ACT DESIGNATING THE BOAT RAMP AND BEACH AREA OF THE GREAT POND LAKE NIPPENICKET AS THE HARVEY C. ELLIS MEMORIAL RECREATIONAL FACILITY.

Be it enacted, etc., as follows:

The boat ramp, parking lot and beach area of Great Pond Lake Nippenicket under the control of the public access board of the department of fisheries, wildlife and recreational vehicles shall be designated and known as the Harvey C. Ellis Memorial Recrea-

tional Facility in memory of Harvey C. Ellis a Sachem of the Order of Redmen. A suitable marker bearing said designation shall be erected thereat by said board.

Approved June 30, 1978

Chap. 320. AN ACT AUTHORIZING THE BOARD OF SELECTMEN OF THE TOWN OF BILLERICA TO APPOINT A BOARD OF TRUSTEES FOR THE BILLERICA PUBLIC LIBRARY.

Be it enacted, etc., as follows:

Notwithstanding the provisions of section ten of chapter seventy-eight of the General Laws or any other provision of law to the contrary, the selectmen of the town of Billerica are hereby authorized to appoint a board of trustees for the Billerica Public Library consisting of any number of persons, divisible by three, as the selectmen shall determine, who shall serve until a board of library trustees is elected as provided by said section ten of said chapter seventy-eight or the expiration of one year from the effective date of this act, whichever comes sooner. The board shall, from its own number, choose a chairman and secretary. The town treasurer shall act as treasurer of such board of trustees. The board of trustees so appointed shall have the same powers and duties and be subject to the same responsibilities as a board of library trustees elected under the provisions of said section ten of said chapter seventy-eight.

Approved June 30, 1978

Chap. 321. AN ACT AUTHORIZING THE CITY OF BROCKTON TO CONSTRUCT A BRANCH LIBRARY ON CERTAIN PARCEL OF PARK LAND.

Be it enacted, etc., as follows:

Notwithstanding the provisions of any general or special law to the contrary, the city of Brockton is hereby authorized to construct a branch of the city library on land presently known as the George E. Keith Park in said city.

Approved June 30, 1978

Chap. 322. AN ACT RELATIVE TO THE CONSTRUCTION OF PIPES, WIRES, MAINS AND CONDUITS ALONG, UNDER, AND OVER RAILROADS, ELECTRIC RAILROADS OR STREET RAILWAYS.

Be it enacted, etc., as follows:

SECTION 1. The eleventh sentence of section 72 of chapter 164 of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by inserting after the word "impose", in line 48, the words:- or except as otherwise provided in this chapter.

SECTION 2. Said chapter 164 is hereby further amended by striking out section 73, as so appearing, and inserting in place thereof the following section:-

Section 73. A corporation subject to this chapter, to the extent that it is authorized to make, sell, transmit or distribute gas or electricity, or both, may, for the purposes of such sale, transmission, or distribution, lay, erect and maintain pipes, wires, mains and conduits under, over or across the location on private land of any railroad, electric railroad or street railway corporation at such places and in such manner and on such terms and conditions as it may agree upon with such corporation, or, in case of failure so to agree, then with the consent of the department and at such places, in such manner, with such safeguards and upon such compensation, terms and conditions as it may specify; but no pole, tower or similar structure shall be located within the location of such railroad, electric railroad or street railway corporation without its consent; provided, however, that if such corporation has lawfully constructed for such purposes poles, towers or similar structures within the location of such railroad, electric railroad or street railway corporation, then it shall not thereafter be required to remove, abandon or cease to operate such facilities without the consent of the department. If the department, after notice and public hearing, determines that the continued operation of such facilities will serve the public convenience and is consistent with the public interest, it shall specify the terms and conditions for the continued operation thereof, including compensation to any person or corporation lawfully entitled thereto. The department may, from time to time, specify such changes in the manner of laying, erecting and maintaining such pipes, mains, wires and conduits and such facilities, and, in the terms and conditions thereof, as it deems advisable.

Approved June 30, 1978

Chap. 323. AN ACT PROVIDING FOR THE IMPANELLING OF GRAND JURORS FOR THE COUNTY OF ESSEX FOR TWO SITTINGS FOR TERMS OF SIX MONTHS.

Be it enacted, etc., as follows:

SECTION 1. Section 1 of chapter 277 of the General Laws is hereby amended by striking out the first sentence, as most recently amended by section 1 of chapter 862 of the acts of 1977, and inserting in place thereof the following sentence:- The clerk of the courts for each county, except Suffolk, Middlesex, Essex, Hampden, Norfolk, Plymouth and Worcester shall, not less than twenty-eight days before the commencement of the first sitting of the superior court for criminal business in each year, issue writs of venire facias for fifty veniremen, from whose numbers the court shall select twenty-three grand jurors who shall serve in said court until the first regular sitting in the year next after they have been impanelled and until another grand jury has been impanelled in their stead.

SECTION 2. Said chapter 277 is hereby further amended by inserting after section 2F, inserted by section 2 of said chapter 862, the following section:-

Section 2G. The clerk of the court for Essex county shall, not less than twenty-eight days before the first Mondays of January and May, and the second Monday of September respectively, issue writs of venire facias for thirty-five veniremen from whom the court shall select twenty-three grand jurors to serve in said court, who shall serve for each sitting thereof for four months and until another grand jury has been impanelled in their stead.

Approved June 30, 1978

Chap. 324. AN ACT AUTHORIZING THE TOWN OF DOUGLAS TO RENEW CERTAIN FEDERAL AND STATE ANTICIPATION NOTES.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any provision of section six A of chapter forty-four of the General Laws or any other general or special law to the contrary, the treasurer of the town of Douglas, with the approval of the selectmen, is hereby authorized to renew anticipation notes, for a period not exceeding three years from the effective date of this act, in the amount of eighty thousand dollars, in order to pay the federal and state aid anticipation notes of said town, dated March fifteenth, nineteen hundred and seventy-six in the amount of thirty thousand dollars and January fifth, nineteen hundred and seventy-six in the amount of fifty thousand dollars, in the total sum of eighty thousand dollars. Notes issued under this act for a period of less than three years may be renewed or paid from time to time by 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 five years.

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

Approved June 30, 1978

Chap. 325. AN ACT AUTHORIZING THE TOWN OF ARLINGTON TO PROVIDE FOR THE REDEMPTION AND REFUNDING OF CERTAIN BONDS OR NOTES.

Be it enacted, etc., as follows:

SECTION 1. The treasurer of the town of Arlington, with the approval of the board of selectmen of said town, is hereby authorized to provide that the bonds or notes of any issue of the ten million nine hundred and twenty-five thousand dollars aggregate principal amount of bonds or notes authorized by vote of said town adopted under article two of the warrant for its special town meeting held on October seventeenth, nineteen hundred and seventy-seven may be called and redeemed in whole or in part prior to their maturities, at such price or prices, not exceeding one hundred and five per cent of the principal amount of the bonds or notes so called and redeemed, and under such

terms and conditions as he, with such approval, may determine. No such bonds or notes shall be called and redeemed before maturity unless funds sufficient to pay the principal thereof, any redemption premium thereon and all interest accrued to the date fixed for redemption have been appropriated by the town and are then available or unless the board of selectmen shall have provided for the issuance of refunding bonds or notes as provided in section two.

SECTION 2. The board of selectmen of the town of Arlington may authorize the issuance of refunding bonds or notes of said town for the purpose of refunding all or any designated part of the bonds or notes described in section one and then outstanding, including the payment of any redemption premium thereon, prior to their stated maturity dates, provided that no such refunding bonds or notes shall be payable over a period longer than the period during which the original bonds or notes so refunded must be paid in accordance with law. Refunding bonds or notes issued under this act shall, except as otherwise provided herein, be subject to the provisions of chapter forty-four of the General Laws.

SECTION 3. This act shall take effect upon its passage.
Approved July 1, 1978

Chap. 326. AN ACT VALIDATING CERTAIN ACTIONS OF THE SPECIAL TOWN MEETING OF THE TOWN OF NATICK.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any contrary provisions of law, the action taken by the town of Natick under Article 2 of the special town meeting held May twenty-third, nineteen hundred and seventy-eight relative to fixing the salary and compensation of all elected officials of said town is hereby validated and confirmed, as if said action had been taken at the annual town meeting.

SECTION 2. This act shall take effect upon its passage.
Approved July 1, 1978

Chap. 327. AN ACT VALIDATING THE ACTS AND PROCEEDINGS OF THE SPECIAL TOWN MEETING OF THE TOWN OF WEYMOUTH HELD ON JUNE TWELFTH, NINETEEN HUNDRED AND SEVENTY-EIGHT.

Be it enacted, etc., as follows:

SECTION 1. The acts and proceedings of the town of Weymouth at the special town meeting of June twelfth, nineteen hundred and seventy-eight, and all adjourned sessions and all acts done in pursuance thereof, are hereby confirmed and made valid, notwithstanding the failure of said town to post attested copies of the warrant for said special town meeting or the failure of the constable to make his return of service at least fourteen days

before June twelfth, nineteen hundred and seventy-eight.

SECTION 2. This act shall take effect upon its passage.
Approved July 1, 1978

Chap. 328. AN ACT AUTHORIZING THE METROPOLITAN DISTRICT COMMISSION TO CONVEY A CERTAIN PARCEL OF LAND SITUATED IN THE TOWN OF BELMONT TO THE ALBERT J. LOCATELLI REALTY TRUST.

Be it enacted, etc., as follows:

SECTION 1. The metropolitan district commission is hereby authorized to sell and convey in the name and on behalf of the commonwealth to the Albert J. Locatelli Realty Trust having an office in the town of Belmont, by a quitclaim deed approved as to form by the attorney general, and at a price to be negotiated between the parties, providing that the price per square foot is not less than the value per square foot of the adjacent parcel owned by the Albert J. Locatelli Trust; or is sixteen thousand eight hundred dollars, a certain strip of land situated in the town of Belmont and bounded and described as follows:

Northerly by Alexander Avenue;

Easterly by remaining land of the Metropolitan District Commission occupied by the pumping station on Claflin Street;

Southerly and Westerly by land of said Albert J. Locatelli Realty Trust; containing 1,400 square feet more or less.

SECTION 2. This act shall take effect upon its passage.
Approved July 1, 1978

Chap. 329. AN ACT AUTHORIZING THE DEPARTMENT OF ENVIRONMENTAL QUALITY ENGINEERING TO GRANT CERTAIN LAND LOCATED AT THE STATE PIER IN THE CITY OF NEW BEDFORD TO SAID CITY.

Be it enacted, etc., as follows:

SECTION 1. The department of environmental quality engineering acting for and on behalf of the commonwealth is hereby authorized to convey certain parcels of land located at the state pier in the city of New Bedford to said city for the purpose of improving vehicular and pedestrian circulation, said land being bounded and described as follows:

Parcel 1

Beginning at a point in the intersection of the southerly line of Union Street, as laid out and accepted January 29, 1855, with the westerly line of the Commonwealth of Massachusetts State Pier;

thence S 8°-15'-00"E in said westerly line of State Pier; a distance of one hundred eighty-two (182.00) feet;

thence N 81°-51'-47"E a distance of fifteen (15.00) feet;

thence N 8°-15'-00"W a distance of one hundred eighty-two (182.00) feet;

thence S 81°-51'-47"W in southerly line of Union Street, a distance of fifteen (15.00) feet to the point of beginning, containing 2925 square feet.

Parcel 2

Beginning at a point in the intersection of the northerly line of Union Street, as laid out and accepted, January 29, 1855, with the easterly line of right-of-way of the Old Colony Railroad Company;

thence N 8°-15'-00"W in said easterly line of the Old Colony Railroad Company, a distance of two hundred thirty-one (231.00) feet;

thence N 81°-51'-47"E in the southerly line of land now or formerly owned by the City of New Bedford, a distance of fifteen (15.00) feet;

thence S 8°-15'-00"E a distance of two hundred thirty-one (231.00) feet;

thence S 81°-51'-47"W in the northerly line of Union Street, a distance of fifteen (15.00) feet to the point of beginning containing 3465.00 square feet.

Parcel 3

Beginning at a point in the intersection of the southwesterly corner of a corrugated metal building owned by the United States Coast Guard and the westerly line of the Commonwealth of Massachusetts State Pier;

thence S 8°-15'-00"E in said westerly line of State Pier, a distance of eighty-eight and sixty-six hundredths (88.66) feet;

thence N 83°-29'-28"E for a distance of fifteen (15.00) feet;

thence N 8°-15'-00"W for a distance of eighty-eight and sixty-six hundredths (88.66) feet;

thence S 83°-29'-28"W for a distance of fifteen (15.00) feet to the point of beginning containing 1329.9 square feet.

SECTION 2. In the event the city of New Bedford elects not to use said parcels for the purpose stated in section one, said parcels shall revert to the commonwealth.

Approved July 1, 1978

EMERGENCY LETTER - July 12, 1978 @ 9:46 A.M.

Chap. 330. AN ACT PROVIDING THAT A CERTAIN LICENSE TO FILL AND MAINTAIN EXISTING FILL OR STRUCTURES IN CERTAIN TIDEWATERS OF THE TAUNTON RIVER IN THE CITY OF FALL RIVER BE IRREVOCABLE.

Be it enacted, etc., as follows:

Notwithstanding any provision of general or special law to the contrary, license No. 418 issued by the division of waterways in the department of environmental quality engineering and recorded with the registry of deeds in Bristol county on March 10, 1978, Book 1213, page 261, to fill or maintain existing fill and to erect or maintain certain bulkheads, seawalls and riprap on land in the city of Fall River described as part of or adjacent to land shown on said city's Assessor's Plat numbers 13-1, 13-2, 13-3 and 13-4, is hereby made irrevocable. Any charges assessed on the

tidewater displacement relative to the issuance of the license pursuant to this act are hereby waived.

Approved July 1, 1978

Chap. 331. AN ACT RELATIVE TO PUBLIC ACCOMMODATIONS.

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

Be it enacted, etc., as follows:

The second paragraph of section 92A of chapter 272 of the General Laws, as appearing in section 1 of chapter 418 of the acts of 1971, is hereby amended by striking out clause (10) and inserting in place thereof the following clause:- or (10) a hospital, dispensary or clinic operating for profit; provided, however, that with regard to the prohibition on sex discrimination, this section shall not apply to any corporation or entity authorized, created or chartered by federal law for the express purpose of promoting the health, social, educational vocational, and character development of a single sex; provided, further, that with regard to the prohibition of sex discrimination, those establishments which rent rooms on a temporary or permanent basis for the exclusive use of persons of the same sex shall not be considered places of public accommodation and shall not apply to any other part of such an establishment.

The foregoing was laid before the Governor on the twentieth day of June, 1978 and after ten days it had "the force of a law", as prescribed by the Constitution, as it was not returned by him with his objections thereto within that time.

Chap. 332. AN ACT AUTHORIZING THE MASSACHUSETTS PORT AUTHORITY TO MAKE PAYMENTS IN LIEU OF TAXES TO THE CITIES OF BOSTON AND CHELSEA.

Be it enacted, etc., as follows:

SECTION 1. Sections 1 to 7, inclusive, of chapter 949 of the acts of 1977 are hereby repealed.

SECTION 2. Section 17 of chapter 465 of the acts of 1956, as most recently amended by section 8 of chapter 949 of the acts of 1977, is hereby further amended by striking out the first sentence and inserting in place thereof the following sentence:- The exercise of the powers granted by this act will be in all respects for the benefit of the people of the commonwealth, for the increase of their commerce and prosperity, and for the improvement of their health and living conditions, and as the operation and maintenance of the projects by the Authority will constitute the performance of essential governmental functions, the Authority shall not be required to pay any taxes or assessments upon any

project or any property acquired or used, by the Authority under the provisions of this act or upon the income therefrom and the bonds issued under the provisions of this act, their transfer and the income therefrom, including any profit made on the sale thereof, shall at all times be free from taxation within the commonwealth, and no property of the Authority shall be taxed to a lessee thereof under section three A of chapter fifty-nine of the General Laws; provided, however, that anything herein to the contrary notwithstanding, lands of the Authority, except lands acquired by the commonwealth under the provisions of chapter seven hundred and five of the acts of nineteen hundred and fifty-one situated in that part of the city called South Boston and constituting a part of the Commonwealth Flats, and lands acquired by the Authority which were subject to taxation on the assessment date next preceding the acquisition thereof, shall, if leased for business purposes, be taxed by the city or by any city or town in which the said land may be situated to the lessees thereof, respectively, in the same manner as the lands and the buildings thereon would be taxed to such lessees if they were the owners of the fee, except that the payment of the tax shall not be enforced by any lien upon or sale of the lands, but a sale of the leasehold interest therein and of the buildings thereon may be made by the collector of the city in the manner provided by law in case of nonpayment of taxes for selling real estate, for the purpose of enforcing the payment of the taxes by such lessees to the city or town assessed under the provisions hereof.

SECTION 3. Said section 17 of said chapter 465 is hereby further amended by adding the following two paragraphs:-

In addition to and without limitation of the foregoing, and notwithstanding any contrary provision of this act or any other general or special law, the Authority is authorized and directed to enter into agreements with the city of Boston and the city of Chelsea whereby the Authority will make to each such city annual payments in lieu of taxes. Any such agreement shall provide for annual payments for a period extending at least five years from the date thereof. Such agreements may be amended by the mutual agreement of the respective city and the Authority and shall be extended each year to incorporate an additional year or years to the term of the agreement. In arriving at the agreed upon level of such annual payments or any amendments thereto, the respective city and the Authority shall consider (1) the general level of property taxation in effect in such city; (2) the effect of the projects, facilities or activities of the Authority on such city; (3) the general economic condition of the users or other persons who pay the tolls, rates, fees, rentals, or other charges of the Authority; and (4) the needs of the Authority to maintain or improve its facilities or projects; provided, that no such annual payments as agreed upon or any amendments thereto shall exceed in the aggregate for any fiscal year of the Authority the balance of revenues remaining for such fiscal year after payment of all other current expenses of the Authority, any payments to the state treasurer which may be required under the provisions of section six hereof and the deposits to the

credit of any maintenance reserve or like fund and the interest and sinking fund provided for in the trust agreement referred to in section twelve as from time to time in effect. Notwithstanding the provisions of clause (e) of section 1 hereof, any moneys set aside or payable or paid under such agreements with the cities of Chelsea and Boston shall not constitute current expenses for the purposes of the second paragraph of section fourteen hereof, and notwithstanding any provision of section twelve hereof, such trust agreement may provide that such amounts shall be set aside or payable or paid only after the Authority has set aside or paid all other current expenses of the Authority, any payments to the state treasurer which may be required under the provisions of section six hereof and the deposits to the credit of any maintenance reserve or like fund and the interest and sinking fund provided for in said trust agreement, as from time to time in effect.

There shall be added to the equalized valuations of the cities of Boston and Chelsea, as calculated by the department of corporations and taxation, a value equivalent to that which would produce the amount of tax revenues accruing to said cities under the agreement authorized herein.

SECTION 4. The supreme judicial court is hereby granted exclusive original jurisdiction to hear and settle disputes arising under the provisions of this act.

SECTION 5. This act shall take effect as of January tenth, nineteen hundred and seventy-eight.

Approved July 3, 1978

Chap. 333. AN ACT REORGANIZING THE BOSTON SCHOOL DEPARTMENT.

Be it enacted, etc., as follows:

SECTION 1. Chapter 231 of the acts of 1906 is hereby amended by striking out section 1, as most recently amended by section 1 of chapter 150 of the acts of 1972, and inserting in place thereof the following section:-

Section 1. The school committee of the city of Boston shall, in the year nineteen hundred and seventy-eight and every fourth year thereafter, elect and contract with a superintendent of schools. The term of the superintendent shall be four years, from the first day of July in such year, except that the term of the superintendent elected in nineteen hundred and seventy-eight shall commence on September first, nineteen hundred and seventy-eight, and expire on June thirtieth, nineteen hundred and eighty-two. The school committee shall fix the compensation of such superintendent, not to exceed fifty thousand dollars per annum, unless approved by the mayor and the city council, which sum shall be in full for all services rendered to the city. The school committee may remove the superintendent at its pleasure, by filing with the city clerk its reasons for so doing. The superintendent shall upon taking employment be, and during such employment remain, a resident of the city of Boston as that

term is defined by ordinance. Failure to maintain such residence shall be determined a voluntary termination of employment. Any vacancy in the office of the superintendent shall be filled by the school committee for the unexpired term.

The superintendent of schools shall be the executive officer of the school committee in all matters pertaining to the powers and duties of the school committee.

No person shall be elected or appointed by the school committee unless such person shall have been nominated for such election or appointment by the superintendent of schools; provided, however, that the preceding provision of this paragraph shall not apply, and the superintendent of schools shall have no power of nomination, in the case of an election or appointment of a chairman, secretary or treasurer of the school committee or of a superintendent of schools or of a person to serve on the board of commissioners of school buildings, the board of trustees of the teachers retirement fund or the board of trustees of the permanent school pension fund.

SECTION 2. Said chapter 231 is hereby further amended by striking out section 1A, as most recently amended by section 2 of said chapter 150, and inserting in place thereof the following section:-

Section 1A. Subject to the provisions of the last paragraph of section one, the school committee shall in the year nineteen hundred and seventy-eight and every fourth year thereafter, elect a deputy superintendent for management operations and a deputy superintendent for academic operations. The term of said deputy superintendents shall be four years, from the first day of July in such year, except that the terms of the deputy superintendents elected in nineteen hundred and seventy-eight shall commence on September first, nineteen hundred and seventy-eight, and expire on June thirtieth, nineteen hundred and eighty-two. The superintendent may remove said deputy superintendents, or each of them, at his pleasure. Any vacancy in said offices shall be filled by the school committee for the unexpired term. The compensation of said officers shall be fixed by the school committee.

Subject to the provisions of the last paragraph of section one, the school committee may elect up to five senior management officers, each of whom shall serve at the pleasure of the superintendent. The compensation of said officers shall be fixed by the school committee.

The provisions of chapter thirty-one and of section thirty-eight G, chapter seventy-one of the General Laws shall not apply to the deputy superintendent for management operations elected pursuant to the first paragraph of this section.

Subject to the provisions of the last paragraph of section one, the school committee shall also elect a chief structural engineer, a senior structural engineer, and not more than three structural engineers, who shall severally hold office until removed by the school committee. The chief structural engineer shall constitute the awarding authority within the meaning of sections forty-four A to forty-four L, inclusive, of chapter one hundred and forty-nine of the General Laws with respect to contracts for

the alteration or repair of public school buildings. At such times as the chief structural engineer is absent or unable from any cause to perform his duties or as there is a vacancy in the office of chief structural engineer, the senior structural engineer, or in the case of his absence or disability or of a vacancy in such office such structural engineer as the school committee shall from time to time designate, shall act as chief structural engineer. Said school committee shall fix the compensation of persons elected under this paragraph, and may remove them, or any of them, for cause.

The superintendent of schools shall assign to each person elected under this section such duties as he may see fit.

SECTION 3. Section one B of said chapter two hundred and thirty-one is hereby repealed.

SECTION 4. Any associate superintendents and assistant superintendents in office under chapter two hundred and thirty-one of the acts of nineteen hundred and six when this act takes effect shall serve until August thirty-first, nineteen hundred and seventy-eight.

SECTION 5. The city of Boston shall provide that the Boston school department shall have access to the data processing system of said city whenever possible and feasible.

SECTION 6. The Boston school department shall use the city of Boston printing department for all their printing whenever possible and feasible.

SECTION 7. This act shall take effect upon its passage.

Approved July 5, 1978

Chap. 334. AN ACT AUTHORIZING THE CITY OF LAWRENCE TO PAY CERTAIN FIRE FIGHTERS MONEY OWED TO THEM FOR ATTENDING EMERGENCY MEDICAL TECHNICIAN TRAINING SCHOOL.

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 six thousand seven hundred and fifty-five dollars and eighty-two cents, and after such appropriation, the treasurer of said city is hereby authorized to pay the sum of seven hundred and eighty-nine dollars and forty-six cents to Robert Broadhurst, the sum of seven hundred and eighty-nine dollars and forty-six cents to Robert Cox, the sum of seven hundred and seventy-two dollars and sixty-six cents to Raymond Fay, the sum of eight hundred and six dollars and twenty-five cents to Edward Latifian, the sum of six hundred and eighty-eight dollars and sixty-eight cents to Settimo Mammino, the sum of seven hundred and eighty-nine dollars and forty-six cents to Robert Mers, the sum of six hundred and four dollars and sixty-nine cents to Thomas Moffatt, the sum of eight hundred and six dollars and twenty-five cents to James Reusch, and the sum of seven hundred and eight dollars and ninety-one cents to John Duxbury. Such persons

being fire fighters who attended the Emergency Medical Technician Training school and who were never paid for attending classes at said Emergency Medical Technician Training school.

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

Approved July 5, 1978

Chap. 335. AN ACT VALIDATING THE ACTS AND PROCEEDINGS TAKEN BY THE TOWN OF PRINCETON AT THE ANNUAL TOWN MEETING HELD IN THE YEAR NINETEEN HUNDRED AND SEVENTY-EIGHT.

Be it enacted, etc., as follows:

SECTION 1. The acts and proceedings of the town of Princeton at the annual town meeting held in the year nineteen hundred and seventy-eight and at all adjourned sessions thereof, and all acts done in pursuance thereof, are hereby ratified, validated and confirmed, notwithstanding the failure of said town to comply with the law relative to the posting of the warrant for said meeting.

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

Approved July 5, 1978

Chap. 336. AN ACT FURTHER REGULATING BILINGUAL DISCLOSURES IN CONSUMER CREDIT FORM.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to regulate forthwith bilingual disclosures in consumer credit form, 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 75 of the acts of 1978 is hereby amended by adding the following section:-

Section 2. Section one of this act shall take effect on July first, nineteen hundred and seventy-nine.

Approved July 8, 1978

Chap. 337. AN ACT PROVIDING THAT THE POSITION OF SEALER OF WEIGHTS AND MEASURES OF THE TOWN OF HOLLISTON 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 position of sealer of weights and measures of the town of Holliston shall be exempt from the provision of chapter thirty-one of the General Laws.

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

Approved July 8, 1978

Chap. 338. AN ACT VALIDATING THE ACTS AND PROCEEDINGS OF THE SPECIAL TOWN MEETING OF THE TOWN OF WELLESLEY.

Be it enacted, etc., as follows:

SECTION 1. All acts and proceedings of the town of Wellesley taken at its special town meeting of January seventeenth, nineteen hundred and seventy-eight, including acts and proceedings taken at all adjourned sessions thereof and all referenda or other acts and proceedings in connection therewith, are hereby ratified, validated and confirmed, notwithstanding the failure of said town to mail the warrant for said special town meeting for the transaction of business at least fourteen days before January seventeenth, nineteen hundred and seventy-eight.

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

Approved July 8, 1978

Chap. 339. AN ACT REQUIRING THAT THE MUTUAL SAVINGS CENTRAL FUND, INC., BE FURNISHED CERTAIN FINANCIAL REPORTS CONCERNING MEMBER BANKS.

Be it enacted, etc., as follows:

Section 1A of chapter 43 of the acts of 1934, as appearing in section 5 of chapter 324 of the acts of 1956, is hereby amended by inserting after the second sentence the following two sentences:- The commissioner shall in any event furnish to the treasurer of the corporation one copy of the report of any examination of the books, securities, cash, assets and liabilities of any member bank made by the commissioner, pursuant to section two of chapter one hundred and sixty-seven, in the form furnished to such bank as provided in that section. Every member bank shall furnish to the treasurer of the corporation one copy of any report of examination and audit filed with the commissioner by such bank or caused by the commissioner to be made with respect to such bank, pursuant to section sixty-three of chapter one hundred and sixty-eight, in each case within fifteen days after such report is filed with or otherwise furnished to the commissioner.

Approved July 8, 1978

Chap. 340. AN ACT REQUIRING AN ITEMIZED LIST OF FUNERAL COSTS.

Be it enacted, etc., as follows:

Chapter 112 of the General Laws is hereby amended by inserting after section 84A the following section:-

Section 84B. Every licensed funeral director, his agent or servant, shall give, or cause to be given to the person making funeral arrangements, or arranging for shipment, transportation or other disposition of a deceased person, at the time such

arrangements are completed or prior to the time of rendering the service, a written itemized statement showing to the extent then known the price of merchandise and service that such person making such arrangements has selected; the price of supplemental items of service and merchandise if any; the estimated amount of each item for which the funeral service firm will advance monies as an accommodation to the person making such funeral arrangements. No such funeral director, his agent or servant, shall bill or cause to be billed, any item that is referred to as a "cash advanced" item unless the net amount paid for such item by the funeral director, is the same amount as is billed to such funeral director.

Approved July 8, 1978

Chap. 341. AN ACT FURTHER REGULATING DEFERRED
COMPENSATION PROGRAMS FOR PUBLIC
EMPLOYEES.

Be it enacted, etc., as follows:

Chapter 44 of the General Laws is hereby amended by striking out section 67, as amended by section 6 of chapter 422 of the acts of 1976, 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 fund, or bank investment trust. If the employee is a director, administrative officer of a department, city or town manager, or executive secretary, or a similar professional or scientific employee, the treasurer of any city or town may, at the election of the employee, for the purpose of funding a deferred compensation program for said employee, invest the deferred portion of the employee's income in either a plan containing the options provided for in the previous sentence, or in a contract, trust or program maintained by a nonprofit organization classified as tax-exempt by the United States Internal Revenue Service whose holdings consist of tax-exempt government securities. 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, banks and tax-exempt organizations, 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, bank investment trust or tax-exempt organization 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 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 federal taxes withheld on behalf of any such employee.

Approved July 8, 1978

Chap. 342. AN ACT RELATIVE TO THE DISPOSITION OF FETAL REMAINS.

Be it enacted, etc., as follows:

The seventh paragraph of section 202 of chapter 111 of the General Laws, as appearing in section 5 of chapter 598 of the acts of 1977, is hereby amended by adding the following sentence:- Before disposition, the parent shall be informed in writing of the hospital policy relating to disposal of fetal remains, and shall be informed of the availability of a chaplain if any for counsel.

Approved July 8, 1978

Chap. 343. AN ACT DIRECTING THE DEPARTMENT OF PUBLIC UTILITIES TO DISAPPROVE A RATE OR CHARGE FOR TELEPHONE DIRECTORY ASSISTANCE SERVICE.

Be it enacted, etc., as follows:

The department of public utilities shall, for a period ending one year after the effective date of this act, disapprove any schedule filed by a common carrier pursuant to section nineteen of chapter one hundred and fifty-nine of the General Laws, if said schedule includes a rate, fare, toll or charge for telephone directory assistance service. During said one-year period said department shall hold public hearings throughout the commonwealth and make an investigation as to the propriety of a common carrier imposing such reasonable charges for directory assistance service.

After such hearings and investigation and such one-year period, said department may make in reference to any rate, charge, rules or regulations for such directory assistance service, such order as would be proper under section fourteen of said chapter one hundred and fifty-nine.

Approved July 8, 1978

Chap. 344. AN ACT PROVIDING FOR A PASSING STANDARD
FOR WRITTEN CIVIL SERVICE EXAMINATIONS.

Be it enacted, etc., as follows:

The first paragraph of section 10 of chapter 31 of the General Laws, as amended by section 1 of chapter 91 of the acts of 1977, is hereby further amended by striking out the fourth sentence and inserting in place thereof the following sentence:- The administrator shall determine the scope, weight and passing requirements of examinations; provided, however, that whenever a written examination for police or firefighter positions is given, the passing requirement shall be a correct answer to not less than seventy per cent of all the questions asked in such examination.

Approved July 8, 1978

Chap. 345. AN ACT AUTHORIZING THE RECOVERY OF
LEGAL FEES IN PROCEEDINGS TO FORECLOSE
THE RIGHT OF REDEMPTION OF LAND TAKEN
OR SOLD FOR NONPAYMENT OF TAXES.

Be it enacted, etc., as follows:

Section 65 of chapter 60 of the General Laws, as most recently amended by section 5 of chapter 1215 of the acts of 1973, is hereby further amended by adding the following sentence:- The land court in each petition filed by a city or town may, upon motion, order the payment of legal fees to a city or town, which amount shall be added to the tax title account of the land to which the right of redemption is being foreclosed; provided, however, that if the value of the parcel of land involved is twenty-five hundred dollars or less, such legal fees shall not exceed fifty dollars, and if the value of such parcel is in excess of twenty-five hundred dollars, such legal fees shall not exceed two hundred dollars.

Approved July 8, 1978

Chap. 346. AN ACT INCREASING THE AMOUNT OF REIM-
BURSEMENT TO THE COMMONWEALTH FOR THE
COST OF EXAMINING LICENSEES BY THE
COMMISSIONER OF BANKS.

Be it enacted, etc., as follows:

SECTION 1. Section 24C of chapter 93 of the General Laws, as most recently amended by section 1 of chapter 1149 of the acts of 1973, is hereby further amended by striking out the second sentence and inserting in place thereof the following sentence:- The commissioner shall assess the licensee ninety dollars per day for each person participating in such investigation, except that the assessment for an examiner in charge of an examination shall be one hundred and twenty dollars per day;

provided, however, that the assessment for any examination which requires only one examiner shall be ninety dollars per day.

SECTION 2. Section 97 of chapter 140 of the General Laws is hereby amended by striking out the third sentence, as most recently amended by section 2 of said chapter 1149, and inserting in place thereof the following sentence:- The commissioner shall assess the licensee ninety dollars per day for each person participating in such investigation, except that the assessment for an examiner in charge of an examination shall be one hundred and twenty dollars per day; provided, however, that the assessment for any examination which requires only one examiner shall be ninety dollars per day.

SECTION 3. Section 3 of chapter 255B of the General Laws, as most recently amended by section 25 of said chapter 1149, is hereby further amended by striking out the last sentence and inserting in place thereof the following sentence:- The commissioner shall assess the licensee ninety dollars per day for each person participating in such investigation, except that the assessment for an examiner in charge of an examination shall be one hundred and twenty dollars per day; provided, however, that the assessment for any examination which requires only one examiner shall be ninety dollars per day.

SECTION 4. The first paragraph of section 6 of chapter 255C of the General Laws is hereby amended by striking out the second sentence, as most recently amended by section 28 of said chapter 1149, and inserting in place thereof the following sentence:- The commissioner shall assess the licensee ninety dollars per day for each person participating in such investigation, except that the assessment for an examiner in charge of an examination shall be one hundred and twenty dollars per day; provided, however, that the assessment for any examination which requires only one examiner shall be ninety dollars per day.

SECTION 5. Section 3 of chapter 255D of the General Laws, as most recently amended by section 30 of said chapter 1149, is hereby further amended by striking out the fourth sentence and inserting in place thereof the following sentence:- The commissioner shall assess the licensee ninety dollars per day for each person participating in such investigation, except that the assessment for an examiner in charge of an examination shall be one hundred and twenty dollars per day; provided, however, that the assessment for any examination which requires only one examiner shall be ninety dollars per day.

Approved July 8, 1978

Chap. 347. AN ACT CLARIFYING THE CONFIDENTIALITY OF DRUG RECORDS.

Be it enacted, etc., as follows:

Section 55 of chapter 123 of the General Laws is hereby amended by striking out paragraph (a), as amended by section 28A of chapter 827 of the acts of 1974, and inserting in place thereof the following paragraph:-

(a) The administrator of each facility shall keep a record of treatment afforded each patient, which shall be confidential and shall only be made available upon judicial order, whether in connection with pending judicial proceedings or otherwise, where disclosure is authorized by section 408 of the Drug Abuse Office and Treatment Act of 1972 and 21 U.S.C. 1175 or, where disclosure is authorized with the informed consent of the patient. Such consent shall be in writing, shall be to the benefit of the patient, and shall be signed by the patient. Such consent shall state the name of the person or organization to whom the disclosure is to be made, the specific type of information to be disclosed, and the purpose or need for such disclosure.

Approved July 8, 1978

Chap. 348. AN ACT EXTENDING THE TIME IN WHICH PARTIES MAY CLAIM A REVIEW OF A DECISION OF A SINGLE MEMBER OF THE DIVISION OF INDUSTRIAL ACCIDENTS AND EXTENDING THE TIME WITHIN WHICH AN ORDER OR DECREE OF A REVIEWING BOARD OF SAID DIVISION MAY BE APPEALED.

Be it enacted, etc., as follows:

SECTION 1. The first sentence of section 10 of chapter 152 of the General Laws, as amended by section 4 of chapter 742 of the acts of 1972, is hereby further amended by striking out, in line 1, the word "ten" and inserting in place thereof the word: - thirty.

SECTION 2. The first paragraph of section 11 of said chapter 152, as most recently amended by section 5 of said chapter 742, is hereby further amended by striking out, in line 21, the word "ten" and inserting in place thereof the word: - thirty.

Approved July 8, 1978

Chap. 349. AN ACT CONFORMING THE LAWS RELATIVE TO OFFICE HOLDING WITH THE EQUAL RIGHTS AMENDMENT.

Be it enacted, etc., as follows:

SECTION 1. Section seven A of chapter thirty of the General Laws is hereby repealed.

SECTION 2. Said chapter 30 is hereby further amended by striking out section 7B, as appearing in the Tercentenary Edition, and inserting in place thereof the following section:-

Section 7B. Upon the change of name or any person holding an executive, administrative or legislative office in the state government, he shall register his new name with the secretary.

SECTION 3. Section three A of chapter thirty-four of the General Laws is hereby repealed.

SECTION 4. Section 1 of chapter 41 of the General Laws, as most recently amended by section 1 of chapter 690 of the acts of

1977, is hereby further amended by striking out the eighteenth clause.

SECTION 5. Section 3 of said chapter 41, as appearing in the Tercentenary Edition, is hereby amended by striking out the last sentence.

Approved July 8, 1978

Chap. 350. AN ACT REGULATING RIGHT TURN ON RED AT A SIGNALIZED INTERSECTION.

Be it enacted, etc., as follows:

Section 8 of chapter 89 of the General Laws, as most recently amended by chapter 686 of the acts of 1977, is hereby further amended by adding the following paragraph:-

A city or town, or the department, on ways under their control, may erect and maintain signs permitting an operator of a motor vehicle facing a steady red indication in a traffic control signal to cautiously enter an intersection to turn right or to turn left from a one-way street into a one-way street, after stopping, unless otherwise directed by a police officer. Such operator shall yield the right of way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection. Any rule, regulation, order, ordinance or by-law made by a board or officer of a city or town permitting such turns shall be subject to the provisions of section two of chapter eighty-five.

Approved July 8, 1978

Chap. 351. AN ACT AUTHORIZING THE CITY OF HAVERHILL TO APPEAL FROM THE MOST RECENT EQUALIZED VALUATION ESTABLISHED BY THE STATE TAX COMMISSION FOR SAID CITY.

Be it enacted, etc., as follows:

The city of Haverhill is hereby authorized to appeal from the most recent equalized valuation established by the state tax commission for said city, notwithstanding the time restrictions contained in section ten B of chapter fifty-eight of the General Laws.

Approved July 8, 1978

EMERGENCY LETTER - July 10, 1978 @ 12:37 P.M.

Chap. 352. AN ACT RELATIVE TO BRANCH OFFICES OF TRUST COMPANIES.

Be it enacted, etc., as follows:

Section 11 of chapter 172 of the General Laws is hereby amended by striking out paragraph (a), as most recently amended by section 18 of chapter 1149 of the acts of 1973, and inserting in place thereof the following paragraph:-

(a) After such notice and hearing as the board may prescribe, a trust company may, with the approval of the board, establish

and operate one or more branch offices in the city or town where its principal office is located, in any other city or town in the same county having no commercial banking facilities or having banking facilities which, in the opinion of the board, are inadequate for the public convenience, or on a site within fifteen miles from the premises of the principal office in any city or town in another county having no commercial banking facilities or having facilities which, in the opinion of the board are inadequate for the public convenience. All petitions for the establishment of a branch office shall state therein the specific area, location or street address, if available where such proposed branch is to be located. All such petitions shall be accompanied by payment of an investigation fee of five hundred dollars for each branch office applied for. A branch office so authorized shall be established within one year of the board's approval thereof, except that the board may extend the time in which such branch may be established, without further notice or hearing unless the board shall order it. If the board refuses to grant a petition for the establishment of a branch office, no further action may be taken by the petitioner in relation to such branch office during the year following the date of such refusal except with the approval of the board, but the petitioner may as of right renew his petition to establish such branch office after the expiration of one year from the date of such refusal; provided, however, that not more than one application by a trust company to establish a branch office under this paragraph outside of the county wherein its principal office is located shall be approved in any calendar year.

Approved July 8, 1978

Chap. 353. AN ACT FURTHER REGULATING THE SALE OF HEARING AIDS.

Be it enacted, etc., as follows:

SECTION 1. Section 71 of chapter 93 of the General Laws, as appearing in section 1 of chapter 978 of the acts of 1977, is hereby amended by striking out the definition of "Hearing test evaluation" and inserting in place thereof the following definition:-

"Hearing test evaluation", a written statement from a physician, audiologist or otolaryngologist, prepared in triplicate, based on testing conducted by such physician, audiologist, or otolaryngologist that includes the following information: the ear or ears to be fitted and the date of the hearing test.

SECTION 2. The first paragraph of section 72 of said chapter 93, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- No person shall enter into a contract for the sale of or sell a hearing aid unless within the preceding six months the prospective purchaser has first obtained a medical clearance and then a hearing test evaluation.

SECTION 3. Section 73 of said chapter 93, as so appearing, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

No physician, otolaryngologist, or audiologist acting pursuant

to section seventy-two shall sell hearing aids or have a direct or indirect membership, employment, co-ownership, or proprietary interest in or with a business which fits and sells hearing aids; provided, that this restriction shall not apply to a non-profit or charitable organization, clinic, hospital or health care facility.

SECTION 4. Chapter 978 of the acts of 1977 is hereby amended by striking out section 2 and inserting in place thereof the following section:-

Section 2. A person over eighteen years of age who, on the effective date of this act, owns or is using a hearing aid for a designated ear shall not be required to obtain a hearing test evaluation pursuant to section seventy-two of chapter ninety-three of the General Laws, added by section one of this act, provided that the hearing aid being purchased is for the same ear.

Approved July 8, 1978

Chap. 354. AN ACT DESIGNATING THOSE INSTITUTIONS TERMED "PRIVATE" INSTITUTIONS OF HIGHER EDUCATION AS "INDEPENDENT" INSTITUTIONS OF HIGHER EDUCATION.

Be it enacted, etc., as follows:

SECTION 1. The first paragraph of section 1A of chapter 15 of the General Laws, as most recently amended by section 1 of chapter 864 of the acts of 1977, is hereby further amended by striking out the word "private", where it so appears, and inserting in place thereof the word:- independent.

SECTION 2. Said section 1A of said chapter 15 is hereby further amended by striking out the second paragraph, as appearing in section 2 of chapter 572 of the acts of 1965, and inserting in place thereof the following paragraph:-

No member of said board shall be employed by or derive regular compensation from any educational institution, or school system, public or independent, or be employed by or derive regular compensation from the commonwealth. No two members shall be alumni of the same public institution, or segment of institutions, of higher education in the commonwealth. No person who is serving as a member of a board of any public institution of higher education or of any school committee shall be appointed to the board.

SECTION 3. Said chapter 15 is hereby further amended by striking out section 1B, as most recently amended by section 2 of chapter 1175 of the acts of 1973, and inserting in place thereof the following section:-

Section 1B. There shall be in the department an advisory commission to the board of higher education, to consist of the president of the University of Massachusetts, the president of University of Lowell, the president of the Southeastern Massachusetts University, the president of the Massachusetts regional community colleges, the commissioner of education, and the director of research of the advisory council on education, ex

officiis, a president of a state college chosen annually by a majority vote of all state college presidents, and a president of an independent institution of higher education in the commonwealth to be appointed by the governor. The member to be appointed by the governor shall serve for a term of five years. The members of the advisory commission shall attend meetings of the board, except when said board meets in executive session.

SECTION 4. Section 1D of said chapter 15 is hereby amended by striking out the twentieth paragraph, as most recently amended by section 1 of chapter 611 of the acts of 1972, and inserting in place thereof the following paragraph:-

The board shall administer a scholarship program for the purpose of furnishing aid and assistance to students domiciled in the commonwealth and enrolled in and pursuing a program of higher education in any approved public or independent college, normal school, scientific or technical institution, or any other approved institution furnishing a program of higher education. Such aid and assistance shall consist of the awarding of full or partial scholarships to worthy and qualified students in need of financial assistance, provided that not less than ten nor more than twenty-five per cent of the total amount of scholarships awarded in any one year shall be allotted to students at institutions of higher education supported by the commonwealth. The board shall award such scholarships and notify all applicants on or before July first in each year. The board is authorized to guarantee the payment of such full or partial scholarships to twenty-five students annually of extraordinary need and ability selected in the tenth or eleventh grades by persons or agencies of the board's designation under such regulations as the board shall deem necessary. Said scholarships, to be known as the Christian A. Herter Memorial Scholarships, shall be guaranteed to the student at the time of his selection, provided he satisfactorily completes high school and is enrolled in and pursuing a program of higher education in any approved public or independent college, normal school, scientific or technical institution, or any other approved institution furnishing a program of higher education, and shall be payable from general scholarship funds at the time of his matriculation. The board shall establish such regulations governing the eligibility and awarding of scholarships as it shall deem necessary.

SECTION 5. Said section 1D of said chapter 15 is hereby further amended by striking out the twenty-fourth and twenty-fifth paragraphs, added by chapter 354 of the acts of 1972, and inserting in place thereof the following two paragraphs:-

The board shall establish and operate an educational opportunities information center to provide information and assistance to prospective college and university students, and to public and independent institutions of higher education on matters regarding student admissions, transfers, and enrollments.

Such public institutions shall cooperate with the center by furnishing such nonconfidential information as may assist the center in the performance of its duties. Similar cooperation may be requested of independent educational institutions in the commonwealth.

SECTION 6. The first paragraph of section 1E of said chapter 15 is hereby amended by striking out the third sentence, as appearing in section 1 of chapter 1009 of the acts of 1971, and inserting in place thereof the following sentence:- No appointive member of said board shall be employed by or derive regular compensation from any educational institution, or school system, public or independent, in the commonwealth, be employed by or derive regular compensation from the commonwealth, or serve as a member of a governing board of any public institution for higher education in the commonwealth or as a member of any school committee.

SECTION 7. The second paragraph of section 1H of said chapter 15, as appearing in section 2 of chapter 572 of the acts of 1965, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- No member of the council shall be employed by or derive regular compensation from any educational institution, or school system, public or independent, in the commonwealth or be employed by or derive regular compensation from the commonwealth, or be a member of a board of any public institution for higher education in the commonwealth or of any state board of education.

SECTION 8. Said chapter 15 is hereby further amended by striking out section 1L, as amended by section 10 of chapter 1168 of the acts of 1973, and inserting in place thereof the following section:-

Section 1L. The school committee of any city or town designated by the secretary of elder affairs may extend the school lunch period for the purpose of serving lunches to authorized elderly persons. Independent schools in any city or town so designated may also participate.

The governing body of each city and town shall be responsible for developing a plan for a year-round hot lunch program for the elderly.

The bureau of nutrition education and school food services in the department of education may contract with nonprofit public or private agencies for the preparation and serving of meals to the elderly in accordance with the provisions of this section.

Such meals may be prepared by schools and nonprofit agencies and served on site or in central production centers for service at sites more convenient to the elderly.

The operation of such school lunch programs by public or independent schools and nonprofit public or private agencies shall be subject to the following conditions and restrictions:-

- (1) The charge to such persons for each lunch shall not exceed fifty cents.
- (2) The lunches served shall meet the nutritional standards established jointly by the department of education and the secretary of elder affairs.
- (3) The procedure determined by such school committee or such independent school in serving such lunches shall be approved by the secretary of elder affairs and the bureau of nutrition education and school food services in the department of education.

(4) The secretary of elder affairs shall provide each such person with an identification card authorizing his participation in such lunch programs.

As used in this section, the words "authorized elderly persons" shall mean persons sixty years of age and over and their spouses whose participation in the program has been approved by the secretary of elder affairs. The commonwealth may, subject to appropriation, reimburse any city or town, public school, independent school or nonprofit public or private agency for such costs as are incurred in excess of fifty cents for each such lunch prepared and served, upon written request by such city or town, public school, independent school or nonprofit public or private agency to the commissioner of education on such form as he may prescribe. If the commissioner approved such request, he shall certify to the comptroller that such payments are due and the state treasurer shall pay the same. Any federal funds provided annually for the purposes of this program shall be expended prior to the use of any funds appropriated by the commonwealth.

SECTION 9. Section 1M of said chapter 15, added by section 2 of chapter 766 of the acts of 1972, is hereby amended by striking out clause (8) and inserting in place thereof the following clause:-

(8) to cooperate with and assist public and independent colleges and universities within the commonwealth in developing courses and programs best designed to prepare graduates to serve the educational requirements of children requiring special education.

SECTION 10. Section 20 of said chapter 15 is hereby amended by striking out the first sentence, as most recently amended by section 13 of chapter 706 of the acts of 1975, and inserting in place thereof the following sentence:- There shall be a board of trustees of the University of Massachusetts, consisting of the governor, the commissioner of education, the commissioner of food and agriculture, the commissioner of public health, the commissioner of mental health, the chairman of the board of selectmen of the town of Amherst who shall not have voting power, the president of the college, ex officio, two elected representatives of the student body, one of whom shall be from the Amherst campus, one of whom shall be from the Boston campus and not more than seventeen appointive members, none of whom shall be affiliated in any capacity with an independent medical school.

SECTION 11. Said chapter 15 is hereby further amended by striking out section 20B, inserted by section 4 of chapter 572 of the acts of 1965, and inserting in place thereof the following section:-

Section 20B. There shall be an advisory commission to the board of trustees of state colleges consisting of five members, who shall be professional educators, three of whom shall be presidents of state colleges, elected by a majority of all state college presidents, and shall serve for a term of one year and two persons, who shall be affiliated with independent institutions of higher education in the commonwealth and shall be appointed

by the governor for a term of five years. The two members appointed by the governor shall be residents of the commonwealth and eligible for reappointment for one five-year term. The members of the commission shall attend meetings of the board of trustees of state colleges except when said board meets in executive session.

SECTION 12. Section 27 of said chapter 15 is hereby amended by striking out the first sentence, as most recently amended by section 5 of chapter 864 of the acts of 1977, and inserting in place thereof the following sentence:- There is hereby established in the department, but not subject to its control, a Massachusetts board of regional community colleges, hereinafter called the board, which shall consist of seventeen members, including the chancellor of the board of higher education, the commissioner of education, the president of the University of Massachusetts, a president of a state college annually elected by the presidents of the state colleges, including the Massachusetts College of Art and the Massachusetts Maritime Academy, a president of the University of Lowell or the Southeastern Massachusetts University elected by the presidents of such universities, the chairman of the student advisory commission to the board of trustees of regional community colleges, and eleven persons to be appointed by the governor, at least one of whom shall be the president of an independent college, university or junior college in the commonwealth.

SECTION 13. The first paragraph of section 46 of said chapter 15, as appearing in section 4 of chapter 847 of the acts of 1973, is hereby amended by striking out, in line 9, the word "private" and inserting in place thereof the word:- independent.

SECTION 14. The third paragraph of said section 46 of said chapter 15, as so appearing, is hereby amended by striking out, in line 8, the word "private" and inserting in place thereof the word:- independent.

Approved July 8, 1978

Chap. 355. AN ACT MAKING APPROPRIATIONS FOR THE FISCAL YEAR NINETEEN HUNDRED AND SEVENTY-NINE FOR THE MAINTENANCE OF HAMPDEN 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-nine.

HAMPDEN COUNTY.

<u>Item</u>	<u>Subtotal</u>	<u>Total</u>
1. For interest on county debt.....		\$959,330 00
2. For reduction of county debt.....		1,465,000 00

<u>Item</u>	<u>Subtotal</u>	<u>Total</u>
3. For county commissioners, salaries and expenses.....		\$102,428 16
1. Personal services	\$93,278 16	
2. Contractual services	2,100 00	
3. Supplies and materials	2,200 00	
4. Current charges and obligations	4,850 00	
4. For transportation and expenses of county and acting commissioners.....		500 00
5. For clerk of courts, salaries and expenses.....		349,101 50
1. Personal services	316,901 50	
2. Contractual services	13,000 00	
3. Supplies and materials	12,000 00	
4. Current charges and obligations	7,200 00	
6. For county treasurer, salaries and expenses.....		107,780 70
1. Personal services	97,075 70	
2. Contractual services	6,030 00	
3. Supplies and materials	2,400 00	
4. Current charges and obligations	1,225 00	
5. Equipment	1,050 00	
7. For sheriff, salary and expenses.....		26,465 00
1. Personal services	25,740 00	
2. Contractual services	500 00	
4. Current charges and obligations	225 00	
8. For registry of deeds, salaries and expenses.....		502,342 11
1. Personal services	437,502 11	
2. Contractual services	8,860 11	
3. Supplies and materials	30,300 00	
4. Current charges and obligations	19,498 00	
5. Equipment	6,182 00	
8a. For registry of probate, salaries and expenses.....		44,034 00
2. Contractual services	19,500 00	
3. Supplies and materials	15,000 00	
4. Current charges and obligations	6,936 00	
5. Equipment	2,598 00	
9. For law library, salaries and expenses.....		72,864 00
1. Personal services	39,639 00	
2. Contractual services	6,275 00	
3. Supplies and materials	950 00	
4. Current charges and obligations	26,000 00	
10. For highways, including state highways, bridges and land damages.....		13,963 70
1. Personal services	12,938 70	
2. Contractual services	700 00	
3. Supplies and materials	325 00	
12. For superior court costs.....		1,660,884 46
1. Personal services	945,891 46	
2. Contractual services	671,500 00	
3. Supplies and materials	20,903 00	
4. Current charges and obligations	21,000 00	
5. Equipment	1,590 00	
13. For civil expenses in probate court.....		69,908 80
1. Personal services	48,008 80	
2. Contractual services	11,850 00	
3. Supplies and materials	5,575 00	
4. Current charges and obligations	2,450 00	
5. Equipment	2,025 00	
14. For district courts, salaries and expenses		
District Court of Chicopee.....		330,535 55

<u>Item</u>	<u>Subtotal</u>	<u>Total</u>
1. Personal services	\$292,585 55	
2. Contractual services	8,725 00	
3. Supplies and materials	6,700 00	
4. Current charges and obligations	2,618 00	
5. Equipment	19,907 00	
District Court of Holyoke.....		\$412,658 01
1. Personal services	365,512 01	
2. Contractual services	20,500 00	
3. Supplies and materials	10,200 00	
4. Current charges and obligations	6,130 00	
5. Equipment	10,316 00	
District Court of Eastern Hampden.....		317,811 41
1. Personal services	283,231 41	
2. Contractual services	16,800 00	
3. Supplies and materials	5,800 00	
4. Current charges and obligations	9,380 00	
5. Equipment	2,600 00	
District Court of Springfield.....		1,686,226 51
1. Personal services	1,575,969 69	
2. Contractual services	46,525 00	
3. Supplies and materials	38,630 00	
4. Current charges and obligations	20,761 92	
5. Equipment	4,339 90	
District Court of Western Hampden.....		353,811 04
1. Personal services	323,751 04	
2. Contractual services	15,600 00	
3. Supplies and materials	7,825 00	
4. Current charges and obligations	6,635 00	
Springfield Juvenile Court.....		668,607 91
1. Personal services	496,140 34	
2. Contractual services	153,182 57	
3. Supplies and materials	9,910 00	
4. Current charges and obligations	9,375 00	
15. For medical examiners and commitments of insane.....		105,000 00
16. For jail and house of correction, maintenance and operation.....		1,985,323 66
1. Personal services	1,396,958 66	
2. Contractual services	208,655 00	
3. Supplies and materials	330,100 00	
4. Current charges and obligations	28,400 00	
5. Equipment	19,210 00	
6. All other	2,000 00	
17. For training school.....		27,102 15
1. Personal services	5,807 15	
2. Contractual services	11,275 00	
3. Supplies and materials	10,000 00	
4. Current charges and obligations	20 00	
18. For court houses and registry buildings, maintenance and operation.....		1,425,114 71
1. Personal services	847,048 71	
2. Contractual services	461,800 00	
3. Supplies and materials	32,900 00	
4. Current charges and obligations	80,566 00	
5. Equipment	2,800 00	
20. For agricultural school or county cooperative extension service.....		359,039 99
1. Personal services	335,759 99	
2. Contractual services	17,500 00	
3. Supplies and materials	4,905 00	
4. Current charges and obligations	750 00	
5. Equipment	125 00	
21. For state reservation, maintenance and		

<u>Item</u>	<u>Subtotal</u>	<u>Total</u>
operation (Mount Tom).....		104,559 30
26. For miscellaneous and contingent expenses.....		85,467 82
27. For unpaid bills of previous years.....		50,000 00
28. For reserve fund.....		150,000 00
28a. For reserve for salary increases.....		1,263,750 00
28d. For reserve counsel for indigent defendants.....		255,200 00
28f. For special reserve for jail.....		245,000 00
29. For advertising recreational, industrial and agricultural advantages of the county.....		15,000 00
31. For radio system for fire protection.....		2,600 00
39. For group insurance.....		550,000 00
45. For centralized purchasing department.....		51,096 80
Total amount of appropriations.....		\$15,818,507 29
Less estimated amount available for reduction of county tax.....		<u>1,190,000 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		\$14,628,507 29

The following sums are hereby appropriated for said fiscal year from federal revenue sharing funds, subject to the provisions of law regulating the disbursement of county funds and approval thereof.

Item

16. For jail and house of correction maintenance and operation.....		\$600,000 00
6. All other	\$600,000 00	
24. For noncontributory pensions.....		127,735 43
25. For contributory retirement system and supervisory expenses.....		686,231 00
Total.....		<u>\$1,413,966 43</u>

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

The foregoing was laid before the Governor on the 26th day of June, 1978 and after ten days it had "the force of a law", as prescribed by the Constitution, as it was not returned by him with his objections thereto within that time.

Chap. 356. AN ACT INCREASING THE NUMBER OF MEMBERS ON THE TOWN OF NATICK'S RESERVE POLICE FORCE.

Be it enacted, etc., as follows:

Section 1 of chapter 8 of the acts of 1929 is hereby amended by striking out the word "eight", inserted by section 1 of chapter 488 of the acts of 1958, and inserting in place thereof the word:-ten.

Approved July 8, 1978

EMERGENCY LETTER - July 12, 1978 @ 9:46 A.M.

Chap. 357. AN ACT FURTHER REGULATING THE RELATIONSHIP BETWEEN REAL ESTATE SALESMEN AND REAL ESTATE BROKERS.

Be it enacted, etc., as follows:

SECTION 1. Section 87RR of chapter 112 of the General Laws, as appearing in section 2 of chapter 726 of the acts of 1957, is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

No salesman may conduct or operate his own real estate business nor act except as the representative of a real estate broker who shall be responsible for the salesman and who must approve the negotiation and completion by the salesman of any transaction or agreement which results or is intended to result in the sale, exchange, purchase, renting or leasing of any real estate or in a loan secured or to be secured by mortgage or other encumbrance upon real estate. No salesman shall be affiliated with more than one broker at the same time nor shall any salesman be entitled to any fee, commission or other valuable consideration or solicit or accept the same from any person except his licensed broker in connection with any such agreement or transaction. A salesman may be affiliated with a broker either as an employee or as an independent contractor but shall be under such supervision of said broker as to ensure compliance with this section and said broker shall be responsible with the salesman for any violation of section eighty-seven AAA committed by said salesman.

SECTION 2. Section 87VV of said chapter 112, as so appearing, is hereby amended by striking out the first two sentences and inserting in place thereof the following two sentences:- No salesman who is not licensed shall be affiliated with a broker. A licensed salesman affiliated with a licensed broker shall not act as salesman for any other licensed broker while so affiliated, nor accept any valuable consideration for the performance of any act as a real estate salesman from any person except the broker with whom he is affiliated.

Approved July 8, 1978

Chap. 358. AN ACT PROHIBITING CERTAIN EXCLUSIONS IN INSURANCE POLICIES OR HEALTH AND WELFARE FUND CONTRACTS RELATING TO CERTAIN EXPENSES INCURRED BY AN INSURED IN A SOLDIERS' HOME OF THE COMMONWEALTH.

Be it enacted, etc., as follows:

The second paragraph of section 22 of chapter 175 of the General Laws is hereby amended by striking out the last sentence, added by chapter 542 of the acts of 1975, and inserting in its place the following sentence:- The foregoing provisions shall apply to any group or non-group policy of insurance delivered, issued or renewed, by any domestic insurer under the authority of this chapter, or by any alien or foreign insurer to the extent such policies cover persons having a residence within the commonwealth, or to any employee health plan of any company or other

business entity where the company or business entity is a self-insurer of such employee health plan.

Approved July 8, 1978

Chap. 359. AN ACT RELATIVE TO THE TAX ON FARM ANIMALS.

Be it enacted, etc., as follows:

SECTION 1. The second paragraph of section 8A of chapter 59 of the General Laws, as inserted by section 2 of chapter 400 of the acts of 1956, is hereby amended by adding the following sentence:- No tax shall be due if the actual tax due is less than ten dollars.

SECTION 2. The provisions of this act shall apply to taxable years commencing July first, nineteen hundred and seventy-eight and thereafter.

Approved July 8, 1978

Chap. 360. AN ACT RELATIVE TO ASCERTAINING THE WILL OF THE VOTERS OF THE CITY OF SPRINGFIELD RELATIVE TO ESTABLISHING THE GAME OF JAI ALAI INCLUDING WAGERING THEREON IN SAID CITY.

Be it enacted, etc., as follows:

The state secretary shall place the following nonbinding question on the official ballot to be used in the city of Springfield for the biennial state election in the year nineteen hundred and seventy-eight:- "Shall the city of Springfield establish the game of jai alai including wagering thereon in said city?"

Approved July 8, 1978

Chap. 361. AN ACT PROVIDING FOR PRIOR PUBLIC HEARING AND APPROVAL OF RATES CHARGED DIRECTLY TO SUBSCRIBERS BY CONTRACT COMMONLY KNOWN AS MEDEX.

Be it enacted, etc., as follows:

SECTION 1. The first paragraph of section 10 of chapter 176A of the General Laws, as most recently amended by section 4 of chapter 454 of the acts of 1976, is hereby further amended by adding the following sentence:- Notwithstanding the provisions of this section, group plan contracts issued and rates charged by a nonprofit hospital service corporation to its subscribers providing supplemental coverage to medicare shall be filed with and subject to prior approval by the commissioner as provided in section six if the subscribers, and not their employer, employers or representatives, are billed directly for such contracts.

SECTION 2. The fourth 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 "discriminatory", in line 7, the words:- ; and provided that group plan contracts issued and rates charged by a nonprofit medical service corporation to its subscribers providing supplemental coverage to medicare shall be subject to the provisions of this section requiring prior filing and prior approval of the commissioner if the subscribers, and not their employer, employers or representatives, are billed directly for such contracts.

Approved July 8, 1978

Chap. 362. AN ACT AUTHORIZING AND DIRECTING THE REGISTRAR OF MOTOR VEHICLES TO SUSPEND FOR SEVEN DAY PERIODS THE OPERATOR'S LICENSE OF DRIVERS OF AUTOMOBILES WHOSE OCCUPANTS LITTER PUBLIC OR PRIVATE PROPERTY THROUGH THE DISPOSAL OF TRASH OR GARBAGE.

Be it enacted, etc., as follows:

Chapter 90 of the General Laws is hereby amended by inserting after section 22F the following section:-

Section 22G. The registrar may, after due hearing, suspend for a period not exceeding seven days the license or permit to operate motor vehicles or the right of a person to operate motor vehicles in the commonwealth of any person who litters, or who knowingly permits, as the operator, occupants of his vehicle to litter, public or private property through the disposal of trash or garbage from said motor vehicle.

Approved July 8, 1978

Chap. 363. AN ACT RELATIVE TO THE SOUTH DEERFIELD FIRE DISTRICT.

Be it enacted, etc., as follows:

Notwithstanding the provisions of section seventy-nine of chapter forty-eight of the General Laws, the South Deerfield Fire District, a fire district organized under the provisions of said chapter forty-eight shall include the following land which shall be subject to taxation as said district:-

beginning at the southwesterly corner of the Fire District, also being at a corner of the Town of Deerfield, on the Conway line; thence northerly along the town line between Deerfield and Conway to a point 400' north of the northerly sideline of Matthews Road intersection with said town line; thence easterly and southerly on a line parallel to and 400 feet from the northerly and easterly sideline of Matthews Road to a point on the southern property line of one Matus (Plan 10, Parcel 90 of Deerfield Tax Maps 1977); thence easterly along the southern property line of Matus and one Malinowski (Plan 10, Parcel 85) to a point 400 feet from the westerly sideline of Stillwater Bridge Road; thence northerly on a line parallel to and 400 feet west of the westerly sideline of Stillwater Bridge Road to a point on the westerly extension of a northerly line of land owned by the New England

Power Company (Plan 10, Parcel 65); thence easterly along said extension of and the northerly line of New England Power Company to the present Deerfield Fire District Boundary at Stillwater Bridge Road; thence Southerly, easterly, northerly and easterly along said Deerfield Fire District boundary to its intersection with the mean sea level contour 320.0 on the westerly slopes of the Pocumtuck Mountain; thence southerly and easterly along said contour 320' to its intersection with a line 400' northerly of the northerly sideline of North Hillside Road; thence southerly and easterly along a line 400 feet north of and parallel to the northerly sideline of North Hillside Road to the southerly line of one White (Plan 12, Parcel 50); thence easterly and northerly along the land of said White to a point on the southerly line of land of one Melnik (Plan 13, Parcel 76); thence easterly along the southern line of Melnik, southerly, easterly and northerly along the property lines of land of the Town of Deerfield (Plan 13, Parcel 75), and easterly along land of the Commonwealth of Massachusetts, University of Massachusetts, Amherst, (Plan 13, Parcel 36) to a point which is 400' westerly of the westerly sideline of River Road; thence northerly along a line which is 400 feet westerly of the westerly sideline of River Road or contour 320.0, mean sea level, whichever is nearer to said River Road, to the southerly line of a subdivision known as Alpine Acres; thence westerly, northerly and easterly around the perimeter of said subdivision to a point which is 400 feet westerly from the westerly sideline of River Road; thence northerly along a line 400 feet west of and parallel to the westerly sideline of River Road to the northerly line of land of one Hemmingway (Plan 13, Parcel 84), thence easterly along the northerly line of said Hemmingway, across River Road, and easterly along the northerly line of one Selivanoff (Plan 13, Parcel 4 and 4A) to a point which is 400' easterly from the easterly sideline of River Road; thence southerly on a line parallel to and 400' from the easterly sideline of River Road to the northerly perimeter of line of an approved subdivision known as "Sunrise Terrace"; thence easterly, southerly and westerly around said perimeter of said subdivision to a point which is 400 feet easterly of the easterly sideline of River Road; thence southerly along a line parallel to and 400 feet easterly of the easterly sideline of River Road to a point which is 800 feet easterly of a point on the northerly property line of land of the Commonwealth of Massachusetts, University of Massachusetts, Amherst (Plan 13, Parcel 36); thence easterly to the Town line between Deerfield and Sunderland in the Connecticut River; thence southerly along said town line between Deerfield and Sunderland to its intersection with the town line of Whately; thence westerly, northerly, westerly, northerly and westerly along the town line between Deerfield and Whately to the tri-corners of Deerfield, Whately and Conway; thence continuing westerly along the town line between Deerfield and Conway to the town line corner at the place of beginning;

Excluding from the foregoing all lands of the commonwealth, interstate highway route 91, within the town of Deerfield, from the Whately-Deerfield town line to the southerly line of the Deerfield Fire District; and all that land owned by, or proposed to be acquired by the town of Deerfield to be used for an

approved sanitary landfill (Plan 10, Parcel 58, 60, 61 and 62).
Approved July 8, 1978

Chap. 364. AN ACT PROVIDING THAT THE COMPENSATION OF CERTAIN CITY OR TOWN TREASURERS, ACCOUNTANTS, OR AUDITORS RECEIVED FOR SERVICE RENDERED IN CONNECTION WITH THE CONTRIBUTORY RETIREMENT SYSTEM BE INCREASED.

Be it enacted, etc., as follows:

SECTION 1. Subdivision (4) of section 20 of chapter 32 of the General Laws is hereby amended by inserting after paragraph (c) the following paragraph:-

(c $\frac{1}{2}$) Notwithstanding the provisions of paragraph (c), in any city or town which accepts the provisions of this paragraph, nothing shall prevent the city auditor, town accountant or other office having similar powers and duties or any other person who serves in the active administration of the system in lieu of the city auditor, town accountant or other officer having similar powers and duties being compensated for services rendered in the active administration of the system; provided, that the compensation for such services shall be not less than two hundred nor more than three thousand dollars per annum, and shall be payable from the expense fund of the system.

SECTION 2. Said subdivision (4) of said section 20 of said chapter 32 is hereby further amended by inserting after paragraph (f) the following paragraph:-

(f $\frac{1}{2}$) Notwithstanding the provisions of paragraph (f), in any city or town which accepts the provisions of this paragraph, nothing shall prevent a city or town treasurer from being compensated for services rendered as custodian of the funds of the retirement system; provided, that the compensation for such services shall not be more than three thousand dollars per annum, and shall be payable from the expense fund of the system.

Approved July 8, 1978

Chap. 365. AN ACT MAKING APPROPRIATIONS FOR THE FISCAL YEAR NINETEEN HUNDRED AND SEVENTY-NINE FOR THE MAINTENANCE OF HAMPSHIRE 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-nine.

HAMPSHIRE COUNTY.

<u>Item</u>	<u>Subtotal</u>	<u>Total</u>
1. For interest on county debt.....		\$309,300 00
2. For reduction of county debt.....		226,000 00
3. For county commissioners, salaries and expenses.....		69,291 34
1. Personal services	\$63,246 34	
2. Contractual services	3,585 00	
3. Supplies and materials	1,450 00	
4. Current charges and obligations	1,010 00	
4. For transportation and expenses of county and acting commissioners.....		1,000 00
5. For clerk of courts, salaries and expenses.....		88,609 10
1. Personal services	82,190 75	
2. Contractual services	3,875 00	
3. Supplies and materials	1,256 00	
4. Current charges and obligations	579 50	
5. Equipment	707 85	
6. For county treasurer, salaries and expenses.....		82,237 40
1. Personal services	65,623 40	
2. Contractual services	6,200 00	
3. Supplies and materials	1,600 00	
4. Current charges and obligations	7,780 00	
5. Equipment	1,034 00	
7. For sheriff, salary and expenses.....		24,535 00
1. Personal services	23,740 00	
2. Contractual services	500 00	
3. Supplies and materials	20 00	
4. Current charges and obligations	275 00	
8. For registry of deeds, salaries and expenses.....		132,898 20
1. Personal services	107,516 60	
2. Contractual services	17,500 00	
3. Supplies and materials	4,850 00	
4. Current charges and obligations	3,031 60	
8a. For registry of probate, salaries and expenses.....		11,000 00
2. Contractual services	5,700 00	
3. Supplies and materials	3,700 00	
4. Current charges and obligations	1,600 00	
9. For law library, salaries and expenses.....		62,345 80
1. Personal services	12,520 80	
2. Contractual services	2,710 00	
3. Supplies and materials	950 00	
4. Current charges and obligations	42,840 00	
5. Equipment	3,325 00	
10. For highways, including state highways, bridges and land damages.....		34,000 00
2. Contractual services	24,000 00	
6. All other	10,000 00	
12. For superior court costs.....		362,284 69
1. Personal services	143,012 69	
2. Contractual services	210,760 00	
3. Supplies and materials	4,950 00	
4. Current charges and obligations	3,455 00	
5. Equipment	107 00	
13. For civil expenses in probate court.....		38,371 20
1. Personal services	17,956 20	
2. Contractual services	19,610 00	
3. Supplies and materials	675 00	
4. Current charges and obligations	130 00	

<u>Item</u>	<u>Subtotal</u>	<u>Total</u>
14. For district courts, salaries and expenses		
District Court of Hampshire.....		570,569 69
1. Personal services	\$513,978 18	
2. Contractual services	41,698 56	
3. Supplies and materials	10,190 40	
4. Current charges and obligations	4,702 55	
District Court of Eastern Hampshire		83,311 95
1. Personal services	72,387 95	
2. Contractual services	6,210 00	
3. Supplies and materials	1,180 00	
4. Current charges and obligations	2,986 00	
5. Equipment	548 00	
15. For medical examiners and commitments of insane.....		20,710 00
16. For jail and house of correction, maintenance and operation.....		791,699 01
1. Personal services	525,992 01	
2. Contractual services	53,692 00	
3. Supplies and materials	186,000 00	
4. Current charges and obligations	9,018 00	
5. Equipment	16,997 00	
16a. For correctional services.....		97,746 67
1. Personal services	70,046 27	
2. Contractual services	26,200 00	
3. Supplies and materials	1,050 00	
4. Current charges and obligations	270 00	
5. Equipment	180 00	
18. For court houses and registry buildings, maintenance and operation.....		237,688 50
1. Personal services	74,016 50	
2. Contractual services	139,568 00	
3. Supplies and materials	10,544 00	
4. Current charges and obligations	13,200 00	
5. Equipment	360 00	
20. For agricultural school or county cooperative extension service.....		144,598 74
1. Personal services	123,128 74	
2. Contractual services	15,220 00	
3. Supplies and materials	4,525 00	
4. Current charges and obligations	850 00	
5. Equipment	875 00	
21. For state reservation, maintenance and operation (Mount Tom).....		33,228 59
24. For noncontributory pensions.....		45,350 10
26. For miscellaneous and contingent expenses.....		113,561 00
27. For unpaid bills of previous years.....		3,000 00
28. For reserve fund.....		75,000 00
28a. For salary increase.....		330,000 00
29. For advertising recreational, industrial and agricultural advantages of the county.....		37,500 00
31. For radio system for fire protection.....		5,000 00
32. For forest development.....		4,369 19
35. For county planning.....		57,394 30
Total amount of appropriations.....		\$4,092,600 47
Less estimated amount available for reduction of county tax.....		352,982 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 \$3,739,618 47

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

25. For contributory retirement system and supervisory expenses.....	\$184,667 10
39. For group insurance.....	100,000 00
41. For fire fighting training and equipment.....	<u>25,140 00</u>
Total.....	\$309,807 10

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

The foregoing was laid before the Governor on the 26th day of June, 1978 and after ten days it had "the force of a law", as prescribed by the Constitution, as it was not returned by him with his objections thereto within that time.

Chap. 366. AN ACT MAKING APPROPRIATIONS FOR THE FISCAL YEAR NINETEEN HUNDRED AND SEVENTY-NINE FOR THE MAINTENANCE OF PLYMOUTH 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-nine.

PLYMOUTH COUNTY.

<u>Item</u>	<u>Subtotal</u>	<u>Total</u>
1. For interest on county debt.....		\$71,412 50
2. For reduction of county debt.....		335,000 00
3. For county commissioners, salaries and expenses.....		85,231 92
1. Personal services	\$81,281 92	
2. Contractual services	1,800 00	
3. Supplies and materials	1,650 00	
4. Current charges and obligations	500 00	
4. For transportation and expenses of county and acting commissioners.....		1,200 00
5. For clerk of courts, salary and expenses.....		350,672 15
1. Personal services	322,884 46	
2. Contractual services	8,500 00	
3. Supplies and materials	16,000 00	
4. Current charges and obligations	3,287 69	
6. For county treasurer, salaries and expenses.....		86,333 73
1. Personal services	74,333 73	
2. Contractual services	5,000 00	
3. Supplies and materials	6,000 00	

<u>Item</u>	<u>Subtotal</u>	<u>Total</u>
4. Current charges and obligations	1,000 00	
7. For sheriff, salary and expenses.....		\$25,595 00
1. Personal services	23,850 00	
2. Contractual services	800 00	
3. Supplies and materials	800 00	
4. Current charges and obligations	145 00	
8. For registry of deeds, salaries and expenses.....		672,993 19
1. Personal services	505,815 39	
2. Contractual services	56,114 00	
3. Supplies and materials	33,050 00	
4. Current charges and obligations	78,013 80	
8a. For register of probate, salaries and expenses.....		40,991 50
1. Personal services	7,291 50	
2. Contractual services	12,000 00	
3. Supplies and materials	19,200 00	
4. Current charges and obligations	2,500 00	
9. For law libraries, salaries and expenses		
Brockton.....		20,630 62
1. Personal services	6,500 62	
3. Supplies and materials	130 00	
4. Current charges and obligations	14,000 00	
Plymouth.....		12,625 48
1. Personal services	1,495 48	
3. Supplies and materials	130 00	
4. Current charges and obligations	11,000 00	
10. For highways, including state highways, bridges and land damages.....		95,225 00
2. Contractual services	64,025 00	
3. Supplies and materials	1,200 00	
4. Current charges and obligations	30,000 00	
12. For superior court costs.....		887,917 52
1. Personal services	477,428 52	
2. Contractual services	390,275 00	
3. Supplies and materials	12,300 00	
4. Current charges and obligations	7,914 00	
13. For civil expenses in probate court.....		168,965 64
1. Personal services	90,140 64	
2. Contractual services	73,800 00	
3. Supplies and materials	5,000 00	
4. Current charges and obligations	25 00	
14. For district courts, salaries and expenses		
District Court of Brockton.....		966,586 90
1. Personal services	797,631 90	
2. Contractual services	41,200 00	
3. Supplies and materials	17,975 00	
4. Current charges and obligations	107,265 00	
5. Equipment	2,515 00	
Second District Court of Plymouth.....		594,438 33
1. Personal services	559,963 33	
2. Contractual services	14,425 00	
3. Supplies and materials	14,600 00	
4. Current charges and obligations	5,450 00	
Third District Court of Plymouth.....		452,615 58
1. Personal services	416,175 58	
2. Contractual services	14,450 00	
3. Supplies and materials	18,250 00	
4. Current charges and obligations	3,740 00	
Fourth District Court of Plymouth.....		370,143 62
1. Personal services	336,433 62	
2. Contractual services	17,700 00	
3. Supplies and materials	12,150 00	

<u>Item</u>	<u>Subtotal</u>	<u>Total</u>
4. Current charges and obligations	3,860 00	
District Court - Juvenile Division.....		\$260,445 85
1. Personal services	250,455 85	
2. Contractual services	6,900 00	
3. Supplies and materials	3,000 00	
4. Current charges and obligations	90 00	
15. For medical examiners and commitments of insane.....		73,700 00
16. For jail and house of correction, maintenance and operation.....		1,241,002 30
1. Personal services	876,407 30	
2. Contractual services	93,935 00	
3. Supplies and materials	256,360 00	
4. Current charges and obligations	11,700 00	
5. Equipment	2,600 00	
18. For court houses and registry buildings, maintenance and operation.....		617,799 87
1. Personal services	324,364 87	
2. Contractual services	205,000 00	
3. Supplies and materials	70,270 00	
4. Current charges and obligations	9,740 00	
5. Equipment	8,425 00	
19. For construction of county buildings and purchase of land.....		25,000 00
20. For agricultural school or county cooperative extension service.....		200,499 90
1. Personal services	170,789 90	
2. Contractual services	18,200 00	
3. Supplies and materials	8,050 00	
4. Current charges and obligations	3,460 00	
24. For noncontributory pensions.....		125,000 00
25. For contributory retirement system and supervisory expenses.....		437,879 00
26. For miscellaneous and contingent expenses.....		117,311 73
27. For unpaid bills of previous years.....		75,000 00
28. For reserve fund.....		75,000 00
28a. For reserve for salary increases.....		783,750 00
28b. For reserve for salary adjustments at the jail.....		128,850 00
28d. For reserve for counsel for indigent defendants.....		280,000 00
29. For advertising recreational, industrial and agricultural advantages of the county.....		107,000 00
31. For radio system for fire protection or police radio system.....		20,600 00
33. For police training school and bureau of criminal investigation.....		112,614 10
37. For human services.....		13,000 00
38. For county airport, maintenance and operation.....		3,025 00
2. Contractual services	2,150 00	
3. Supplies and materials	850 00	
4. Current charges and obligations	25 00	
39. For group insurance.....		376,650 00
41. For firefighters training school.....		1,000 00
45. For centralized purchasing department.....		<u>132,160 83</u>
Total amount of appropriations.....		\$10,445,867 26
Less estimated amount available for reduction of county tax.....		<u>1,613,955 00</u>

And the county commissioners of Plymouth county are hereby authorized to levy as the county tax of said county for the current year, in the manner provided by law, the sum of \$8,831,912 26

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

1. For interest on county debt.....	\$100,593 75
2. For reduction of county debt.....	650,000 00
Total.....	\$750,593 75

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

The foregoing was laid before the Governor on the 26th day of June, 1978 and after ten days it had "the force of a law", as prescribed by the Constitution, as it was not returned by him with his objections thereto within that time.

Chap. 367. AN ACT MAKING APPROPRIATIONS FOR THE FISCAL YEAR NINETEEN HUNDRED AND SEVENTY-NINE, 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-nine, in this act referred to as the year nineteen hundred and seventy-nine, or for such period as may be specified.

SECTION 2.

Item	LEGISLATURE. Senate.
0111-0000	For the compensation of senators, prior appropriation continued \$908,000
0111-8000	For expenses of senators, including travel, prior appropriation continued..... \$110,000
0112-0000	For the office of the senate clerk, prior appropriation continued, including not more than ten permanent positions... \$270,000
0112-0100	For the rental and maintenance of a xerox machine... \$17,700
0113-0000	For the salary of the chaplain of the senate..... \$9,550
0114-0000	For the office of the senate counsel, prior appropriation continued, including not more than five permanent positions... \$268,000

Item

0115-0000	For administrative and legislative aides to the senators, prior appropriation continued.....	\$1,875,000
0116-0000	For secretarial and clerical assistance to the senators, prior appropriation continued.....	\$561,000
0116-0030	For a legislative intern program for the senate, appropriation expires June thirtieth, nineteen hundred and seventy-nine	\$43,000
0117-0000	For the office of the senate committee on ways and means, prior appropriation continued, including not more than four permanent positions.....	\$522,000
0118-0000	For the office supplies and other expenses of the senators, prior appropriation continued.....	\$290,000
<u>House of Representatives.</u>		
0121-0000	For compensation of representatives, prior appropriation continued	\$3,410,806
0121-8000	For expenses of representatives, including travel, prior appropriation continued.....	\$600,000
0122-0000	For the office of the clerk of the house of representatives, prior appropriation continued, including not more than ten permanent positions.....	\$243,202
0123-0000	For the salary of the chaplain of the house of representatives	\$7,883
0124-0000	For the office of the house counsel, prior appropriation continued, including not more than eight permanent positions	\$413,345
0125-0000	For the office of the house committee on rules, prior appropriation continued, including not more than fourteen permanent positions	\$700,000
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	\$20,000
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.....	\$636,000
0127-0000	For clerical and other expenses of the members of the house of representatives, including not more than one permanent position, prior appropriation continued.....	\$1,700,000
0127-0020	For legislative aides to the members of the house of representatives; provided, that commencing on the first Wednesday in January, nineteen hundred and seventy-nine, each representative shall be entitled to at least one legislative aide to be selected by such representatives, prior appropriation continued.....	\$1,200,000
0127-0021	For two administrative assistants to work within the county in which they reside under the direction of the elected representative from the Cape and Islands District; provided, that such assistants shall be a resident of the district; and provided, further, that each shall reside in separate counties and neither shall reside in the county in which the elected representative resides	\$30,000
0127-0030	For a legislative intern program.....	\$100,000

Item

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 continue.....	\$50,000
<u>Sergeant-at-Arms.</u>		
0131-0000	For the office of the sergeant-at-arms, including not more than eleven permanent positions, prior appropriation continued	\$240,365
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.....	\$1,863,195
0132-1000	For the salaries of clerks employed in the legislative document room, including not more than thirteen permanent positions	\$232,000
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
0135-0000	For the rental, maintenance and updating of an electric roll call system.....	\$39,690
<u>Other Expenses.</u>		
0141-0000	For the expenses of the legislative research council	\$6,000
0142-0000	For the legislative research bureau.....	\$306,802
0143-0000	For the legislative service bureau, prior appropriation continued	\$1,600,000
0143-0001	For the administration of the office of legislative data processing, prior appropriation continue.....	\$367,000
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.....	\$100,000
0147-0000	For the administration of the legislative engrossing division, including not more than four permanent positions, prior appropriation continued.....	\$95,000
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.....	\$1,350,000
0161-1000	For telephone and telegraph service, prior appropriation continued	\$824,740
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
0163-0000	For the expenses of the joint committee on rules and for clerical and other assistance to the joint committees, prior appropriation continued.....	\$123,000
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	

Item

	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	\$20,000
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.....	\$102,380
0169-7102	For the office of legislative post audit and oversight bureau, prior appropriation continued.....	\$365,000
0181-5002	For providing matching funds for a grant by the National Science Foundation establishing a science and technology capability for the general court; provided, that these funds may be expended upon written approval of the president of the senate and the speaker of the house of representatives, appropriation expires June thirtieth, nineteen hundred and seventy-nine, prior appropriation continued.....	\$99,000
0185-0000	For an investigation and study relative to compulsory motor vehicle liability insurance as authorized by chapter ninety-seven of the resolves of nineteen hundred and sixty-eight; provided, that the amount authorized herein shall be borne by liability insurance companies in accordance with the provisions of section eight B of chapter twenty-six of the General Laws, prior appropriation continued.....	\$60,000
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

JUDICIARY.

Supreme Judicial Court.

0301-0001	For the salaries, travelling allowances and expenses of the chief justice and of the six associate justices.....	\$315,000
0301-0002	For law clerks and clerical assistance for the justices	\$554,000
0301-0101	For the salary of the clerk and the assistant clerk for the commonwealth.....	\$126,000
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	\$95,000
0301-0500	For expenses of the executive secretary; provided if the office of the executive secretary ceases to exist during fiscal year nineteen hundred and seventy-nine, amounts appropriated to this item may be used for administration staff to the Supreme Judicial Court and the Trial Court Chief Administrative Justice.....	\$300,000

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0301-0505	For administration of collective bargaining for the Massachusetts courts.....	\$86,000
0301-0506	For expenses of the committee on judicial responsibility	\$9,500
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
0301-0552	For the administration of Middlesex county juror selection and management, in accordance with chapter two hundred and thirty-four A of the General Laws.....	\$131,161
0301-0601	For expenses of the Massachusetts defenders committee; provided, that three hundred ten thousand dollars shall be expended from this item for the purposes of the Roxbury defenders committee; including not more than thirty-nine permanent position	\$2,510,000
0301-0602	For the federal law enforcement assistance program; provided, that expenditures from this item shall be contingent upon the prior approval by the proper federal authorities of the program for which these funds are to be expended; and, provided further, that these funds shall be used solely for providing attorneys for the Massachusetts defenders committee.....	\$260,000
0301-0700	For the office of the reporter of decisions, including not more than six permanent positions.....	\$330,556
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.....	\$93,000
0301-1000	For a correctional legal services committee.....	\$100,000
<u>Appeals Court.</u>		
0301-3001	For the salaries, travelling allowances and expenses of the chief justice and of the five associate justices.....	\$252,500
0301-3003	For clerical assistance for the justices.....	\$342,000
0301-3005	For court expenses.....	\$60,000
0301-3101	For the salary of the clerk and assistant clerks.....	\$110,596
0301-3102	For clerical assistance to the clerk.....	\$56,100
0301-3201	For the salaries of court officers and messengers.....	\$135,800
<u>Superior Court.</u>		
0302-0001	For the salaries, travelling allowances and expenses of the chief justice and of the forty-five justices.....	\$1,916,850
0302-0003	For court expenses.....	\$561,050
0302-0004	For clerical assistance to the justices.....	\$110,000
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
0302-0301	For compensation of justices of district courts while sitting in the superior court, prior appropriation continued.....	\$230,000
0302-0302	For expenses of justices of district courts while sitting in the superior court, prior appropriation continued.....	\$48,000
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

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0302-0401	For the compensation of probation officers, including not more than one hundred and thirty-three permanent positions	\$2,370,000
0302-0402	For personal services and expenses of the office the supervisor of probation.....	\$47,680
0302-0500	For payments to be made by the chief justice of the superior court to medical malpractice tribunals established in accordance with the provisions of section sixty B of chapter two hundred and thirty-one of the General Laws including payments of the prior year.....	\$40,000
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.....	\$31,900

Judicial Council.

0303-0001	For the service of the council.....	\$44,020
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Administration of District Courts.

0304-0001	For compensation and expenses in connection with the administration of district courts there shall be allowed and paid from this item certain prior year expenses.....	\$250,000
0304-0002	For compensation and expenses of the justices while sitting in the appeals court.....	\$44,290
0304-0004	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.....	\$15,000

Administration of Probate and Insolvency Courts.

0305-1001	For the compensation of the special judge of probate when acting for other judges of probate.....	\$32,600
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	\$1,100
0305-5001	For office expenses of the chief judge.....	\$163,000

Probate and Insolvency Courts.

For the salaries of judges of probate, registers of probate, assistant registers and clerical assistants to registers of the several counties:

0305-6011	Barnstable, including not more than thirteen permanent positions	\$217,578
0305-6021	Berkshire, including not more than thirteen permanent positions	\$179,000
0305-6031	Bristol, including not more than twenty-eight permanent positions	\$430,000
0305-6041	Dukes, including not more than three permanent positions	\$35,715
0305-6051	Essex, including not more than forty-four permanent positions	\$585,841
0305-6061	Franklin, including not more than eight permanent positions	\$126,425
0305-6071	Hampden, including not more than forty permanent positions	\$594,702

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0305-6081	Hampshire, including not more than ten permanent positions	\$165,000
0305-6091	Middlesex, including not more than ninety-one permanent positions	\$1,073,000
0305-6101	Nantucket, including not more than three permanent positions	\$55,500
0305-6111	Norfolk, including not more than fifty-three permanent positions	\$749,000
0305-6121	Plymouth, including not more than thirty permanent positions	\$445,000
0305-6131	Suffolk, including not more than seventy-eight permanent positions	\$875,000
0305-6141	Worcester, including not more than forty-three permanent positions	\$702,000

Land Court.

0306-0001	For the office of the land court, including not more than sixty-two permanent positions.....	\$1,254,605
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Pensions for Retired Justices.

0307-0001	For pensions of retired judges or their widows.....	\$1,250,000
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District Attorneys.

For the salaries of district attorneys and assistants for the ten districts:

0308-0001	Suffolk, including not more than fifty-five permanent positions	\$1,850,000
0308-0002	Northern, including not more than twenty-seven permanent positions	\$966,729
0308-0003	Eastern, including not more than fifteen permanent positions	\$370,800
0308-0005	Middle, including not more than twenty permanent positions	\$615,993
0308-0006	Western, including not more than eleven permanent positions	\$365,000
0308-0007	Northwestern, including not more than seven permanent positions	\$239,500
0308-0008	Norfolk, including not more than eleven permanent positions.	\$330,000
0308-0009	Plymouth, including not more than thirteen permanent positions	\$385,000
0308-0010	For the travelling expenses necessarily incurred by the district attorneys except in the Suffolk district, including expenses incurred in previous years.....	\$25,000
0308-0011	Bristol, including not more than ten permanent positions	\$312,000
0308-0012	Cape and Islands, including not more than six permanent positions	\$230,000
0308-0013	Berkshire, including not more than three permanent positions	\$48,875

Committee on Probation.

0309-0001	For the office of the commissioner of probation, including not more than sixty-three permanent positions.....	\$1,580,991
0309-0002	For compensation and expenses of the members of the committee on probation.....	\$3,500

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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..... \$63,879

Board of Bar Examiners.

0310-0001 For the service of the board, including not more than six permanent positions..... \$263,700

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..... \$906,000

0315-0001 For a reserve to meet the commonwealth's share of the net costs of county courts as determined by the commissioner of administration, and verified by the house and senate committees on ways and means; provided, that funds authorized therein shall be distributed to the counties in proportion to each county's share of court expenditures for fiscal year nineteen hundred and seventy-seven; and provided further, that the Suffolk county share of court expenditures shall not include the cost of any increase in compensation for existing positions or increase in the number of positions authorized subsequent to January first, nineteen hundred and seventy-eight, with the exception of such increase for which collective bargaining agreements have been signed prior to said January first, and raises which do not exceed the cumulative total of the raises granted state employees over the last three fiscal years..... \$88,000,000

EXECUTIVE.

Governor.

0411-1000 For the salaries of the governor and officers and employees in the governor's office..... \$913,220

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..... \$58,000

0411-4000 For the administration of the public safety committee \$435,000

0411-4011 For local government matching funds under the federal Crime Control Act..... \$354,000

0411-6000 For the office of intergroup affairs..... \$85,000

0411-7000 For the commission on the status of women..... \$32,000

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

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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.....	\$167,000
0412-2000	For federal-state relations.....	\$98,000

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	\$179,600
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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-six permanent positions.....	\$482,500
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 five permanent positions.....	\$146,000
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 nine permanent positions.....	\$90,000

State Quartermaster.

0431-1010	For the office of the state quartermaster.....	\$9,445
0431-1110	For the operation of armories of the first class, including not more than one hundred permanent positions.....	\$1,830,000
0431-1300	For the Camp Curtis Guild rifle range, including not more than seven permanent positions.....	\$88,058
0431-1410	For certain storage and maintenance facilities, including not more than thirty-three permanent positions.....	\$297,800
0431-1510	For certain national guard aviation facilities, including not more than ten permanent positions.....	\$104,000

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
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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 forty-five permanent positions; provided that there shall be paid from this item certain prior year salaries in accordance with a court order.....	\$410,000
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0432-0002	For the service of the civil defense agency nonmatching fund program	\$7,460
0432-3000	For training and training supplies; provided, expenditures from this item shall be contingent upon the prior approval of the proper federal authorities for reimbursement of fifty per cent of the amounts expended for the purposes of this item	\$6,000
0432-4000	For the purchase and installation of certain equipment to be allocated to the state civil defense program; provided, that expenditures from this item shall be contingent upon the prior approval of the proper federal authorities and shall be expended with at least an equivalent amount of federal grants for the purposes of this item	\$17,500
<u>SECRETARY OF THE COMMONWEALTH.</u>		
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 permanent positions	\$2,678,000
0517-0000	For the expense of printing various public documents, prior appropriation continued.....	\$245,000
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 seven permanent positions.....	\$2,078,000
0524-0000	For expenses of compiling and publishing information to voters, prior appropriation continued.....	\$27,000
<u>Massachusetts Historical Commission.</u>		
0526-0100	For the administration of the commission, including not more than one permanent position.....	\$103,000
<u>Ballot Law Commission.</u>		
0527-0100	For the compensation and expenses of the commissioners, including not more than three permanent positions.....	\$4,750
<u>Records Conservation Board.</u>		
0528-0100	For the expenses of the board.....	\$15,620
<u>Commission on Interstate Cooperation.</u>		
0530-0000	For the expenses of the commission.....	\$87,657
<u>Office of Campaign and Political Finance.</u>		
0531-0100	For the expenses and administration of the office of campaign and political finance, including not more than nine permanent positions	\$220,000
<u>TREASURER AND RECEIVER-GENERAL.</u>		
0610-0000	For the office of the treasurer and receiver general, including not more than one hundred and twelve permanent positions	\$3,119,549
	Highway Fund	30.0%
	General Fund	70.0%
0611-1000	For the administration and expenses of bonus payments to war veterans.....	\$172,653
0611-5000	For compensation to victims of violent crimes; provided that notwithstanding the provisions of section five of chapter two hundred	

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and fifty-eight A of the General Laws, if the claimant is sixty years of age or older at the time of the crime, and is not working or receiving unemployment compensation, that claimant is eligible for compensation, in accordance with this chapter even if the claimant has suffered no out of pocket loss. Compensation under this provision shall be limited to a maximum of fifty dollars
 \$825,000

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.

0611-5500 For additional assistance to the cities and towns there is hereby appropriated the sum of sixty million dollars from the General Fund to be credited to the Local Aid Fund as established under the provisions of section two D of chapter twenty-nine of the General Laws and to be distributed to said cities and towns in accordance with the provisions of section eighteen C of chapter fifty-eight of the General Laws..... \$60,000,000

0611-5501 For providing assistance to certain overburdened homeowners and tenants pursuant to chapter sixty-two D as added by section fifty-three of this act. \$50,000,000

Property tax assistance Fund 100.0%

State Board of Retirement.

0612-0100 For the administration of the board provided, that the position of executive secretary of retirement board shall not be subject to the provisions of chapter thirty-one of the General Laws, including not more than forty-three permanent positions. \$693,000

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. \$98,444,170

Highway Fund 15.0%
 General Fund 84.3%
 Inland Fisheries and Game Fund 0.2%
 State Recreation Areas Fund 0.5%

0612-1500 For the financing of a state and teachers' retirement reserve, provided, that sums appropriated by this item shall be paid from the commonwealth's share of reimbursements under Title IV A of the Social Security Act for past social services, and from the "Moynihan Amendment", so-called. \$50,000,000

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. \$12,600,000

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
 \$5,230

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. \$57,191

MDC Sewerage District Fund 25.0%
 MDC Water District Fund 25.0%
 Highway Fund 25.0%
 MDC Parks District Fund 25.0%

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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.....	\$1,195,000
	Highway Fund	60.0%
	MDC Parks District Fund	39.0%
	General Fund	1.0%
0612-7000	For retirement allowances of certain veterans formerly in the service of the metropolitan sewerage district.....	\$271,676
	MDC Sewerage District Fund	100.0%
0612-8000	For retirement of certain veterans formerly in the service of the metropolitan water system.....	\$491,000
	MDC Water District Fund	100.0%
0612-9000	For annuities for widows of certain former members of the uniformed branch of the state police.....	\$112,089
	Highway Fund	66.0%
	General Fund	34.0%
<u>Commissioners on Firemen's Relief.</u>		
0620-0000	For the expenses of administration and for relief disbursed by the commissioners.....	\$15,135
<u>Emergency Finance Board.</u>		
0630-0000	For administration of the board, including not more than one permanent position.....	\$39,234
<u>State Lottery Commission.</u>		
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.....	\$20,000,000
<u>Debt Service.</u>		
0699-1800	For the payment of interest on certain bonded debt of the commonwealth; provided, that any deficit existing in this item at the close of this fiscal year shall be charged to the State Recreation Areas Fund.....	\$1,613,313
	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.....	\$6,395,000

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	State Recreation Areas Fund	100.0%	
0699-2800	For the payment of interest on certain bonded debt of the commonwealth; provided, that any deficit existing in this item at the close of this fiscal year shall be charged to the Inland Fisheries and Game Fund.....		\$85,595
	Inland Fisheries and Game Fund	100.0%	
0699-2900	For certain serial bonds maturing; provided, that any deficit existing in this item at the close of this fiscal year shall be charged to the Inland Fisheries and Game Fund.....		\$365,000
	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.....		\$4,885,198
	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.....		\$6,819,000
	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.....		\$3,563,065
	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.....		\$4,889,000
	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.....		\$3,002,965
	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.....		\$5,643,000
	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.....		\$29,430,255
	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.....		\$40,805,000
	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.....		\$60,978,055
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.....		\$51,607,200
0699-7900	For certain serial bonds maturing; provided, that any deficit existing		

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	in this item at the close of this fiscal year shall be charged to the General Fund debt service reserve.....	\$91,056,000
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.....	\$10,665,000
0699-9800	For the payment of interest on certain bonded debt of the commonwealth; provided, that any deficit existing in this item at the close of this fiscal year shall be charged to the General Obligation Fund.....	\$13,275,000
	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%
AUDITOR OF THE COMMONWEALTH.		
0710-0000	For the office of the auditor, including not more than one hundred and thirty-three permanent positions, prior appropriation continued.....	\$4,880,000
	Highway Fund	30.0%
	General Fund	70.0%
DEPARTMENT OF THE ATTORNEY GENERAL.		
0810-0000	For the office of the attorney general, including not more than fifty-three permanent positions, prior appropriation continued.....	\$5,200,000
0810-0014	For expenses incurred by the department pursuant to section eleven E of chapter twelve of the General Laws.....	\$250,000
0810-0031	For the expenses of administering the local aid fund, established by section eleven G of chapter twelve of the General Law.....	\$251,850
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.....	\$57,705
0810-0201	For expenses incurred in administrative or judicial proceedings as authorized by sections eleven E and eleven F of chapter twelve of the General Laws.....	\$200,000
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.....	\$225,000
<u>Commission on Uniform State Laws.</u>		
0830-0100	For the expenses of the commission.....	\$15,000
EXECUTIVE OFFICE OF ADMINISTRATION AND FINANCE.		
<u>Office of the Commissioner.</u>		
1100-1100	For the office of the commissioner, including not more than twenty-one permanent positions.....	\$460,810
	Highway Fund	30.0%
	General Fund	70.0%
1100-1402	For the office of comprehensive state planning, including not more than five permanent positions.....	\$195,000

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1100-1700 For the administration of a program of matching scholarship grants and for payments of such grants to participating Massachusetts independent regionally accredited colleges, universities and schools of nursing with funds to be apportioned according to amounts appropriated for each fiscal year; provided, that the commissioner of administration may establish policies and regulations relating to the program, including an audit procedure to insure that institutions are in compliance with such policies and regulations; provided, further, that a participating institution shall be eligible to receive an amount equal to the institution's expenditure for scholarship aid to needy Massachusetts undergraduate students enrolled in said institution as full-time matriculating students in a course of study leading to an associate or bachelors degree; and provided further, that, each participating institution shall agree to expend an amount equal to at least fifty per cent of the grant awarded hereunder in direct financial assistance to needy Massachusetts students; and provided further, that, students receiving such aid shall be ineligible for additional scholarship assistance provided by the commonwealth. \$3,500,000

Fiscal Affairs Division.

1101-2100 For the administration of the division, including not more than forty-six permanent positions. \$1,005,000
 Highway Fund 30.0%
 General Fund 70.0%

1101-2201 For the office of federal-state resources, including not more than five permanent positions. \$242,000

Central Services Division.

1102-3110 For the administration of the division, including not more than four permanent positions. \$132,215

1102-3210 For the administration of the bureau of building construction, including not more than ninety-five permanent positions \$1,590,122

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 nineteen permanent positions \$11,500,000

1102-3901 For renovations and improvements including painting Senate reception room, and furnishings. \$14,500

1102-4010 For the operation of certain central services and the telephone system, including not more than forty-eight permanent positions \$698,466

1102-5201 For the expenses and administration of a motor vehicles management bureau; including not more than nine permanent positions. \$106,414

1102-5211 For fuel and repairs of certain motor vehicles. \$476,850

Comptroller's Division.

1103-1000 For the administration of the division, including not more than one hundred and forty-one permanent positions. \$1,690,000
 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 \$2,900,000

1103-5010 For administration of the fraudulent claims commission, including not more than sixty-five permanent positions. \$850,000

Purchasing Agent's Division.

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1104-1000	For the administration of the division, including not more than fifty-four permanent positions.....		\$582,000
	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.....		\$41,350
	<u>Other Administration and Finance.</u>		
1105-1000	For the administration of the division of employee relations, including not more than seventeen permanent positions.....		\$500,000
	<u>Division of Personnel Administration.</u>		
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 twenty-three permanent positions.....		\$4,793,000
	General Fund	80.0%	
	Highway Fund	20.0%	
1107-2300	For a portion of the state share of training programs under the federal Intergovernmental Act of nineteen hundred and seventy, to be in addition to any other state and federal funds available for the purpose.....		\$75,000
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.....		\$330,932
1111-0010	For the administration of the bureau of teachers' retirement, including not more than twenty-eight permanent positions.....		\$435,510
1111-1001	For the payment of retirement assessments of teachers formerly in military or naval service.....		\$1,000
1111-1002	For reimbursement of certain cities and towns for pensions to retired teachers, prior appropriation continued.....		\$15,600,000
1111-1003	For the payments of the commonwealth's share in financing the teachers' retirement system, prior appropriation continued.....		\$115,009,675
	<u>Group Insurance Commission.</u>		
1120-1000	For administration of the group insurance program, including not more than forty-two permanent positions.....		\$1,100,000
1120-2000	For the commonwealth's share of the group insurance premium; provided, that the group insurance commission shall charge the division of employment security and other departments, authorities, agencies and divisions which have federal or other funds allocated to them for this purpose for that portion of the cost of the program as it determines should be borne by such funds, and shall notify the comptroller of the amounts to be transferred, after similar determination, from the several state or other funds, and amounts received in payment of all such charges or such transfers shall be credited to the General Fund; provided, that notwithstanding the provisions of section twenty-six of chapter twenty-nine of the General Laws, the commission is hereby authorized to negotiate, purchase and execute contracts for a policy or policies of group insurance as authorized by chapter thirty-two A of the General Laws; and provided further, that the present level of		

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health insurance coverage shall be maintained but shall not constitute payments in full of charges for health care services; and provided further, that effective July first, nineteen hundred and seventy-seven said commonwealth's share of the group insurance as provided, in section eight of said chapter thirty-two A shall be as follows:- eighty per cent of the total monthly premiums or rates as established by the commission effective July first, nineteen hundred and seventy-seven, and eighty-five per cent of the total monthly premiums or rates as established by the commission effective January first, nineteen hundred and seventy-eight, and ninety per cent of the total monthly premiums or rates as established by the commission effective January first, nineteen hundred and seventy-nine; and further provided, that no funds appropriated under this item shall be expended for the payment of abortions not necessary to prevent the death of the mother. This provision does not prohibit payment for medical procedures necessary for the prompt treatment of the victims of forced rape or incest if such rape or incest is reported to a licensed hospital or law enforcement agency within thirty days after said incident, prior appropriation continued..... \$61,671,605

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; and further provided, that no funds appropriated under this item shall be expended for payment of abortions not necessary to prevent the death of the mother. This provision does not prohibit payment for medical procedures necessary for the prompt treatment of the victims of forced rape or incest if such rape or incest is reported to a licensed hospital or law enforcement agency within thirty days after said incident, prior appropriation continued.

1120-4000 For the group insurance premium for certain retired municipal teachers and their dependents, prior appropriation continued; and further provided, that no funds appropriated under this item shall be expended for the payment of abortions not necessary to prevent the death of the mother. This provision does not prohibit payment for medical procedures necessary for the prompt treatment of the victims of forced rape or incest if such rape or incest is reported to a licensed hospital or law enforcement agency within thirty days after said incident..... \$545,270

Massachusetts Commission Against Discrimination.

1150-5100 For the office of the commission; provided, that all positions except clerical are exempted from the provisions of chapter thirty-one of the General Laws; including not more than fifty-four permanent positions..... \$975,000

Contributory Retirement Appeal Board.

1160-1000 For the expenses of the board..... \$3,000

Retirement Law Commission.

1180-1000 For the administration of the commission, including not more than two permanent positions..... \$125,000

DEPARTMENT OF CORPORATIONS AND TAXATION.

1201-0100 For the administration of the department, including audits, of certain foreign corporations, and for the rental, maintenance and operation of offices 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..... \$19,500,000

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Highway Fund	10.0%
General Fund	90.0%

Bureau of Accounts.

- 1231-0100 For the administration of the bureau, including the expenses of auditing and installing systems of municipal accounts and the expenses of certain books, forms and other material which may be sold to cities and towns requiring the same for maintaining their system of accounts; including not more than two hundred and forty- nine permanent positions..... \$2,465,553
- 1231-1000 For the administration of the county personnel board, including not more than six permanent positions..... \$49,253

Bureau of Local Taxation.

- 1233-1000 For reimbursing cities and towns for loss of taxes on land used for state institutions and certain other state activities \$14,700,000
- 1233-1500 For reimbursing cities and towns for loss of taxes on land taken for flood control purposes..... \$265,000
- 1233-2000 For reimbursing cities and towns for abatements granted \$6,555,000
- 1233-3000 For reimbursing the city of Boston for loss of taxes on land for the government center..... \$357,575
- 1233-3160 For reimbursing certain cities and towns for fifty per cent of career incentive salary increases for police officers..... \$2,400,000

Appellate Tax Board.

- 1310-1000 For the personal services and expenses of the board; provided, that the board is hereby authorized to prepare official transcripts of hearings at no expense to the commonwealth and expend, in addition to the sum appropriated herein and without further appropriation, income derived from the sale of such transcripts; including not more than thirty-four permanent positions \$550,000

Miscellaneous.

- 1500-0001 For the contribution of the commonwealth toward the maintenance of the old provincial state house..... \$1,500
- 1599-0001 For the payment of certain annuities and pensions of soldiers and others under the provisions of certain acts and resolves \$10,000
- 1599-0002 For the payment, with the approval of the comptroller, of expenses of prior fiscal years for which no funds are available in the current fiscal year; provided, that no payment shall be made unless the subsidiary account item to which the deficiency is to be charged contained a balance sufficient to meet the required payment; and provided, further, that the comptroller is hereby authorized to allocate the cost of such payments to the several or other state funds to which the items of appropriation are charged \$25,000
- 1599-0003 For payment to claimants, as authorized by section one hundred and forty-nine D of chapter one hundred and seventy-five of the General Laws, and for reimbursement of other persons for funds previously deposited in the treasury of the commonwealth and escheated to the commonwealth..... \$10,000
- 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
- 1599-0020 For the payment, with the approval of the comptroller, of expenses of prior fiscal years for which no funds are available in the

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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%

1599-0075 For a payment authorized by chapter six of the resolves of nineteen seventy-seven..... \$19,000

Unforeseen Emergencies.

1599-2025 For a reserve to meet unforeseen emergencies; provided, that the governor, upon recommendation of the commissioner of administration, is hereby authorized to transfer from the sum appropriated herein to other appropriation items where the amounts otherwise available are insufficient, such amounts as are necessary to protect the public interest; provided further, that no transfer shall be made as authorized herein until the existence of the said unforeseen emergency shall have been certified by the agency and the secretary having jurisdiction over the requesting agency; and that the existence of the said unforeseen emergency shall have been verified by the house and senate committees on ways and means; and provided further, that the governor, upon recommendation of the commissioner of administration, is authorized to allocate the amount of said transfers to the several state or other funds to which such items of appropriation are charged.. \$2,000,000

1599-2026 For a reserve to meet unforeseen emergency within those agencies under the Executive Office of Human Services; 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 of human services; and that the existence of the said unforeseen emergency shall have been verified by the house and senate committees on ways and means..... \$1,500,000

1599-2094 For a reserve to meet the cost of certain salary adjustments authorized by certain collective bargaining agreements finalized on or after June fifteenth, nineteen hundred and seventy-eight; 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-nine, 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-nine where the amounts otherwise available are insufficient for the purpose; and provided further, that the cost of said adjustments applicable to the fiscal year nineteen hundred and seventy-eight and prior fiscal years shall be expended directly from this item; 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..... \$25,000,000

1599-3100 For the payment of certain employment security benefits, prior appropriation continued..... \$5,000,000

1599-3500 For providing matching funds for a federal grant under the provisions of the Economic Development Administration's "304" grant program; provided, that the sum appropriated herein shall be administered by the commissioner of administration; and, provided further, that expenditures from this item shall be contingent upon the prior approval of the proper federal authorities of projects to be funded under this program and shall be expended with at least

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one million two hundred thousand dollars of federal funds for the purposes of this item; and provided further, that the state contribution for any one project under this program shall not exceed twenty-five per cent of the amount of federal funds available for any one project..... \$130,000

EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS.

Office of the Secretary.

2000-0100 For the office of the secretary, including not more than five permanent positions..... \$251,000

General Fund	21.0%
MDC Water District Fund	13.0%
MDC Sewerage District Fund	14.0%
MDC Parks District Fund	14.0%
State Recreation Areas Fund	13.0%
Inland Fisheries and Game Fund	3.0%
Highway Fund	22.0%

2000-0140 For the coastal zone management program and to conduct an investigation and study on the feasibility of utilizing tire reefs beneath the coastal waters of the Commonwealth for the purpose of revitalizing the ocean bottom, improving our fish spawning areas and preventing beach erosion..... \$100,000

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 eight permanent positions..... \$192,000

Division of Law Enforcement.

2020-0100 For the administration of the division of law enforcement; provided, however, that each county in the commonwealth shall be assigned at least one full time natural resources officer, including not more than seventy-eight permanent positions..... \$1,386,150

Inland Fisheries and Game Fund	30.0%
State Recreation Areas Fund	15.0%
General Fund	55.0%

2020-0300 For the hunter safety training program..... \$61,900

Inland Fisheries and Game Fund	100.0%
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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..... \$236,000

State Recreation Areas Fund	50.0%
General Fund	50.0%

Department of Environmental Management.

2100-0100 For the administration of the department, and for the office of planning and data processing, including the expenses of the board of environmental management provided that the position of deputy commissioner of environmental management shall not be subject to the provisions of chapter thirty-one of the General Laws, including not more than forty permanent positions..... \$958,000

General Fund	25.0%
State Recreation Areas Fund	75.0%

Division of Forests and Parks.

2120-0100 For the administration of the division, including not more than ten permanent positions..... \$177,000

General Fund	50.0%
State Recreation Areas Fund	50.0%

2120-0200 For the administration and supervision of land acquisition and construction programs, including not more than sixteen permanent positions..... \$330,000

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	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.....		\$433,000
	State Recreation Areas Fund	100.0%	
2120-0400	For the operation of forests and parks facilities under the management of the bureau of recreation; provided that one hundred and fifteen thousand dollars shall be expended for restoration work at Moore Memorial State Park in Paxton, including not more than one hundred and forty-seven permanent positions.....		\$4,267,000
	State Recreation Areas Fund	100.0%	
2120-0500	For the maintenance of swimming pools and skating rinks; provided, that the provisions of chapter thirty-one of the General Laws shall not apply to this item.....		\$4,180,000
	State Recreation Areas Fund	100.0%	
2120-0601	For the maintenance of Horseneck beach, including not more than one permanent position.....		\$316,000
	State Recreation Areas Fund	100.0%	
2120-0602	For the maintenance of Salisbury beach, including not more than three permanent positions.....		\$342,000
	State Recreation Areas Fund	100.0%	
2120-0603	For the maintenance of Scusset beach, including not more than one permanent position.....		\$146,500
	State Recreation Areas Fund	100.0%	
2120-0604	For the maintenance of Fort Phoenix beach.....		\$66,700
	State Recreation Areas Fund	100.0%	
2120-0700	For the maintenance and operation of certain state reservations, including not more than eight permanent positions.....		\$247,000
	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 cost of such projects, including employee fringe benefits and indirect cost, as determined by the commissioner of environmental management; including not more than twenty-four permanent positions		\$452,000
2120-1200	For the office of the state fire warden and for expenses of the north-eastern 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		\$1,147,000
2120-1300	For the suppression of insect pests and shade tree diseases, including brown tail moths and Japanese beetles, and including not more than thirty-two permanent positions.....		\$381,000
2120-1400	For a program of survey and detection of forest and insect diseases in cooperation with the United States Forest Service; provided,		

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	that expenditures from this item shall be contingent upon the prior approval of the proper federal authorities for eighty-five per cent reimbursement of the amounts so expended	\$22,218
2120-1600	For providing public transportation assistance service to the recreation areas and facilities of the Boston Harbor islands	\$53,000
	<u>Division of Water Resources.</u>	
2130-0010	For the expenses of the water resources commission, including not more than five permanent positions.....	\$36,418
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 seventeen permanent positions.....	\$410,000
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	\$54,000
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.....	\$199,000
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
	<u>Bureau of Solid Waste Disposal.</u>	
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; including not more than seventeen permanent positions.....	\$445,000
	<u>Department of Environmental Quality Engineering.</u>	
	<u>Office of the Commissioner.</u>	
2200-0100	For the office of the commissioner, including not more than five permanent positions.....	\$133,000
	<u>Outdoor Advertising Division.</u>	
2210-0100	For the administration of the division, including not more than ten permanent positions.....	\$121,400
	<u>Division of Water Pollution Control.</u>	
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 fifty-two permanent positions.....	\$1,615,000
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	\$27,000

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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..... \$1,086,581

Bureau of Environmental Sanitation.

2250-0100 For the administration of the bureau, including not more than fifty-five permanent positions..... \$1,598,000

2250-0200 For the administration of the Lawrence experimental station, including not more than thirty-one permanent positions.... \$559,000

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..... \$315,500

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..... \$101,800

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..... \$11,763

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..... \$85,400

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..... \$62,600

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..... \$72,300

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, prior appropriation continued..... \$100,000

Division of Waterways.

The salaries of all officers and employees of the division engaged in projects or activities authorized by bond issue or otherwise shall be charged in full to appropriations authorized hereunder.

2270-0100 For the administration of the division, including not more than fifty-one permanent positions..... \$815,000

2270-0200 For a program of wetland regulation, including not more than eleven permanent positions..... \$210,000

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 Malden river in the city of Malden; provided further, that an additional

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amount not exceeding one hundred fifty 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 the sum of one hundred thousand dollars shall be for dredging of mooring basin area at Port Norfolk on the Neponset river; provided further, that an additional amount not exceeding three hundred thousand dollars shall be for the dredging of Lynn Harbor; provided further, that an additional amount not exceeding three hundred thousand dollars shall be used for the dredging of the channel section of Palmer cove at the entrance to Salem harbor; provided further, that not less than three hundred thousand dollars shall be used for other dredging and cleaning of inland waters and great ponds and for establishing within the division a program of marking and removing submerged obstructions in certain great ponds having public access ramps constructed by the commonwealth and for repairs and modernization to state piers; provided further, that an amount not exceeding forty thousand dollars shall be used for the removal of marine vegetation and dredging to improve tidal circulation in Cape Cod bay in the vicinity of Pilgrim beach in the town of Truro; provided further, that an amount not exceeding twelve thousand dollars shall be used for a study of the cause of the pollution of Indian lake in the city of Worcester; provided further, that an amount not exceeding one hundred thousand dollars shall be used for dredging the Slocum river in the town of Dartmouth in the Demarest Lloyd landing; provided further, that an amount not exceeding twelve thousand dollars shall be used for an engineering study of the feasibility of dredging McKinstry pond in the town of Oxford; provided further, that an amount not exceeding two hundred and twenty thousand dollars shall be used for the dredging of the Montiquot river in the towns of Braintree and Weymouth, and Sabbatia lake in the city of Taunton; provided further, that an amount not exceeding three hundred thousand dollars shall be used for the dredging of Wellfleet harbor; provided further, that a sum not exceeding five thousand dollars shall be used for an engineering, coastal and marine analysis to study offshore dredging; prior appropriation continued..... \$735,000

- 2270-0700 For the maintenance of property in the town of Plymouth, including not more than two permanent positions..... \$27,961
- 2270-0900 For the operation and maintenance of the New Bedford state pier, including not more than two permanent positions \$45,900

Department of Fisheries, Wildlife and
Recreational Vehicles.

Office of the Commissioner.

- 2300-0100 For the office of the commissioner, including not more than five permanent positions..... \$90,438
 - Inland Fisheries and Game Fund 50.0%
 - General Fund 50.0%

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 permanent positions..... \$550,000
 - 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 head-

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	quarters, prior appropriation continued.....	\$100,000
	Inland Fisheries and Game Fund 100.0%	
2310-0310	For acquisition of upland areas and inholdings on existing wildlife management areas.....	\$300,000
	Inland Fisheries and Game Fund 100.0%	
2310-0315	For the purchase of equipment.....	\$100,000
	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.....	\$980,000
	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.....	\$1,150,000
	Inland Fisheries and Game Fund 100.0%	
2310-0800	For the payment of damages caused by wild deer; including not more than one permanent position.....	\$16,500
	Inland Fisheries and Game Fund 100.0%	
	<u>Public Access Board.</u>	
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.....	\$91,600
	<u>Division of Marine Fisheries.</u>	
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-five permanent positions.....	\$514,461
2330-0190	For an investigation and study by the Division of Marine Fisheries relative to the establishment of a depuration plant to be located on the South Shore.....	\$15,000
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 six permanent positions.....	\$323,000
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.....	\$116,000
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.....	\$209,000

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2330-0500	For the operation of the shellfish treatment plant at Newburyport	\$92,000
2330-0600	For a program of self-help to said cities and towns for the cultivation, propagation and protection of shellfish.....	\$250,000

Division of Marine and Recreational Vehicles.

2340-0100	For the administration of the division; including not more than fifty-eight permanent positions.....	\$865,000
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Department of the Metropolitan District Commission.

Notwithstanding any other provision of any general or special law to the contrary, the salaries of all officers and employees of the commission shall be charged in full to appropriations authorized under this heading:

Administration.

2410-1000	For general administration, including not more than sixty-two permanent positions.....	\$1,030,000
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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 not less than forty per cent shall be allocated to participants in the city of Boston, twenty-five per cent shall be allocated to participants within those cities and towns which comprise the metropolitan parks, sewerage and water districts and thirty-five per cent 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 the 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, prior appropriation continued.	
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Metropolitan Water System.

2420-0100	For the maintenance and operation of the metropolitan water system, including not more than six hundred and thirteen permanent positions.....	\$9,100,000
	MDC Water District Fund	100.0%
2423-3007	For pointing masonry project at Wachusett Dam.....	\$30,000
	MDC Water District Fund	100.0%
2423-3008	For removal of rock from the Wachusett Aqueduct....	\$25,000
	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%
2425-9002	For improvements to supply mains, prior appropriation continued	\$25,000
	MDC Water District Fund	100.0%
2425-9003	For the purchase of certain pipe and valve stock, prior appropriation continued.....	\$27,500
	MDC Water District Fund	100.0%

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Metropolitan Sewerage District.

2430-0100	For the maintenance and operation of a system of sewage disposal for the metropolitan sewerage district, including not more than five hundred and fifty-three permanent positions	\$10,050,000
	MDC Sewerage District Fund	100.0%
2430-0115	For the purchase of certain maintenance equipment, prior appropriation continued.	
	MDC Sewerage District Fund	100.0%

Metropolitan Parks District.

2440-0010	For the maintenance of boulevards and parkways, 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; 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 personnel administrator; including not more than one thousand four hundred and eleven permanent positions.....	\$31,200,000
	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%
2440-0013	For increased patrols of Metropolitan District Commission reservations during periods of high fire risk.....	\$30,000
	MDC Parks District Fund	100.0%
2442-9034	For an investigation of noxious odor at Nahant Bay beaches including an ecodynamic analysis of algae blooms.....	\$75,000
	MDC Parks District Fund	100.0%
2443-3901	For the operation and management of the Franklin park and Walter D. Stone zoological parks.....	\$250,000
	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, prior appropriation continued.....	\$950,000
	Highway Fund	100.0%
2444-9002	For the purchase of certain highway maintenance equipment	\$500,000
	Highway Fund	100.0%
2444-9004	For certain payments for the maintenance and use of the Trailside museum and the Chickatawbut Hill center.....	\$150,000
	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.....	\$512,000

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; 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..... \$4,440,000

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..... \$302,120

Pesticide Bureau.

2511-0300 For the administration of the pesticide bureau..... \$50,000

2511-2002 For the administration of the division, including not more than two permanent positions..... \$79,000

2512-1000 For apiary inspection and for reimbursement of owners of diseased bees, including not more than one permanent position..... \$14,500

Division of Poultry and Poultry Products.

2513-1000 For the administration of the division, including not more than four permanent positions..... \$89,600

Division of Dairying and Animal Husbandry.

2514-1000 For the office of the division, including not more than sixteen permanent positions..... \$222,000

2514-2000 For a program of quality improvement of dairy products..... \$16,000

Division of Animal Health.

2515-1000 For the administration of the division, including not more than twenty-four permanent positions..... \$363,000

2515-3000 For the reimbursement of owners of diseased cattle slaughtered, prior appropriation continued..... \$150,000

2515-3500 For the reimbursement for hogs killed..... \$5,000

Division of Markets.

2516-1000 For the administration of the division, including not more than fourteen permanent positions..... \$225,000

2516-1500 For promoting agriculture in the commonwealth..... \$100,000

2516-2000 For a program of preparing crop survey reports..... \$6,000

2516-7000 For a program of improving roadside markets..... \$14,600

Division of Plant Pest Control.

2517-1000 For the administration of the division, including not more than four permanent positions..... \$71,600

Division of Fairs.

2518-1000 For the administration of the division and for state prizes and agricultural exhibits, including allotment of funds for the 4-H activities, prior appropriation continued; including not more than three permanent positions..... \$399,000

2518-1010 For the display of exhibits at certain fairs, prior appropriation con-

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	tinued.....	\$75,000
2518-1020	For the administration of the thoroughbred breeders fund	\$20,000
2518-1021	For certain prizes, prior appropriation continued.....	\$100,000
2518-1030	For the administration of the Massachusetts standardbred agricultural fair and breeding fund committees.....	\$5,000
2518-1031	For certain prizes, prior appropriation continued.....	\$100,000
	<u>Division of Milk Control.</u>	
2519-1000	For the administration of the division, including not more than twenty permanent positions.....	\$218,000
	<u>State Reclamation Board.</u>	
2520-0100	For the administration of the board, including not more than three permanent positions.....	\$31,500
	<u>For the expenses of the following mosquito control projects:</u>	
2520-0300	Cape Cod.....	\$412,000
	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.....	\$341,653
	Mosquito and Greenhead Fly Control Fund 100.0%	
2520-1100	Berkshire county.....	\$233,772
	Mosquito and Greenhead Fly Control Fund 100.0%	
2520-1200	Norfolk county.....	\$272,456
	Mosquito and Greenhead Fly Control Fund 100.0%	
2520-1300	Bristol county.....	\$237,727
	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	\$318,531
	Mosquito and Greenhead Fly Control Fund 100.0%	
2521-0100	For the expenses of the Suffolk County Extension Service provided that the state treasurer shall assess the expenses to the cities and towns in Suffolk county as required in section forty-four A of chapter one hundred and twenty-eight of the general laws	\$260,000
	EXECUTIVE OFFICE OF COMMUNITIES AND DEVELOPMENT.	
	<u>Office of the Secretary.</u>	
3000-0100	For the office of the secretary, including not more than two perma- nent positions.....	\$110,000
	<u>American and Canadian French Cultural Exchange Commission.</u>	
3300-1000	For the expenses of the American and Canadian French cultural ex- change commission.....	\$8,325
	Department of Community Affairs	
	<u>Administration.</u>	
3700-0100	For the general administration of the department, including not more than eighty permanent positions.....	\$2,130,000

ItemDivision of Community Development

3722-9002	For certain financial assistance for housing projects for veterans	\$4,151,000
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....	\$12,100,000
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.....	\$5,000,000
3722-9006	For reimbursement to housing authorities for deficiencies caused by certain reduced rentals in housing for veterans and relocated persons pursuant to section thirty-two of chapter one hundred and twenty-one B of the General Laws; provided, that no payment shall be made from this item until said deficiencies have been certified by the state comptroller; and provided further, that no monies shall be expended from this item for the purpose of reimbursing the debt service reserve included in the budget of the housing authorities.....	\$11,932,000
3722-9007	For a reserve to meet the cost of emergency maintenance of a housing authority which is of a health and safety nature; provided that any expenditure from this item shall be subject to the prior approval of the secretary of communities and development; provided also that this account shall be titled Public Housing Emergency Maintenance; prior appropriation continued.....	\$250,000
3722-9101	For reimbursement of cities and towns for the commonwealth's share of federally aided urban renewal.....	\$7,900,000
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; and provided further, that, notwithstanding any other provisions of law to the contrary, no projects shall be approved on or after the effective date of this act which would cause the commonwealth's obligation for the purposes of this item to exceed the amount of this item.....	\$9,825,000

Division of Community Services.

3731-2003	For expenses of community development and housing program services	\$600,000
3735-9011	For the administration of the state building code commission	\$175,000

Division of Social and Economic Opportunity.

3743-2022	For providing funds for local community economic development, provided such funds are to be awarded by the Economic Development Projects Committee, and to be received by small community orient-	
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	ed businesses.....	\$142,450
3743-2025	For studies of investment strategies and policies which can be adopted by private and public institutions to revitalize depressed urban neighborhoods in the commonwealth; provided that funds to finance investment studies go directly to community organizations	\$30,000
3744-4010	For payment of stipends to corpsmen of the commonwealth service corps to be paid at the rate of one hundred dollars monthly commencing July first, nineteen hundred and seventy-eight, chapter six hundred and twenty-two of the acts of nineteen hundred and sixty-four, as amended in chapter twenty-three B of the acts of nineteen hundred and sixty-eight, notwithstanding	\$400,000
3747-0001	For the administration and commission on Indian affairs; provided, that notwithstanding the last sentence of paragraph five A of section forty-six of chapter thirty of the General Laws or any law to the contrary, the incumbent executive director of the commission shall be eligible for a recruitment rate above the minimum, effective July first, nineteen hundred and seventy-six	\$39,450
	EXECUTIVE OFFICE OF HUMAN SERVICES.	
	<u>Office of the Secretary.</u>	
4000-0100	For the office of the secretary, including not more than five permanent positions.....	\$468,000
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.....	\$436,000
4000-1505	For the administration of the health facilities appeals board	\$21,430
	<u>Rate Setting Commission.</u>	
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-one permanent positions	\$1,165,000
	<u>Massachusetts Commission for the Blind.</u>	
4110-0001	For the office of the commissioner, including not more than fourteen permanent positions.....	\$227,000
4110-1010	For aiding the adult blind, including a six and a half per cent increase in the optional supplementary level for such blind, prior appropriation continued.....	\$5,486,469
4110-1020	For support of a medical assistance program for the blind, including previous fiscal years, and including not more than five permanent positions.....	\$8,255,000
	<u>Bureau of Individual Services.</u>	
4110-2010	For administration of a talking book program, including not more than two permanent positions.....	\$192,900
4110-2020	For administration of a home teaching program, including not more than nineteen permanent positions.....	\$216,720
4110-2030	For administration of a children's services program, including not more than six permanent positions.....	\$92,345
4110-2040	For certain social services programs, including not more than fifty-two permanent positions.....	\$906,300

ItemBureau of Rehabilitation.

4110-3010 For a program of vocational rehabilitation of the blind in cooperation with the federal government, prior appropriation continued.
..... \$623,000

Bureau of Industrial Aid and Workshops.

4110-4000 For the administration of the bureau, including not more than three permanent positions..... \$40,900

4110-4010 For operation of local shops, including not more than fourteen permanent positions; provided that, notwithstanding any law to the contrary, all revenue accrued through the program of selling blind industries' products and services may be expended without further appropriation subject to the approval of the commissioner of the blind and the state comptroller for said program, including cost of materials, supplies, and equipment, maintenance of industrial facilities and compensation to blind industry employees; and provided further, that this program shall be subject to a full audit and annual report by the state auditor; and provided further, that any unexpended balance in the workshop revolving fund at the close of every fiscal year, shall be transferred to the General Fund..... \$425,000

4110-4030 For operation of the Cambridge industries for the blind; provided, that any funds herein made available for space rental may be applied to a five-year lease; including not more than eleven permanent positions; provided that, notwithstanding any law to the contrary, all revenue accrued through the program of selling blind industries' products and services may be expended without further appropriation subject to the approval of the commissioner of the blind and the state comptroller for said program, including cost of materials, supplies, and equipment, maintenance of industrial facilities and compensation to blind industry employees; and provided further, that this program shall be subject to a full audit and annual report by the state auditor; and provided further, that any unexpended balance in the workshop revolving fund at the close of every fiscal year, shall be transferred to the General Fund..... \$850,000

4110-4050 For certain payments to blind persons..... \$179,430

Bureau of Research.

4110-5000 For the administration of the bureau, including not more than four permanent positions..... \$40,900

Massachusetts Rehabilitation Commission.

4120-0010 For the administration of the commission, including not more than one permanent position, prior appropriation continued
..... \$4,500,000

4120-0031 For a program of extended employment for the handicapped under Title XX program..... \$1,350,000

4120-0041 For the administration of the office of deafness, including not more than one permanent position..... \$70,000

4120-0051 For a program of personal care assistance, prior appropriation continued..... \$100,000

OFFICE FOR CHILDREN.

4130-0001 For the office of the director, including not more than forty-one permanent positions..... \$1,055,000

Region One.

4131-1000 For the administration of the regional office, including services to children, including not more than nine permanent positions
..... \$414,000

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4131-2020	For providing services to children with special needs in the Berkshire council area; provided, that the federal allocation for the purpose of such expenditure shall be not less than seventy-five per cent of such expenditure.....	\$48,500
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.....	\$48,500
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.....	\$48,500
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.....	\$48,500
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 per cent of such expenditure.....	\$48,500

Region Two.

4132-1000	For the administration of the regional office, including services to children, including not more than nine permanent positions	\$343,000
4132-2020	For providing services to children with special needs in the Fitchburg council area; provided, that the federal allocation for the purpose of such expenditure shall be not less than seventy-five per cent of such expenditure.....	\$48,500
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.....	\$48,500
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.....	\$48,500
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 per cent of such expenditure.....	\$48,500
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.....	\$48,500

Region Three.

4133-1000	For the administration of the regional office, including services to children, including not more than nine permanent positions	\$324,500
4133-2020	For providing services to children with special needs in the Cambridge-Somerville council area; provided, that the federal allocation for the purpose of such expenditure shall be not less than seventy-five per cent of such expenditure.....	\$48,500
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.....	\$48,500

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- 4133-2040 For providing services to children with special needs in the Metropolitan Beaver Brook council area; provided, that the federal allocation for the purpose of such expenditure shall be not less than seventy-five per cent of such expenditure..... \$48,500
- 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..... \$48,500
- 4133-2060 For providing services to children with special needs in the Lowell council area; provided, that the federal allocation for the purpose of such expenditure shall be not less than seventy-five per cent of such expenditure..... \$48,500

Region Four.

- 4134-1000 For the administration of the regional office, including services to children, including not more than nine permanent positions \$389,000
- 4134-2020 For providing services to children with special needs in the Haverhill council area; provided, that the federal allocation for the purpose of such expenditure shall be not less than seventy-five per cent of such expenditure..... \$48,500
- 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..... \$48,500
- 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..... \$48,500
- 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..... \$48,500
- 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..... \$48,500
- 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..... \$48,500
- 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..... \$48,500

Region Five.

- 4135-1000 For the administration of the regional office, including services to children, including not more than nine permanent positions \$367,000
- 4135-2020 For providing services to children with special needs in the Medfield-Norwood council area; provided, that the federal allocation for the purpose of such expenditure shall be not less than seventy-five per cent of such expenditure..... \$48,500
- 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..... \$48,500

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- 4135-2040 For providing services to children with special needs in the Quincy council area; provided, that the federal allocation for the purpose of such expenditure shall be not less than seventy-five per cent of such expenditure..... \$48,500
- 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..... \$48,500
- 4135-2060 For providing services to children with special needs in the Marlborough council area; provided, that the federal allocation for the purpose of such expenditure shall be not less than seventy-five per cent of such expenditure..... \$48,500
- 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..... \$48,500

Region Six.

- 4136-1000 For the administration of the regional office, including services to children, including not more than nine permanent positions \$293,670
- 4136-2020 For providing services to children with special needs in the Boston State College council area; provided, that the federal allocation for the purpose of such expenditure shall be not less than seventy-five per cent of such expenditure..... \$48,500
- 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 per cent of such expenditure..... \$48,500
- 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..... \$48,500
- 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 \$48,500
- 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..... \$48,500

Region Seven.

- 4137-1000 For the administration of the regional office, including services to children, including not more than nine permanent positions \$435,800
- 4137-2020 For providing services to children with special needs in the Barnstable council area; provided, that the federal allocation for the purpose of such expenditure shall be not less than seventy-five per cent of such expenditure..... \$48,500
- 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..... \$48,500
- 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..... \$48,500

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4137-2050	For providing services to children with special needs in the Foxborough council area; provided, that the federal allocation for the purpose of such expenditure shall be not less than seventy-five per cent of such expenditure.....	\$48,500
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.....	\$48,500
4137-2070	For providing services to children with special needs in the Plymouth council area; provided, that the federal allocation for the purpose of such expenditure shall be not less than seventy-five per cent of such expenditure.....	\$48,500
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.....	\$48,500

Commissioner of Veterans' Services.

4170-0010	For the office of the commissioner, including not more than seventy-three permanent positions.....	\$873,000
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 and for payments to certain veterans in accordance with the provisions of the tenth paragraph of section two of chapter one hundred fifteen of the General Laws, prior appropriation continued.....	\$10,186,000

Soldiers' Home in Massachusetts.

4180-0100	For the maintenance of the home, including not more than six hundred and fifty-eight permanent positions.....	\$9,159,000
	<u>Soldiers' Home in Holyoke.</u>	
4190-0100	For the maintenance of the home, including not more than three hundred and forty-five permanent positions.....	\$4,998,000

DEPARTMENT OF YOUTH SERVICES.

4200-0010	For the administration of the department, including not more than eighty-two permanent positions.....	\$1,735,000
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-two of chapter six A 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; 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 without prior approval of the comptroller.....	\$10,362,000
4202-0023	For the federal law enforcement assistance program; provided, that expenditures from this item shall be contingent upon the prior	

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- approval by the proper federal authorities of the program for which these funds are to be expended..... \$160,000
- 4202-0025 For the establishment and operation of a secure facilities program for youths..... \$2,273,000

Bureau of Clinical Services.

For the administration and maintenance of and for certain improvements at the institutions within the bureau:

- 4221-1010 Judge John J. Connelly Youth center in the city of Boston; provided, that no funds shall be expended from this item for purposes outside of region six without the prior approval of the commissioner of administration and the house and senate committees on ways and means, including not more than sixty-three permanent positions..... \$939,940
- 4223-1010 Detention center in Hampden county, including not more than thirty-two permanent positions..... \$480,000
- 4224-1010 Secure treatment unit in Worcester county, including not more than thirty-three permanent positions..... \$445,000

Bureau of Institutional Services.

For the administration 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..... \$479,000
- 4237-1010 For supervision, counseling, and other services by the department incidental to certain residential or nonresidential care programs; provided, that no expenditure shall be made hereunder for residential care which is not provided by departmental personnel, 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 three hundred and three permanent positions..... \$4,770,000

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..... \$3,440,000
- 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..... \$100,000
- 4311-0003 For a community reintegration program, including not more than nine permanent positions..... \$1,291,000
- 4311-0004 For a health service program, including not more than ninety-six permanent positions..... \$3,169,000

For the maintenance of and for certain improvements at the following institutions under the control of the department:

- 4311-0005 For a consolidated prison industries program; 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

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	Fund to the General Fund, including not more than eighty-eight permanent positions.....	\$2,040,000
4311-0006	Correctional institution at Norfolk farm dormitory....	\$980,000
4311-0008	For a pre-release residential facility at Boston.....	\$490,000
4312-0001	Correctional institution at Bridgewater, including not more than four hundred and forty-four permanent positions.....	\$9,426,000
4313-0001	Correctional institution at Walpole, including not more than three hundred and thirty-nine permanent positions.....	\$7,300,000
4314-0001	Correctional institution at Concord, including not more than two hundred and eighty-four permanent positions.....	\$6,850,000
4315-0001	Correctional institution at Framingham, including not more than one hundred and twenty permanent positions.....	\$2,575,000
4316-0001	Correctional institution at Norfolk, including not more than two hundred and eighty-five permanent positions.....	\$7,071,000
4317-0001	Prison camp at Warwick and pre-release centers, including not more than twenty-six permanent positions.....	\$787,000
4341-0001	For a receptions diagnostic center.....	\$650,000
4342-0001	For a pre-release guidance center.....	\$815,000
4343-0001	For a pre-release center at Shirley, including not more than eighteen permanent positions.....	\$1,546,000
4344-0001	For a Southeastern correctional center, including not more than one hundred and seven permanent positions.....	\$2,365,000
4345-0001	For pre-release programs at Medfield, Norfolk and Plymouth, including not more than twelve permanent positions....	\$945,000
4348-0001	For a medium correctional security facility in north central Massachusetts.....	\$450,000
	<u>Parole Board.</u>	
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.....	\$2,507,000
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
	DEPARTMENT OF PUBLIC WELFARE.	
4400-1000	For the office of the commissioner; provided, that the commissioner shall report in writing to the governor the total expenditures of his department for each month within thirty days after the end of each month, and said report shall be available to the public; provided, further, that the consolidation of welfare offices shall be subject to prior approval of the house and senate committees on ways and means, provided, further, that the department of public welfare shall maintain a welfare office in the town of Norwood, 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 five hundred and ten permanent positions.....	\$70,930,000
4400-1003	For the administration of the medicaid program, including a central automated vendor payment system and for the development and operation of a medicaid management information system; provided, that any federal funds received for this purpose shall be credited to the General Fund, including not more than sixty-four permanent positions.....	\$9,430,000

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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 sixty-seven permanent positions.....	\$2,500,000
4400-1005	For the administration of a protective services unit and for a program of protective services for children in care of the department; provided, that the federal reimbursement for any expenditure from this item shall not be less than seventy-five per cent of such expenditures; including not more than one hundred and fifteen permanent positions.....	\$6,590,000
4400-1006	For certain administration costs of the department's foster care program, including home finding for foster care children and legal services.....	\$1,000,000
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 provided, further, that the federal reimbursement for any expenditure from this item shall not be less than seventy-five per cent of such expenditures	\$641,000
4400-1025	For certain donated funds programs of training and retraining under Title XX of the Social Security Act; 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 provided further, that the federal reimbursement for any expenditure from this item shall not be less than seventy-five per cent of such expenditure and shall not be charged against the commonwealth's Title XX federal reimbursement ceiling; and provided further that the department shall report quarterly to the commissioner of administration and finance and to the house and senate ways and means committees on the total expenditures made and reimbursements received.....	\$1,500,000
4400-1030	For certain in-kind matching programs of training and retraining under Title XX of the Social Security Act; provided, that, notwithstanding any provision of section seventeen B of chapter ten or section twelve of chapter eighteen of the General Laws, the federal reimbursement for the purpose of this item shall not be less than seventy-five per cent of the total of expenditures and in-kind match and shall not be charged against the commonwealth's Title XX federal reimbursement ceiling; and provided further that the department shall report quarterly to the commissioner of administration and finance and to the house and senate ways and means committees on the total expenditures made and reimbursements received.....	\$3,000,000
4400-1061	For the administration of the social services administrative unit; including not more than fifty-eight permanent positions	\$1,000,000
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	

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	agencies shall process the food stamps; including not more than two hundred and ten permanent positions.....	\$8,700,000
4400-1400	For the administration of a Project Good Health program for medical assistance recipients under age twenty-one; provided, that the federal reimbursement for any expenditure from this item shall not be less than seventy-five per cent of such expenditure, including not more than twenty-six permanent positions	\$414,000
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.....	\$42,100,000
4401-1001	For administration and services to facilitate the adoption of certain children in the care of the department; including not more than thirteen permanent positions.....	\$452,445
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 twenty million dollars may be expended from this item for expenses incurred in the prior fiscal year; and provided, further that no funds appropriated under this item shall be expended for the payment of abortions not necessary to prevent the death of the mother. This provision does not prohibit payment for medical procedures necessary for the prompt treatment of the victims of forced rape or incest if such rape or incest is reported to a licensed hospital or law enforcement agency within thirty days after said incident.....	\$700,000,000
4402-5006	For a program of special education medical services provided to medicaid children; provided, that all federal funds received for the purpose of this item shall be credited to the General Fund	\$10,000,000
4402-5101	For utilization review of the medical assistance program; provided, that any federal funds received for this program shall be credited to the General Fund.....	\$940,000
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.....	\$527,000,000
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,	

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public or private, other than the commonwealth, equal to twenty-five per cent of such expenditures; and provided further that the federal reimbursement for any expenditure from this item shall not be less than seventy-five per cent of such expenditures

		\$13,750,000
4403-2100	For a program of day care services; provided, that the federal reimbursement for any expenditure from this item shall not be less than seventy-five per cent of such expenditure; and provided further, that purchased social services shall not be authorized at a monthly level that will cause expenditures to exceed the appropriation; and provided further, that one million dollars of the funds appropriated hereunder shall be used to equalize resource distribution within each of the department of public welfare regions of the commonwealth subject to the approval of the house and senate committees on ways and means; and provided further, that all other funds appropriated under this item shall be used for the purpose of day care services, provided that all contracts for such services shall be amended to reflect negotiated rates, not to exceed the maximum established by the rate setting commission, prior to any expansion of said purchased social services	\$33,000,000
4403-2200	For a program of social services to families and children; provided, that the federal reimbursement for any expenditure from this item shall not be less than seventy-five per cent 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.....	\$3,050,000
4403-2300	For a program for social services to children in crisis; provided, that the federal reimbursement for any expenditure from this item shall not be less than fifty per cent of such expenditures	\$4,000,000
4403-2400	For a program of family planning and unwed mothers' services; provided, that the federal reimbursement for any expenditure from this item shall not be less than seventy-five per cent 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.....	\$1,350,000
4403-2700	For a program to provide emergency services to battered women and their children.....	\$125,000
4405-2000	For the state supplement to the supplemental security income program for the aged and disabled, including a six and one-half per cent increase in the optional supplementary level for such aged and disabled; and provided, that the expenses of special grants to recipients residing in rest homes as provided in section seven A of chapter one hundred and eighteen A may be paid from this item.....	\$123,700,000
4406-2000	For a program of general relief; provided, that notwithstanding the provisions of any law to the contrary, except as provided in section forty-four of this act, 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 four million dollars may be expended for said medical services	\$45,000,000

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4406-2002	For a reserve for partial reimbursement for services provided by non-municipal hospitals for general relief recipients; provided, that funds authorized herein shall be distributed to the hospitals in proportion to each hospital's share of all non-municipal hospital expenditures under general relief for fiscal year nineteen hundred and seventy-five, as determined by the commissioner of administration and verified by the house and senate committees on ways and means.....	\$6,000,000
4408-1000	For a program to provide services to the disabled; provided, that the federal reimbursement for any expenditure from this item shall not be less than seventy-five per cent 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.....	\$3,700,000
4408-2000	For a program to provide emergency needs such as those resulting from fire, flood or other disaster, and burials....	\$480,000
4409-3000	For assistance to United States citizens returned from foreign countries and 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, provided that the position of assistant commissioner shall not be subject to chapter thirty-one of the General Laws, including not more than forty-eight permanent positions.....	\$1,045,000
4510-0600	Control of radiation and nuclear hazards.....	\$63,716
4510-0700	For the administration of the medical assistance unit..	\$990,000
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.....	\$366,000
4510-0780	For inspection of ambulance services, as authorized by section two of chapter one hundred and eleven C of the General Laws	\$175,800
4510-0790	For an Office of Emergency Medical Services.....	\$200,000
4510-0795	For a poison control program, provided that the the amount appropriated shall not exceed fifteen per cent of the total expenditure for said program.....	\$25,000
4510-1502	For the comprehensive health planning project.....	\$144,494

Bureau of Chronic Disease Control.

4512-0011	For a long term 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.....	\$795,000
4512-0100	For the administration of the division of communicable and venereal diseases, including not more than twenty-five permanent positions	\$1,353,000
4512-0180	For a vaccine program.....	\$823,500
4512-0200	For the administration of the division of alcoholism, including not more than ten permanent positions.....	\$9,849,317
4512-0400	For the administration of the division of nursing home facilities, including not more than twenty permanent positions	\$1,357,930

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4512-0500	For the administration of the division of dental health, including not more than three permanent positions.....	\$62,469
4512-0600	For a study of equine encephalitis.....	\$90,000
4512-0700	For epilepsy control program, including not more than two permanent positions.....	\$140,441
4512-0900	For the program of prevention of early and preventable deaths, including not more four permanent positions.....	\$505,000

Bureau of Health Services.

4513-1000	For the administration of the bureau, including not more than forty-eight permanent positions.....	\$4,948,000
4513-1500	For the administration of local health services, including not more than twenty-seven permanent positions.....	\$400,000
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.....	\$100,000
4513-2200	For a certain program for the care of infants prematurely born	\$25,000
4513-2400	For the high risk for deafness program.....	\$28,000
4513-3500	For a preschool nursery program for crippled children, to be in addition to any federal funds available for the purpose	\$670,000
4513-3501	For the administration of pilot school bus safety programs	\$28,400

Bureau of Hospital Facilities.

4514-0100	For the administration of the bureau, including not more than fifteen permanent positions.....	\$500,000
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Bureau of Tuberculosis and Institutions.

4515-0100	For the administration of the bureau, including such payments for hospital care of tubercular patients as may be contracted for by the commissioner, and for the commonwealth's share of the operation of certain tuberculosis clinics; and for use in prevention of respiratory diseases; including such items as no smoking programs, screening for early signs of respiratory diseases, and for education programs related to respiratory diseases; including not more than thirty-eight permanent positions.....	\$3,268,000
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Institute of Laboratories.

4516-0100	For the administration of the institute, including not more than one hundred and sixty-eight permanent positions.....	\$3,233,000
4516-0201	For a program of prevention of lead poisoning, including not more than three permanent positions.....	\$450,000

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 one hundred and three permanent positions.....	\$1,645,000
4518-0100	For the administration of the office of health statistics and analysis, including not more than twenty-nine permanent positions	\$550,000

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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 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 twenty-four permanent positions.....	\$6,150,000
4532-0001	Lemuel Shattuck hospital, provided, that the salary of the position of superintendent of Lemuel Shattuck hospital may be established without reference to the general salary schedule and salary range but shall not exceed thirty-five thousand dollars; and provided, further, that no such salary shall be established without prior recommendation of the director of personnel and approved by the commissioner of administration; including not more than eight hundred and eighty-five permanent employees.....	\$13,674,000
4532-9100	For the administration of a geriatric unit, including not more than sixteen permanent positions.....	\$275,872
4532-9200	For the administration of a general chronic disease unit, including not more than sixteen permanent positions.....	\$443,016
4533-0001	Massachusetts hospital school, including not more than three hundred and twenty-eight permanent positions.....	\$4,980,000
4534-0001	Pondville hospital, including not more than two hundred and ninety-nine permanent positions.....	\$5,850,000
4535-0001	Rutland Heights hospital, including not more than four hundred and forty-eight permanent positions.....	\$5,630,000
4536-0001	Tewksbury hospital, including not more than one thousand and eighty-four permanent positions.....	\$13,850,000
4537-0001	Western Massachusetts hospital, including not more than two hundred and eighty-seven permanent positions.....	\$4,262,000

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 eight permanent positions; provided, that the position of assistant to the commissioner of mental health (executive in mental retardation) shall not be subject to the provisions of chapter thirty-one of the General Laws	\$7,300,000
5011-0011	For a consolidated laundry program, including not more than two hundred and ninety-two permanent positions.....	\$2,715,000
5011-9001	For a research project and rehabilitation program for chronic mental patients, prior appropriation continued.....	\$250,000
5011-9002	For an intensive care program for emotionally disturbed women; provided, that an advisory board shall monitor and evaluate the program and shall report their findings to the commissioner of mental health and the house and senate committees on ways and means on	

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	or before the first of January of each fiscal year	\$450,000
5011-9005	For an audit team to provide management and fiscal auditing of all department community based purchased services	\$100,000
5011-9999	For the commonwealth's contribution to the Massachusetts Special Olympics, Inc., for recreation programs for the retarded	\$50,000
5013-0100	For the office of the division of drug rehabilitation, including not more than seventeen permanent positions.....	\$3,284,495
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.....	\$37,261,000
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.....	\$1,311,000
5022-0100	For the upgrading of services to the chronically mentally ill; provided, that funds for monitoring and evaluation shall be made available for expenditure from this item; and provided, further, that savings in state hospitals to result from this program shall be reflected in future budget requests; and provided, further, that plans for said upgrading and said savings shall be submitted to the house and senate committees on ways and means on or before the first of January of each fiscal year.....	\$3,000,000
5026-0100	For the expansion and upgrading of services to the retarded at the Fernald and Wrentham state schools, and the Dever school in accordance with the provisions of a certain court consent decree; provided, that any expenditures 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 said expenditures are eligible for federal reimbursement.....	\$7,060,000
	<u>Region One.</u>	
5111-0000	For administration, including not more than eleven permanent positions.....	\$218,900
5121-0000	For mental health and retardation services; provided that a portion of the funds from this item shall be expended for services to the elderly, including not more than one hundred and ninety permanent positions.....	\$11,858,000
5161-0000	For the administration of the Northampton center for children and families, including not more than twenty-seven permanent positions.....	\$512,000
5181-0000	For the maintenance of the Belchertown state school, including not more than seven hundred and fifty-six permanent positions	\$11,025,000
5191-0000	For the maintenance of the Northampton state hospital, including not more than eight hundred and six permanent positions	\$10,047,175
	<u>Region Two.</u>	
5211-0000	For administration, including not more than eleven permanent positions	\$193,550
5221-0000	For mental health and retardation services; provided that a portion of the funds from this item shall be expended for services to the elderly, including not more than three hundred and three permanent positions.....	\$10,542,000

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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.....	\$226,670
5262-0100	For the maintenance of the Blackstone Valley mental health center, including not more than forty-seven permanent positions	\$958,000
5263-0100	For the maintenance of the Rutland Heights psychiatric unit, including not more than one hundred and forty-eight permanent positions.....	\$1,611,500
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	\$2,528,000
5293-0100	For the maintenance of the Worcester state hospital, including not more than nine hundred and sixty-nine permanent positions	\$10,681,000
5294-0100	For the maintenance of the Monson state hospital, including not more than eight hundred and forty permanent positions	\$12,085,000

Region Three.

5311-0000	For administration, including not more than ten permanent positions	\$188,364
5321-0000	For mental health and retardation services; provided that a portion of the funds from this item shall be expended for services to the elderly, including not more than one hundred and thirty-two permanent positions.....	\$6,982,000
5361-0000	For the maintenance of the Dr. Harry C. Solomon mental health center, including not more than one hundred and twenty-seven permanent positions.....	\$2,623,000
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 one hundred nineteen thousand four hundred and fifty 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 fifty-two permanent positions.....	\$2,235,000
5363-0100	For the purchase of psychiatric services at the Waltham hospital, prior appropriation continued.....	\$448,258
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.....	\$665,515
5381-0000	For the maintenance of the Walter E. Fernald state school, including not more than one thousand one hundred and fifty permanent positions.....	\$16,223,000
5391-0000	For the maintenance of the Metropolitan state hospital, including not more than seven hundred and eighty-six permanent positions	\$10,020,000

Region Four.

5411-0000	For administration, including not more than thirteen permanent positions.....	\$271,000
5421-0000	For mental health and retardation services; provided that a portion of the funds from this item shall be expended for services to the	

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	elderly, including not more than one hundred and eighty-four permanent positions.....	\$10,288,000
5471-0000	For the maintenance of the John T. Berry Rehabilitation center; provided that, whenever possible, the center primarily be used for the habilitation and rehabilitation of moderate and mildly retarded or emotionally disturbed adolescents and young adults in a comprehensive pre-vocational and vocational education program, to serve such persons irrespective of the region from which a request for admission originates, including not more than eighty-eight permanent positions.....	\$1,430,000
5481-0000	For the maintenance of the Charles V. Hogan Regional Center, including not more than four hundred and forty-eight permanent positions.....	\$4,987,000
5491-0000	For the maintenance of the Danvers state hospital, including not more than seven hundred and seventy-eight permanent positions.....	\$10,765,000
	<u>Region Five.</u>	
5511-0000	For administration, including not more than eleven permanent positions.....	\$211,748
5521-0000	For mental health and retardation services; provided that a portion of the funds from this item shall be expended for services to the elderly, including not more than one hundred and ninety-six permanent positions.....	\$8,296,000
5581-0000	For the maintenance of the Wrentham state school, including not more than six hundred and sixty-one permanent positions.....	\$11,960,000
5591-0000	For the maintenance of the Medfield state hospital, including not more than six hundred and eighty-eight permanent positions.....	\$8,309,000
5592-0100	For the maintenance of the Westborough state hospital, including not more than eight hundred and seventy-two permanent positions.....	\$9,780,000
5593-0100	For the maintenance of the Cushing hospital, including not more than seven hundred and ten permanent positions.....	\$8,300,000
5594-0100	For the maintenance of the Foxborough state hospital, including not more than thirty permanent positions.....	\$526,415
	<u>Region Six.</u>	
5611-0000	For administration, including not more than eleven permanent positions.....	\$186,460
5621-0000	For mental health and retardation services; provided that a portion of the funds from this item shall be expended for services to the elderly, including not more than thirty-three permanent positions.....	\$5,387,000
5661-0000	For the maintenance of the Massachusetts mental health center, including not more than four hundred and two permanent positions.....	\$5,731,946
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 permanent positions.....	\$4,690,000
5663-0100	For the maintenance of the Erich Lindemann mental health center, including not more than two hundred and seventy-nine permanent positions.....	\$3,559,000
5664-0000	For the maintenance of the Tufts mental health center, including not	

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	more than one hundred and eighty-three permanent positions	\$2,430,000
5691-0000	For the maintenance of the Boston state hospital, including not more than seven hundred and fifty-five permanent positions	\$9,938,000

Region Seven.

5700-0100	For the administration of mental health and mental retardation services in the following catchment areas and facilities in region seven: New Bedford, Brockton, including the Brockton multi-service center, Plymouth, Taunton, Attleboro, Cape Cod, including the Pocasset mental health center, Fall River, including the Dr. John C. Corrigan mental health center and region seven core services located at the Taunton state hospital; provided that a portion funds from this item shall be expended for services to the elderly, and provided further, that the allocation of funds for the purposes of this item shall be subject to the prior approval of the commissioner of administration and the house and senate committees on ways and means, including not more than one thousand three hundred and forty-three permanent positions.....	\$23,803,000
5762-0100	For a treatment center at Massachusetts correctional institute at Bridgewater, including not more than thirty-six permanent positions.....	\$670,000
5781-0000	For the maintenance of the Paul A. Dever school, including not more than eight hundred and ninety-five permanent positions	\$11,910,000

EXECUTIVE OFFICE FOR 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	\$258,600
	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.....	\$62,732,000
6005-0012	For certain debt service contract assistance to the Massachusetts Bay Transportation Authority in accordance with the provisions of section twenty-eight of chapter one hundred and sixty-one A of the General Laws.....	\$24,700,000
6005-0013	For reimbursement to the Massachusetts Bay Transportation Authority for certain motor vehicle and fuel excise taxes in accordance with the provisions of paragraph (c) of section twenty-five B of chapter fifty-eight of the General Laws.....	\$400,000
6005-0014	For reimbursement to common carriers of passengers for certain motor vehicle and fuel excise taxes in accordance with the provisions of paragraph (c) of section twenty-five B of chapter fifty-eight of the General Laws.....	\$775,000
6005-0015	For certain contract assistance to regional transit authorities in accordance with section twenty-three of chapter one hundred and sixty-one B of the General Laws and for contract assistance with the county commissioners of Franklin county for fifty per cent of the net cost of service for the rural transit demonstrations LINKS project, so-called, provided in fiscal year nineteen hundred and seventy-nine.....	\$3,950,000
6005-0017	For certain payments to cities and towns as authorized by clause (c) of section thirteen of chapter sixty-four A, clause (b) of section	

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thirteen of chapter sixty-four E and clause (b) of section four-
 teen of chapter sixty-four F of the General Laws, prior approp-
 riation continued..... \$25,405,000

Highway Fund 100.0%

- 6005-0018 For additional contract assistance to the Massachusetts Bay Transpor-
 tation Authority for fiscal year nineteen hundred and seventy-
 nine in accordance with the provisions of section twenty-eight A
 of chapter one hundred and sixty-one A of the General Laws;
 provided however that the proportion of such additional contract
 assistance in combination with any federal operating assistance to
 the costs assessed to said cities and towns received for the same
 period shall not be less than the proportion of combined additional
 state contract assistance and federal operating assistance to said
 assessments to the cities and towns effective on March first, nine-
 teen hundred and seventy-eight..... \$2,000,000

Massachusetts Aeronautics Commission.

- 6006-0001 For the personal services and expenses of the commissioners, inclu-
 ding not more than five permanent positions..... \$1,500
- 6006-0003 For the administration of the commission, including not more than
 ten permanent positions..... \$198,000
- 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 re-
 lated 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 six 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..... \$58,268,000

Highway Fund 100.0%

Administrative and Engineering Expenses.

- 6020-1900 For the operation and maintenance of the public works building;
 including not more than fifty-nine permanent positions
 \$904,000

Highway Fund 100.0%

- 6020-2401 For the purchase of all administrative and engineering equipment
 \$100,000

Highway Fund 100.0%

- 6020-2501 For certain administrative and engineering expenses of the commis-
 sion, the office of the public works commissioner and the divisions
 of administrative services, telephone service in the public works
 building, highway engineering, highway maintenance, highway
 construction and the district and other highway activity offices
 \$2,892,000

Highway Fund 100.0%

Maintenance and Operation of State Highways and Bridges.

Appropriation under this heading may be expended for traffic
 safety and control on certain city or town ways:

- 6030-7201 For the expenses of snow and ice control, including the removal of
 sand, and including the cost of sand, salt and chemicals
 \$13,500,000

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	Highway Fund	100.0%	
6030-7301	For expenses in connection with traffic line painting, including the cost of materials.....		\$845,000
	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.....		\$2,050,000
	Highway Fund	100.0%	
6030-7403	For expenses of fleet management and maintenance equipment.....		\$8,000,000
	Highway Fund	100.0%	
6030-7601	For the maintenance and operation of state highways and bridges.....		\$3,296,500
	Highway Fund	100.0%	
6030-7604	For roadside sanitary facilities.....		\$59,300
6031-0131	For a property management program, prior appropriation continued.....		\$245,000
	Highway Fund	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-nine and shall not exceed the amount specified for each city or town in said section four of said chapter eight hundred and twenty-five.....		\$2,500,000
6034-0009	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 6034-0008 of section two of chapter six hundred and eighty-four of the acts of nineteen hundred and seventy-five.....		\$18,469,803
EXECUTIVE OFFICE OF EDUCATIONAL AFFAIRS.			
<u>Office of the Secretary.</u>			
7000-0100	For the office of the secretary, including not more than three permanent positions.....		\$253,877
7000-0111	For the administration of the intern program.....		\$37,926
7000-0112	For intern program stipends and payments.....		\$75,000
<u>George Fingold Library.</u>			
7000-0601	For the administration of the library, including not more than thirty-four permanent positions.....		\$602,000
<u>Art Commission.</u>			
7000-0651	For expenses of the commission, notwithstanding the limitation of section nineteen of chapter six of the General Laws.....		\$900
<u>Compact for Education.</u>			
7000-0751	For the commonwealth's share of the cost of the compact for education.....		\$20,250
7000-0752	For the expenses of the education compact council of Massachusetts.....		\$700
<u>New England Board of Higher Education.</u>			

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7000-0801	For expenses of the board, and for compensation and expenses of the members.....	\$214,000
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 provision for payback service to the commonwealth for a period after said students have fulfilled all internships and residency requirements; 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.....	\$844,382
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 shall include a provision for payback service to the commonwealth for a period after said students have fulfilled all internships and residency requirements and 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.....	\$523,600
7000-0814	For the commonwealth's share of the development and operating costs of the Tufts School of Veterinary Medicine.....	\$185,134
7000-9101	For the administration and expenses of the board of library commissioners, including not more than twenty permanent positions	\$388,276
7000-9401	For state aid to regional public libraries.....	\$2,593,345
7000-9501	For state aid to public libraries.....	\$2,212,142

DEPARTMENT OF EDUCATION.

Board of Education.

Board of Education and Commissioner's Office.

7010-0005	For the general administration of the department, including the expenses of the members of the board, the office of the commissioner, the division of administration and personnel, the division of state and federal assistance, the division of research and development, the bureau of equal educational opportunity, and the bureau of assessment, including not more than eighty-four permanent positions. Chapter 15 of the General Laws is hereby amended by adding in Section 1G, at the end of the 14th paragraph the following "provided however, that notwithstanding the provisions of this paragraph or any rule or regulation of any agency of the Commonwealth to the contrary a school committee may by majority vote, vote not to participate in the school breakfast program	\$2,770,000
7010-0012	For reimbursement to towns for payments of certain costs incurred under the program for the elimination of racial imbalance; provided that reimbursements to a city, town or regional school district shall be limited by the Board of Education to actual and specifically documented incremental costs incurred as a direct consequence of participation in the program whenever the reimbursements requested by such city, town or regional school district exceed the level of reimbursements received in fiscal year nineteen hundred and seventy-seven; provided further that the Board of Education shall establish a uniform procedure by which the categories and amounts of incremental costs directly consequent to participation in the program shall be determined and reported by cities, towns and regional school districts; providing further that the Board of Education shall certify to the accuracy of said incre-	

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mental cost determination to the committees on ways and means before September first, nineteen hundred and seventy-eight; provided further that reimbursements for incremental instructional costs shall in no case exceed the average per-pupil instructional costs, exclusive of administrative costs, for appropriate grade levels as incurred by the school district during the current school year; and provided further that payments to METCO, Inc. shall be made through one disbursing agent as designated by the Board of Education and that they be not less than 12.5% of the non-transportation costs of the 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

..... \$7,000,000

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; 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 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

Division of Occupational Education.

7027-0001 For the administration of the division, to be in addition to any federal funds available for the purpose, including teacher training, to comply with the requirement of federal authorities under the Smith-Hughes and George Barden acts, so called, as amended, including Public Law 90-576; provided, that such courses may be furnished free of charge to veterans; including not more than twenty-three permanent positions..... \$982,336

7027-0014 For the reimbursement of certain towns for the transportation of pupils..... \$333,756

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

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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, prior appropriation continued..... \$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 purpose; including not more than four permanent positions \$500,000

Division of Special Education.

7028-0001 For the administration of the division of special education, to be in addition to any federal funds available for the purpose; including not more than eighty-three permanent positions.... \$1,260,000

7028-0031 For the expenses of school age children in institutional school departments as required under section twelve of chapter seventy-one B of the General Laws, including not more than one hundred and thirty-seven permanent positions..... \$12,621,000

7028-0101 For "incentive grants" to be paid to cities, towns or regional school districts, to pay for the approved costs of educating certain children transferred from institutional school departments to local education programs, the amount of such approved costs to be determined in each case by the department of education; provided, that any "incentive grant" payments 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 educational costs covered by an "incentive grant" payment made under this appropriation shall not be eligible for recovery under section two of chapter seventy of the General Laws..... \$1,000,000

7028-0302 For the educational expenses of school age children with special needs attending schools under the provisions of section two of chapter seventy-one B of the General Laws; 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 \$18,032,000

7028-0303 For expenses relating to the provision of special education to certain children transferred from the department of public welfare to the department of education; provided that said children were placed by the department of public welfare in a private special education program as of September first, nineteen hundred and seventy-four, have continued to attend such program at the expense of the department of public welfare up to the date of said transfer, and continue to need such special education program; and provided further that the total number of children to be transferred from the department of public welfare to the department of education shall not exceed the number that can be served by the funds available in this appropriation..... \$486,600

Division of Curriculum and Instruction.

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7030-0100	For the general administration of the division, including bilingual programs, and including not more than seventy-three permanent positions.....	\$1,400,000
7032-0202	For the expenses and the services of an educational television program	\$381,386
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	\$462,450
7035-0004	For the reimbursement of certain towns and regional school districts for the transportation of pupils.....	\$33,000,000
7035-0005	For reimbursement of cities and towns for transportation of pupils in accordance with the provisions of section seven B of chapter seventy-one of the General Laws; provided, that the commonwealth's obligation shall not exceed the amount appropriated herein	\$700,000
<u>Division of School Facilities and Related Services.</u>		
7051-0005	For the general administration of the division, including the school building assistance bureau and the school lunch bureau; including not more than forty-four permanent positions.....	\$795,000
7051-1908	For printing school registers and other school blanks for cities and towns.....	\$17,000
7052-0004	For 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, for first annual payments on school projects approved on or after July first, nineteen hundred and seventy-five; provided, that the aggregate amount of first annual estimated payments for 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, in the fiscal year ending June thirtieth, nineteen hundred and seventy-nine, shall not exceed five million eight hundred thousand dollars of which amount not more than one million dollars shall be for projects ordered or approved by a court as necessary for desegregation or such projects as may be required in the judgment of said board to reduce or eliminate racial imbalance.....	\$4,852,344
7052-0005	For 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, for annual payments on account of school projects approved prior to July first, nineteen hundred and seventy-five, and all other school projects approved on or after said date on which the first annual payment has been made....	\$107,740,213
7052-0006	For grants and reimbursements for 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, for (a) educational, engineering and architectural services for regional school districts as set forth in section six of said act, (b) for surveys made of school building needs and conditions as set forth in section six A of said act and (c) for matching stabilization fund payments as set forth in section nine of said act.....	\$950,000
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;	

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provided, that notwithstanding any provisions of the law to the contrary, payments so authorized shall not exceed fifty per cent of the total reimbursement authorized by the National School Lunch Act; and provided, further, that notwithstanding said fifty per cent limitation, said limitation may be exceeded on certain lunches to the extent and in the same number as free or reduced-price lunches served to children are subsidized entirely from federal funds at the maximum rate allowed, prior appropriation continued
..... \$385,000

7053-1909 For the reimbursement of cities and towns for partial assistance in the furnishing of lunches to school children and for supplementing funds allocated for the special milk program; provided, that notwithstanding any provisions of law to the contrary, reimbursements so authorized shall not exceed fifty per cent of the total reimbursement authorized by the National School Lunch Act; and provided, further, that, notwithstanding said fifty per cent limitation, said limitation may be exceeded on certain lunches to the extent and in the same number as free or reduced-price lunches served to children are subsidized entirely from federal funds at the maximum rate allowed; prior appropriation continued
..... \$6,988,000

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

Division of State and Federal Assistance.

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, further, 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
..... \$22,134

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; provided, that notwithstanding any provision of chapter seventy-one or any other general or special law to the contrary, the commonwealth's obligation shall not exceed the amount appropriated herein..... \$38,441,069

7061-0008 For school aid to cities, towns, regional school districts, counties maintaining agricultural schools, and independent vocational schools under the provisions of chapter seventy of the General Laws..... \$633,500,000

7061-0009 For the reimbursement to cities, towns and regional school districts of the tuition in the public schools of any school age child placed elsewhere than in his home town by or there under the control of, the department of public welfare, under the provisions of sections seven and nine of chapter seventy-six of the General Laws
..... \$3,000,000

7061-0010 For the reimbursement to cities, towns, and regional school districts of one half of the cost of recreation programs for school age children with special needs, under the provisions of section eleven of chapter seventy-one B of the General Laws
..... \$550,000

7061-0011 For the reimbursement to cities, towns, regional school districts and independent vocational schools of certain expenditures for the

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transportation of a) pupils enrolled in a transitional bilingual education program, under the provisions of section eight of chapter seventy-one A of the General Laws, b) children attending a clinical nursery school day care center or other institution for the care, education or treatment of retarded children conducted by an accredited school or college within the commonwealth, and retarded persons attending an educational, habilitational or day care program or facility of the department of mental health, under the provisions of section thirteen of chapter seventy-one B of the General Laws, and c) pupils enrolled in special needs programs, under section fourteen of chapter seventy-one B of the General Laws..... \$12,500,000

Board of Higher Education.

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 all segments of higher education shall determine for each public institution of higher education, except the Massachusettsmaritime 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 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 paragraph. As used herein, "resident" shall mean a person who has lived in the commonwealth for at least eighteen continuous months with the intent of continuing his living in the commonwealth indefinitely. For the purposes of this paragraph, the phrase average cost of instruction shall mean the total maintenance appropriation of each institution, or group of institutions, including any deficiencies thereto, divided by the budgeted student enrollment of such institution or group of institutions.

Notwithstanding any provision of law to the contrary, the total expenditures authorized by the board of trustees of all segments of higher education during the nineteen hundred and seventy-eight fiscal year for salaries of existing professional positions shall not include expenditures for merit increases for such positions except as a part of a collective bargaining agreement negotiated under the provisions of Chapter 150E and funded by the General Court.

- 7070-0001 For the administration of the board, including the salary of the chancellor and including not more than thirty permanent positions \$770,000
- 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..... \$13,000,000
- 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

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	with respect to eligibility as established by said board	\$150,000
7070-0011	For a scholarship program as authorized by chapter seven hundred and twelve of the acts of nineteen hundred and sixty-six for children of firefighters or police officers who were killed or died in performance of duty.....	\$25,000
7070-0012	For assistance to children of certain war veterans as authorized by section seven B of chapter sixty-nine of the General Laws, as most recently amended, including expenses for the last two prior fiscal years.....	\$100,000
7070-0014	For merit scholarships.....	\$325,000
	<u>Board of Trustees of State Colleges.</u>	
	<u>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:</u>	
7101-0001	For the administration of the board, including not more than forty-eight permanent positions.....	\$983,500
7102-0001	For the purchase of scientific, technological and other educational reference material for the libraries.....	\$700,000
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 and fifty thousand dollars of this appropriation to the state college of Boston.....	\$650,000
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.....	\$1,570,000
7108-0100	State College at Boston, including maintenance of the evening undergraduate college and including not more than five hundred and ninety-nine permanent positions.....	\$10,000,000
7108-9704	For the commonwealth's contribution toward federal student loan programs and federal work-study programs.....	\$145,000
7109-0100	State college at Bridgewater, including not more than four hundred and ninety-three permanent positions.....	\$8,330,000
7109-8888	For the purchase of fire equipment to be used and maintained in accordance with the provisions of section forty-two of chapter forty-eight of the General Laws.....	\$150,000
7109-9704	For the commonwealth's contribution toward federal student loan programs and federal work-study programs.....	\$90,000
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 sixty-three permanent positions.....	\$7,500,000
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 seventy-one permanent positions.....	\$5,456,000

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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-eight permanent positions.....	\$4,039,000
7113-9704	For the commonwealth's contribution toward federal student loan programs and federal work-study programs.....	\$100,000
7114-0100	State college at Salem, including not more than five hundred and seventy-six permanent positions.....	\$9,500,000
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.....	\$5,485,000
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 eighty-four permanent positions.....	\$6,049,000
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 thirty-one permanent positions.....	\$2,720,000
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 sixty-three permanent positions.....	\$3,230,000
7118-9704	For the commonwealth's contribution toward federal student loan programs and federal work-study programs.....	\$28,472
	<u>University of Lowell.</u>	
7220-0001	For the maintenance and administration of the university, with the approval of the trustees; provided, that said university is hereby authorized to conduct a summer school at no expense to the commonwealth, for which purpose the university may receive and expend funds derived therefrom; 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.....	\$18,183,142
7220-0002	For the maintenance of the boarding hall, with the approval of the trustees; including not more than four permanent positions.....	\$46,169
7220-9005	For the purchase of scientific, technological, and other educational reference material for the libraries.....	\$800,000
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.....	\$136,000
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

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- 7225-0001 For the expenses of the nuclear center, to be in addition to any federal funds made available therefor; and including not more than forty-four permanent positions..... \$695,217
Southeastern Massachusetts University.
- 7310-0000 For the maintenance of the university, with the approval of the trustees; provided, that the university is hereby authorized to conduct a summer school at no expense to the commonwealth, and for said purpose the university may receive and expend income derived therefrom; 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 further, that the university may grant a waiver of said charge in instances of financial hardship; provided further, that said minimum fees be transferred to the General Fund; including not more than six hundred and seventy-nine permanent positions..... \$12,398,916
- 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..... \$152,000
- 7310-9704 For the commonwealth's contribution toward federal student loan programs and federal work-study programs and for not more than forty scholarships..... \$215,000
- 7310-9705 For the purchase of scientific, technological, and other educational reference material for the library..... \$1,000,000
University of Massachusetts.
- 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 \$1,027,250
- 7400-0014 For a general court staff fellowship program, prior appropriation continued..... \$11,000
- 7400-0100 For the institute for governmental service, including not more than ten permanent positions..... \$225,615
- 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
- 7400-0111 For the purchase of scientific, technological and other educational reference materials for the libraries; provided, that the allocation to the Boston campus shall be not less than three hundred thousand dollars, the allocation for the medical school shall be not less than two hundred and sixty-two thousand and five hundred dollars and the allocation for the Amherst campus shall be not less than five hundred sixty-two thousand and five hundred dollars \$1,125,000
- 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

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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..... \$1,500,000

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 three hundred 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; 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; 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, further, that the university may grant a waiver of said charge in instances of financial hardship; provided further, that said minimum fees be transferred to the General Fund; including not more than three thousand seven hundred and six permanent positions..... \$77,400,000

7411-1005 For the personal services and expenses of the medical school, including not more than four hundred and forty-eight permanent positions; provided, notwithstanding any provision of law to the contrary, the university of Massachusetts board of trustees shall institute learning contracts for students admitted for the Fall of nineteen hundred and seventy-eight which include provisions for "payback" service or monetary payback to the commonwealth for a period after said students have fulfilled all internship and residency requirements..... \$11,641,000

7411-1006 For the maintenance and operation of the Medical School Teaching Hospital; provided, that notwithstanding any provision of any law to the contrary, all revenue received by said hospital after June thirtieth, nineteen hundred and seventy-seven, from whatever source, including reimbursements under Titles XVIII and XIX of the Social Security Act, shall be deposited in a trust fund in the state treasury, and may be expended by the board of trustees of the University of Massachusetts for the maintenance and operation of said hospital; provided, further, notwithstanding any provision of law to the contrary, all expenditures from the trust fund will be made using standard state accounting methods; provided, further, that the trustees shall report monthly to the commissioner of administration and finance and to the house and senate ways and means committees such revenues and reimbursements received and expenditures made, including not more than one thousand and twenty-five permanent positions \$3,000,000

7416-1001 For the maintenance of the facilities of the university in the city of Boston; including not more than one thousand and six permanent positions..... \$21,700,150

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:

Item

7501-1001	For the administration of the board, including not more than forty-three permanent positions.....	\$1,000,000
7501-3004	For the purchase of scientific, technological and other educational reference material.....	\$600,000
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.....	\$700,000
7502-0100	Berkshire community college, including not more than one hundred and seventy-two permanent positions.....	\$2,664,000
7502-9704	For the commonwealth's contribution toward federal student loan programs and federal work-study programs.....	\$20,000
7503-0100	Bristol community college, including not more than one hundred and ninety-one permanent positions.....	\$3,249,720
7503-9704	For the commonwealth's contribution toward federal student loan programs and federal work-study programs.....	\$65,000
7504-0100	Cape Cod community college, including not more than one hundred and sixty-eight permanent positions.....	\$2,850,000
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.....	\$2,544,359
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.....	\$4,355,000
7506-9704	For the commonwealth's contribution toward federal student loan programs and federal work-study programs.....	\$47,000
7507-0100	Massachusetts Bay community college, including not more than one hundred and seventy-one permanent positions.....	\$2,970,129
7507-9704	For the commonwealth's contribution toward federal student loan programs and federal work-study programs.....	\$17,500
7508-0100	Massasoit community college, including not more than two hundred permanent positions.....	\$3,507,500
7508-9704	For the commonwealth's contribution toward federal student loan programs and federal work-study programs.....	\$50,000
7509-0100	Mount Wachusett community college, including not more than one hundred and seventy permanent positions.....	\$2,884,000
7509-9704	For the commonwealth's contribution toward federal student loan programs and federal work-study programs.....	\$14,000
7510-0100	Northern Essex community college, including not more than two hundred and thirty-two permanent positions.....	\$4,269,248
7510-9704	For the commonwealth's contribution toward federal student loan programs and federal work-study programs.....	\$100,000
7511-0100	North Shore community college, including not more than two hundred and six permanent positions.....	\$4,503,564
7511-9704	For the commonwealth's contribution toward federal student loan programs and federal work-study programs.....	\$26,700
7512-0100	Quinsigamond community college, including not more than two hundred and three permanent positions.....	\$3,014,940
7512-9704	For the commonwealth's contribution toward federal student loan programs and federal work-study programs.....	\$20,000
7514-0100	Springfield technical community college, including not more than three hundred and thirty-four permanent positions.....	\$5,321,000

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7514-9704	For the commonwealth's contribution toward federal student loan programs and federal work-study programs.....	\$43,800
7515-0100	Roxbury community college, including not more than eighty-six permanent positions.....	\$1,465,000
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 thirty permanent positions.....	\$2,080,000
7516-9704	For the commonwealth's contribution toward federal student loan programs and federal work-study programs.....	\$36,267
7518-0100	Bunker Hill community college, including not more than one hundred and eighty-one permanent positions.....	\$3,227,000
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 provided that not less than seven per cent of said expenses shall be expended on projects and productions which are community based nonprofessional activities, to be in addition to any federal funds available for the purpose; provided further, that no less than fifteen thousand dollars be allocated for certain payments for the use of the facilities of the Essex Institute in Salem; provided, that children sixteen years of age or under shall be admitted without charge to the institutes educational programs.....	\$2,700,000
7700-0101	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	\$85,000
7700-0102	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.....	\$95,000
7700-0103	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.....	\$100,000
7700-0104	For certain payments for the use of the facilities of the Alice G. Wallace planetarium in the city of Fitchburg; provided, that children sixteen years of age or under shall be admitted without charge.....	\$22,500
7700-0105	For certain payments for the use of facilities of the museum of science.....	\$360,000

EXECUTIVE OFFICE OF PUBLIC SAFETY.

Office of the Secretary.

8000-0100	For the office of the secretary, including not more than three permanent positions.....	\$177,000
	Highway Fund	85.0%
	General Fund	15.0%

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	\$989,000
8200-0290	For the administration of a drug education and training program	\$45,000
8200-0215	For the federal law enforcement assistance program; provided, that	

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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

Department of Public Safety.

8311-1000 For the administration of the department, including not more than ninety-eight permanent positions..... \$1,485,000

Division of State Police.

8312-0100 For the administration of the division, including not more than one thousand one hundred and forty-five permanent positions..... \$21,800,000

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..... \$120,000

General Fund 15.0%
Highway Fund 85.0%

Division of Fire Prevention.

8314-1000 For the administration of the division, including not more than nineteen permanent positions..... \$325,000

Division of Inspection.

8315-1000 For the administration of the division; provided, that the position of examiner of elevator operators shall not be subject to the provisions of chapter thirty-one of the General Laws; including not more than eighty permanent positions..... \$1,289,000

Board of Boiler Rules.

8316-1000 For the administration of the board, including not more than four permanent positions..... \$3,000

State Boxing Commission.

8317-1000 For the administration of the commission, including not more than six permanent positions..... \$34,000

Board of Elevator Regulations.

8318-1000 For the administration of the board, including not more than seven permanent positions..... \$6,000

Board of Examiners of Elevator Constructors, Maintenance Men and Repairmen.

8319-1000 For the administration of the board, including not more than one permanent position..... \$1,300

Board of Elevator Appeals.

8320-1000 For the administration of the board, including not more than six permanent positions..... \$1,000

Architectural Barriers Board.

8321-1000 For the expenses of the board, including not more than five permanent positions..... \$38,860

Recreational Tramway Board.

8322-1000 For the expenses of the board, including not more than four permanent positions..... \$5,000

Board of Fire Prevention Regulations.

8340-1000 For the administration of the board, including not more than eight permanent positions..... \$6,300

Registry of Motor Vehicles.

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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, executive assistant to the registrar, director of law enforcement, RMV, and director of employee relations shall not be subject to the civil service law and rules; including not more than one thousand two hundred and seventy-three permanent positions	\$20,100,000
	Highway Fund	100.0%
8400-0002	For the administration of the certificate of title law, prior appropriation continued, including not more than two hundred and twenty-three permanent positions.....	\$2,545,000
	Highway Fund	100.0%
8400-0010	For a motor vehicle safety compact with other states	\$2,000
	Highway Fund	100.0%
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.....	\$1,209,000
	<u>Other.</u>	
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.....	\$485,000
	EXECUTIVE OFFICE OF MANPOWER AFFAIRS.	
	<u>Office of the Secretary.</u>	
9000-0100	For the office of the secretary, including not more than four permanent positions.....	\$73,000
	<u>Commission on Employment of the Handicapped.</u>	
9010-0100	For the expenses of the commission.....	\$3,700
	<u>Department of Labor and Industries.</u>	
9020-1001	For general administration of the department, including not more than fourteen permanent positions.....	\$263,000
	<u>For the personal services and expenses of the following agencies of the department:</u>	
9020-2001	Division of industrial safety, including not more than ninety-four permanent positions.....	\$1,575,000
9020-3001	Division of occupational hygiene, including not more than twenty permanent positions.....	\$380,000
9020-3005	For the division of occupational hygiene; provided, that all funds appropriated under this item shall be for a program to evaluate the asbestos level in public schools and other public buildings; the division for this purpose may employ staff which shall not be subject to chapter thirty-one of the General Laws and engage engineering and medical and other consultants. The division shall report the results of its activities every sixty days to the special commission established by chapter fifty-eight of the resolves of nineteen hundred and seventy-five and most recently revived and continued under the provisions of senate document number one thousand three hundred and seventy-seven.....	\$50,000
9020-4001	Division of statistics, including not more than twenty-six permanent positions.....	\$218,711
9020-6001	For the expenses of the department in enforcing the minimum wage laws, including not more than twenty-five permanent positions	\$294,791

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9020-7001	Board of conciliation and arbitration, including not more than eighteen permanent positions.....	\$330,878
9020-8001	Division of employment agencies, including not more than three permanent positions.....	\$51,387
	<u>Division of Apprentices Training.</u>	
9020-9001	For the administration of the division; provided, that no position in the division shall be subject to chapter thirty-one of the General Laws; including not more than thirty permanent positions	\$384,113
	<u>Labor Relations Commission.</u>	
9030-1001	For the administration of the commission, including not more than twenty-four permanent positions.....	\$553,000
	<u>Division of Industrial Accidents.</u>	
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.....	\$2,186,393
9050-1901	For expenses of impartial examinations, including previous fiscal years.....	\$22,000
9050-3000	For the compensation of certain public employees for injuries sustained in the course of their employment, including previous fiscal years.....	\$8,454,389
	Highway Fund	35.0%
	General Fund	65.0%
	<u>Office of Self-Insurance.</u>	
9050-4000	For the service of the office, including not more than six permanent positions.....	\$75,502
	<u>Industrial Accident Rehabilitation Board.</u>	
9050-5000	For the service of the board, including not more than six permanent positions.....	\$23,400
	<u>Department of Commerce and Development.</u>	
9091-0100	For the administration of the department, including not more than eighty-three permanent positions.....	\$1,175,000
	<u>Division of Tourism.</u>	
9091-0200	For the operation of tourist information booths; provided, that no position in this item shall be subject to chapter thirty-one of the General Laws; and including not more than eight permanent positions.....	\$86,289
9091-0211	For financial assistance for local tourist councils.....	\$500,000
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
	<u>Division of Economic Development.</u>	
9091-0400	For the promotion of industry into the commonwealth; provided, that no salaries or expenses of employees shall be chargeable to this item.....	\$750,000
9091-0516	For the expenses of the state office of minority business assistance	\$52,100
	<u>Massachusetts Industrial Mortgage Insurance Agency.</u>	
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

ItemMassachusetts Science and Technology Foundation.

- 9091-2000 For the expenses of the Massachusetts Science and Technology Foundation; provided, that the foundation shall reimburse the commonwealth for the appropriation herein..... \$150,000

EXECUTIVE OFFICE OF ELDER AFFAIRS.

Office of the Secretary.

- 9100-0100 For the office of the secretary of elder affairs, including not more than five permanent positions..... \$140,000
- 9100-1000 For the office of elder affairs, division of administration and program planning, including not more than twenty-eight permanent positions..... \$960,000
- 9110-1620 For an elder service corps; provided, that all funds appropriated under this item shall be for corpsmen stipends and for corpsmen participation in group insurance programs, as set forth in chapter one thousand one hundred and sixty-eight of the acts of nineteen hundred and seventy-three; and provided further, that the stipend for full-time corpsmen shall not exceed the maximum allowable under the earnings limitations sections of the Social Security Act and the stipend for part-time corpsmen shall not exceed one hundred dollars per month..... \$200,000
- 9110-1630 For a home care program for the elderly, of which no more than two 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, provided that to qualify for such assistance, the grantee shall meet matching requirements as established by the department's regulations; and provided that not less than one million dollars nor more than two million dollars of the funds appropriated hereunder shall be used for the provision of home care services through a sliding fee scale system to certain persons ineligible for Title XX services, pursuant to regulations adopted by the department; provided that all other funds appropriated under this item shall be used for the purpose of home care services to the elderly under a program operated pursuant to a Title XX contract with the department of public welfare..... \$35,000,000
- 9110-1800 For demonstration projects for the purpose of developing and implementing certain programs of integrated services to the elderly and other alternative care programs for the elderly..... \$500,000
- 9110-9002 For a demonstration grant program for the elderly..... \$200,000

EXECUTIVE OFFICE OF CONSUMER AFFAIRS.

Office of the Secretary.

- 9200-0100 For the office of the secretary, including not more than two permanent positions..... \$145,000
- 9200-0109 For the administration of a solar action program..... \$125,000

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..... \$508,000

Alcoholic Beverages Control Commission.

- 9212-0001 For the administration of the commission; including not more than fifty-five permanent positions..... \$834,500

Consumers' Council.

- 9214-0001 For the administration of the council, including not more than nine

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	permanent positions.....	\$227,000
	<u>Community Antenna Television Commission.</u>	
9215-0001	For the administration of the community antenna television commission, including not more than seventeen permanent positions	\$171,000
	<u>Division of Standards.</u>	
9218-0100	For the personal services and expenses of the division of standards, including not more than thirty-four permanent positions	\$516,000
	<u>Department of Banking and Insurance.</u>	
	<u>Division of Banks.</u>	
9221-1000	For the office of the commissioner, including not more than two hundred and forty-three permanent positions.....	\$3,788,000
	<u>Division of Insurance.</u>	
9222-0100	For the administration of the division, including expenses of the board of appeal, and certain other costs of supervising motor vehicle liability insurance and the expenses of the fraudulent claims board; provided, that the positions of counsel I and counsel II shall not be subject to the provisions of chapter thirty-one of the General Laws; and provided further, that contracts or orders for the purchase of statement blanks for the making of annual reports to the commissioner of insurance shall not be subject to the restrictions prescribed by section one of chapter five of the General Laws; and, provided further, that notwithstanding the provisions of section three of chapter seven hundred and twenty-eight of the acts of nineteen hundred and seventy-five, the provisions of section two of said chapter seven hundred and twenty-eight, including the levels of compensation therein authorized, shall continue to be effective after December thirty-first, nineteen hundred and seventy-eight, including not more than two hundred and seventy-four permanent positions....	\$3,672,000
	General Fund	65.0%
	Highway Fund	35.0%
9222-0199	For the expenses and administration of the board of appeal on motor vehicle liability policies and bonds, including not more than fifteen permanent positions.....	\$383,000
	<u>Division of Registration.</u>	
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.....	\$1,450,300
	<u>For the services of the following agencies in the division:</u>	
9230-0150	Board of registration and discipline in medicine, including not more than eight permanent positions.....	\$100,950
9230-0200	Board of dental examiners, including not more than six permanent positions.....	\$23,500
9230-0300	Board of registration in podiatry, notwithstanding the limitations of section twelve C of chapter thirteen of the General Laws, and including not more than five permanent positions..	\$3,000
9230-0400	Board of registration in pharmacy, including not more than ten permanent positions.....	\$101,000
9230-0500	Board of registration of nurses, including not more than twelve permanent positions.....	\$72,000
9230-0600	Board of registration in embalming and funeral directing, including not more than five permanent positions.....	\$28,000

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9230-0700	Board of registration in optometry, including not more than five permanent positions.....	\$4,000
9230-0800	Board of registration in veterinary medicine, including not more than five permanent positions.....	\$4,000
9230-0900	Board of registration of chiropractors, including not more than five permanent positions.....	\$6,500
9230-1000	Board of registration of architects, including not more than five permanent positions.....	\$21,000
9230-1100	Board of registration of professional engineers and land surveyors	\$48,000
9230-1200	Board of public accountancy, including not more than eleven permanent positions.....	\$132,000
9230-1300	State examiners of electricians, including not more than four permanent positions.....	\$15,000
9230-1400	Board of state examiners of plumbers and gas fitters including not more than nine permanent positions.....	\$29,000
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.....	\$338,000
9230-1600	Board of registration of electrologists, including not more than three permanent positions.....	\$4,000
9230-1700	Board of registration of barbers; provided, that the board shall make rules and regulations requiring schools for barbers to offer evening classes; including not more than ten permanent positions	\$101,000
9230-1800	Board of registration of hairdressers, including not more than seventeen permanent positions.....	\$177,000
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.....	\$1,200
9230-2100	Board of registration of radio and television technicians, including not more than seven permanent positions.....	\$13,000
9230-2200	Board of registration of landscape architects.....	\$1,500
9230-2300	Board of registration of health officers.....	\$2,600
9230-2400	Board of registration of nursing home administrators, including not more than eleven permanent positions.....	\$4,600
9230-2500	Board of certification of operators of waste water treatment facilities	\$2,000
9230-2600	Board of registration of operators of drinking water supply facilities	\$1,800
9230-2700	Board of registration of psychologists.....	\$1,350

Department of Public Utilities.

9270-0001	For general administration, including not more than eighty-nine permanent positions.....	\$1,821,000
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Commercial Motor Vehicle Division.

9272-0001	For the administration of the division, including not more than forty permanent positions.....	\$473,695
	Highway Fund	100.0%

Energy Facilities Siting Council.

9274-0010	For the expenses of the energy facilities siting council; provided, that the expenditures from this item shall be assessed upon utility companies in accordance with the provisions of chapter one	
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	hundred and sixty-four of the General Laws; including not more than one permanent position.....	\$404,900
9276-0004	For grants to municipalities, municipal light departments, industrial development agencies or non-profit organizations, for demonstration projects in hydroelectric generation; provided, that such grants shall not exceed \$25,000 and shall be matched in dollar or in kind by said municipalities, municipal light departments, industrial development agencies or non-profit organizations; and provided, further, that such grants shall be approved by the Massachusetts energy office, with the approval of the governor, who shall notify each municipality of the availability of such grants and shall determine eligibility.....	\$75,000

SECTION 3. The registry of motor vehicles shall design and issue vanity plates, so called, for those persons licensed to operate citizen's band radios. Said plates shall bear the call letters of the radio operator. The full cost for providing such plates shall be covered by the fee as determined by the registrar.

SECTION 4. 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 sixty-five thousand dollars for the current fiscal year.

SECTION 5. 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 7220-0001 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 6. 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 6A. Section 5 of chapter 291 of the acts of 1975, as amended by section 41 of chapter 363A of the acts of 1977 is hereby further amended by striking out the second sentence and inserting in place thereof the following sentence:- For the period beginning January first, nineteen hundred and seventy-eight and ending December thirty-first, nineteen hundred and seventy-eight, there is hereby imposed, in addition to the excise imposed under the provisions of chapter sixty-four H, an additional excise at the rate of one per cent upon meals as defined in paragraph (h) of section six of said chapter sixty-four H.

SECTION 7. 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 8. 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 fourteen cents a mile.

SECTION 9. 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 or compensation of any permanent position, notwithstanding any special or general law to the contrary; provided, that no vacancy occurring in any classified permanent position included in said schedules of permanent positions may be filled in any manner except 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 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. Such laid off or terminated employees shall be notified by the division of personnel administration of any such vacancies.

SECTION 10. Notwithstanding the provisions of clause (d) of paragraph (5) of section forty-five of chapter thirty of the

General Laws, no part of the sums appropriated for the service of any agency or subdivision of a department in section two of this act shall be available for the payment of any temporary or excess quota position if there is a similar position vacant within the quota of permanent positions as established by the appropriation account for the service of such agency or subdivision of a department; and, except such temporary positions as may be authorized in connection with the passage of this act, and except as hereinafter provided, no additional temporary positions shall be authorized. The commissioner of administration may, however, upon certification that an emergency exists requiring additional temporary assistance to perform work essential to the public interest, authorize the temporary employment of such additional personnel as may be necessary within the limits of funds available for the purpose; provided, however, that such emergency authorization shall not be extended to the succeeding fiscal year. The commissioner shall forthwith notify the house and senate committees on ways and means of the employment of any such additional temporary personnel. The provisions of this section shall not apply to positions essential for the care of patients or inmates in institutions or to positions essential for the educational program in all institutions of higher education operated by the commonwealth, nor to the filling of a position under the provisions of section twenty-four B of said chapter thirty nor to a position required to correct an inequity determined as provided in sections fifty-three and fifty-six of said chapter thirty.

SECTION 11. 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 nonstate 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 12. Notwithstanding any special or general law to the contrary, any officer of the commonwealth as defined in section G-6 of the rules and regulations authorized by section

twenty-eight of chapter seven of the General Laws receiving payment under subsidiaries "01 salaries, permanent positions", "02 salaries, other" or "03 services, nonemployees" for services under any item in section two of this act shall, under the penalties of perjury, report annually to the commissioner of administration, on forms said commissioner shall prescribe any other compensations received for services performed and paid from any state, federal or private funding source. Such forms shall include the name of the funding source, the date and extent of the services performed, including the rate of compensation, the signature of the person so employed and the employer thereof. Any officer of the commonwealth failing to file said report shall be given a hearing and dismissed, if found delinquent without sufficient cause. Copies of said reports shall be submitted within thirty days after receipt to the house and senate committees on ways and means.

SECTION 13. 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 14. 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 15. In addition to the payment of regular salaries, sums appropriated for personal services in the fiscal year nineteen hundred and seventy-nine 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 16. 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-nine 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 17. The department of education, the board of education, or any agency of the commonwealth receiving an appropriation under section two of this act, shall not make any expenditure for any document printed, mimeographed or prepared in any other way, whether for outside or interdepartmental circulation, unless publication of such document shall have been approved by the state purchasing agent, and the state purchasing agent is hereby authorized and directed to require such agencies to summarize and consolidate such documents when feasible. Each such document authorized to be printed which is four pages or more in length shall state on its face the estimated cost per copy, including the cost of paper, printing and binding. Notwithstanding any special or general law, every original manuscript of annual reports of state agencies, whether printed in full or in summarized or consolidated form or not printed, shall be filed with the state secretary. Except as otherwise provided by law, agencies selling documents shall do so at not less than the stated estimated cost; provided, however, that such agencies may dispose of excess copies of documents no longer current as provided by rules and regulations of the commissioner of administration.

SECTION 18. 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 Laws, at the Lemuel Shattuck hospital and the Soldiers' Home in Massachusetts.

SECTION 19. The surplus property agency in the department of education is hereby authorized to expend during the fiscal year nineteen hundred and seventy-nine for the purposes of the surplus property agency fund, in addition to amounts available in said fund, an amount not exceeding one hundred thousand dollars; provided, however, that no expenditure or commitment shall be incurred from the amount of the aforesaid one hundred 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 20. Notwithstanding the provisions of section ten A of chapter eight of the General Laws, no lease negotiated as provided therein nor any agreement providing for a tenancy at will or other space rental shall be signed by the executive or administrative head of a state department, commission or board or approved by the state superintendent of buildings and by the governor and council and by the commissioner of administration unless it is in accordance with schedules filed by the budget director with the house and senate committees on ways and means prior to the passage of this act; provided, that renewals of leases, tenancies at will and other space rentals may be continued at existing rates pending appropriation if the general court has not provided otherwise; provided further, that the commissioner of administration, in order to meet unforeseen circumstances, may approve, on a tenancy at will basis, a change in location, new or additional space, or an increase in rate, if funds are available therefor within the appropriation account from which the costs of such space rentals are to be paid; and provided further, that every such proposed change is filed by the budget director with the house and senate committees on ways and means prior to the final authorization of any such agreement.

SECTION 21. 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. 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 general court after recommendation by the commissioner of administration. Use without such approval shall be deemed to be a violation of this section, and the user shall pay a rental fee at the rate of ten dollars per square foot annually for the period of such use.

SECTION 22. 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-nine, 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 23. 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 subsection (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-two of chapter six A 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 24. 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, 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-five dollars for clothing, personal needs and leisure time activities. If there is no income, or the monthly income is less than thirty-five dollars, the recipient shall be paid monthly in advance the difference between the income and thirty-five dollars a month.

The department of public welfare shall by regulation provide that personal laundry costs shall not be charged to the amount retained by or paid to the recipient pursuant to this section.

Personal laundry costs shall instead be reimbursable through the per diem rates established by the rate setting commission.

SECTION 25. Notwithstanding any general or special law to the contrary, the secretary of human services shall 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 26. The commissioners of the departments of mental health and public health are authorized and directed to identify those patients at institutions subject to the control of said departments who are eligible for federal veterans benefits and to take such steps as are necessary to assist said patients in collecting said benefits. Said commissioners shall promulgate rules and regulations as are necessary to identify such patients at such institutions who are eligible for federal veterans benefits and to collect said benefits. Said rules and regulations shall be submitted to the general court for approval by September first, nineteen hundred and seventy-nine, and shall not take effect until approved by the general court.

Said commissioners shall report to the clerks of the house of representatives and the senate not later than June thirtieth, nineteen hundred and seventy-nine, the number of patients which have been identified as eligible for veterans benefits, the amount of said benefits which have been collected by the commonwealth under this section, and the cost to the commonwealth of collecting said benefits.

SECTION 27. Notwithstanding any provisions of law to the contrary, during the entire fiscal year nineteen hundred and seventy-nine, for the payment of classified personal services the fiscal year shall be from June twenty-fifth, nineteen hundred and seventy-eight through June thirtieth, nineteen hundred and seventy-nine.

SECTION 28. 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 Title II, Public Law 94-369, and Public Law 92-512 as amended by Public Law 94-488 to the extent that such funds are available, subject to the restrictions contained in said Public Laws for applications of federal funds received from these sources, 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 requirements of said Public Laws.

SECTION 29. The provisions of section thirteen 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 nine 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-eight, 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 statements.

SECTION 30. 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-eight, 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-eight, true copies shall be filed with the group insurance commission no later than sixty calendar days from the effective date thereof.

Where any secretariat, department, board or agency fails to file a copy of such contract, or fails to respond to a reasonable inquiry by the group insurance commission, said commission shall provide a fair hearing to the head of the operating agency to

determine the justification for non-compliance. Upon continued failure by the department, board or agency head to provide the requested data and information, the commission may vote to withhold payment of the commonwealth's share of the insurance premium applicable to the insured employees of the agency and all such employees only for purposes of payment of insurance premiums, shall be deemed to be absent without pay and shall make payment of the required premium as provided in section eight of chapter thirty-two A.

SECTION 31. Notwithstanding any provisions of law to the contrary, federal or other funds not exceeding five hundred thousand dollars received as reimbursement for costs incurred for energy management, resource development and conservation programs from the federal government or other sources may be expended without further appropriation.

SECTION 32. Notwithstanding the provisions of any general or special law to the contrary, payments to be made during the nineteen hundred and seventy-nine fiscal year by the department of public welfare for authorized medical services, excluding primary care, shall be reduced by thirty per cent of the rates in effect on June thirtieth, nineteen hundred and seventy-five for medical practitioners.

SECTION 33. The department of public welfare shall require the use of interchangeable drugs, to the extent such drugs are available and appropriate, for recipients of medical services authorized by Title XIX of the Social Security Act.

SECTION 34. 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; provided, that the department shall reimburse acute care hospitals for the reasonable cost of services appropriately rendered to patients during such administratively necessary days except where the department of public welfare has determined that there are existing facilities available in the appropriate level care facility within a reasonable distance to the hospital, and advise the hospital of the location of such facility. The department shall promulgate rules and regulations and report to the legislature within thirty days of the effective date of this section.

SECTION 35. The department of public welfare shall require a second medical opinion in all elective surgical care as a precondition to reimbursement for such care.

SECTION 36. 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 37. 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 38. 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 39. 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-eight. However, beginning June first, nineteen hundred and seventy-eight, 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-eight; 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-eight, 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-eight, as authorized by chapter six hundred and fifty-eight of the acts of nineteen hundred and sixty-seven; provided, said payments are in accordance with law and the amounts thereof do not exceed the amount of the appropriation account or subsidiary account. The certified copies of the schedules provided for in section twenty-seven of chapter twenty-nine of the General Laws shall be filed with the comptroller and the budget director on June first, nineteen hundred and seventy-eight. 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-eight.

Notwithstanding any law to the contrary not later than December first, nineteen hundred and seventy-eight, each secretariat shall submit to the house and senate committees on ways and means schedules of their expected allotments to be approved by the commissioner of administration for each account for each allotment period of fiscal nineteen hundred and seventy-nine. Thereafter, at the end of each allotment period each secretary shall notify the commissioner of administration 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-nine, 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 40. Any reimbursements made under this act for any school year shall be limited to those amounts to which the city, town or regional school district is entitled and which have not already been reimbursed by the commonwealth.

SECTION 41. Subject to the provisions of section one hundred and two of chapter thirty-two of the General Laws, as most recently amended by chapter three hundred and four 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-eight, be increased by six and one-half per cent.

SECTION 42. Chapter 644 of the acts of 1974, is hereby amended by striking out sections 1, 2 and 3 and inserting in place thereof the following section:-

Section 1. Notwithstanding any provisions of law to the contrary, the secretary of administration and finance is hereby authorized and directed to sell to Tufts University all or part of the land and buildings commonly known as Grafton State Hospital, for a nominal fee, to be determined by said secretary, whether owned or held by the commonwealth or any agent thereof, for the purpose of establishing a Tufts University School of Veterinary Medicine, extension services, and other health-related programs. The sale of the land must be consummated no later than September of nineteen hundred and seventy-eight to ensure expediency in development and construction of the major facility, known as Large Animal Clinical Campus, by nineteen hundred and eighty-one.

Any such land or buildings not required by and therefore not transferred to Tufts University pursuant to an agreement negotiated under the preceding paragraph shall become surplus property which shall be under the jurisdiction and control of the executive office of administration and finance.

At such time as said university indicates that it no longer requires said property, the property will revert back to ownership of the commonwealth.

SECTION 43. Any rule or regulation filed with the state secretary pursuant to section five of chapter thirty A of the General Laws shall contain an estimate of its fiscal effect including that on the public and private sector, for its first and second year, and a projection over the first five-year period, or a statement of no fiscal effect.

SECTION 44. For fiscal year nineteen hundred and seventy-nine each recipient of the program of general relief shall receive a six per cent supplementary payment as computed on the standard needs portion of each monthly grant payable to each recipient. Said supplementary payment shall not be considered in determining the eligibility for said program.

SECTION 44A. For fiscal year nineteen hundred and seventy-nine each recipient of the program of aid to families with dependent children shall receive a six per cent supplementary payment as computed on the net monthly consolidated grant payable to each recipient. Said supplementary payment shall not be considered in determining the eligibility for said program.

SECTION 45. In order to meet that portion of the cost of state employees retirement system attributable to retired employees of the metropolitan district commission, the comptroller shall transfer from the following funds to the general fund the amounts stated:

Highway Fund	\$1,956,000
Metropolitan District Parks Fund	963,000
Metropolitan District Sewerage Fund	796,000
Metropolitan District Water Fund	1,230,000

provided, that notwithstanding the provisions of item 0612-1000 of section two of this act, the aforesaid amounts shall not be available for expenditure.

SECTION 46. All monies appropriated for the express purpose of accumulating assets in advance of the payment of retirement allowances shall be invested in the same manner and subject to the same restrictions of Massachusetts General Laws, chapter thirty-two, section twenty-three which governs the investment of all other retirement monies.

SECTION 47. Ten million dollars is hereby appropriated for reimbursements to cities and towns for taxes abated under the provisions of chapter nine hundred and sixty-seven of the acts of nineteen hundred and seventy-seven.

SECTION 48. Veterans service agents shall, notwithstanding any other provisions of law, if agreed to by a veteran applicant, complete applications authorized by the department of public welfare for any veteran, widow and dependent applying for veterans benefits or for medical assistance under chapter one hundred and eighteen E of the General Laws. The veterans agent shall file the application for the veteran if the veteran selects assistance under chapter one hundred and eighteen E. The application will be processed through the financial structure of the department of public welfare.

Said veteran applicant shall be duly advised of his entitlement of veteran benefits or benefits from public assistance.

SECTION 49. Paragraph (bb) of section 6 of chapter 64H of the General Laws, added by section 63 of chapter 684 of the acts of 1975, is hereby amended by striking out, in lines 16 and 17, the words "public and private nonprofit primary and secondary schools" and inserting in place thereof the words:- an educational institution which normally maintains a regular faculty and curriculum and normally has a regularly enrolled body of pupils or students in attendance at the place where its educational activities are regularly carried on.

SECTION 50. Notwithstanding the provisions of chapter thirty-two of the General Laws, for employees who enter the service of the commonwealth or any political subdivision thereof on or after January one, nineteen hundred and seventy-nine, the maximum salary upon which a retirement allowance may be based shall be thirty thousand dollars.

SECTION 51. A special legislative committee is hereby established to consist of two members of the senate and seven members of the house of representatives, for the purpose of making an investigation and study of safety regarding the transportation, storage and siting of storage facilities of liquified natural gas and other liquified energy gases. Said committee may travel within or without the commonwealth. Staff and necessary space shall be provided for the committee

Said committee may file reports from time to time, but shall file its final report together with drafts of legislation necessary to carry its recommendations, if any, into effect with the clerk of the house of representatives on or before the last Wednesday of December, nineteen hundred and seventy-eight.

SECTION 52. The departments of corrections, mental health, public health, department of youth services or any other agency with jurisdiction or control over so-called halfway houses, group residences, or rehabilitation homes shall not enter into any agreement to purchase services in such houses, residences, or homes unless the providers of said services have, to the extent required by law, met all zoning requirements of cities and towns in which such house or home is located.

SECTION 53. The General Laws are hereby amended by inserting after chapter 62C the following chapter:

CHAPTER 62D.

Section 1. It is hereby determined and declared that an emergency situation exists in the commonwealth in that there is an urgent necessity for direct assistance and relief to homeowners and tenants overburdened by local property taxes in order to relieve severe economic distress and hardship, to promote the availability and maintenance of an adequate supply of safe and sound housing for all residents of the commonwealth, and to prevent neighborhood deterioration and the abandonment and deterioration of the housing stock.

Section 2. The following words when used in this chapter shall, unless the context requires otherwise, have the following meanings:

"Claimant", an individual who has filed for relief under this chapter.

"Commissioner", the commissioner of corporations and taxation.

"Household", a family unit or other group living in a single residence, sharing the furnishings, facilities and accommodations, not including lessees, tenants or boarders on contract.

"Household income", the total combined Massachusetts gross income, as defined by section two of chapter sixty-two and as hereinafter modified, of all members of the household during the preceding calendar year, increased by the total amount of income and receipts from social security, retirement, pension or disability benefits and annuities, workmen's and unemployment compensation, public assistance and relief, tax-exempt interest and dividends, income from a partnership or trust not included therein and gross receipts from any other source other than the assistance received under this chapter, and reduced by ordinary business expenses and losses, but not personal or family expenses, and income shall be reduced by the total amount of the exemptions to which members of the household would be entitled under clauses (1) to (4), inclusive, of subdivision (B) of subsection (b) of section three of chapter sixty-two. The income of persons who were members of the household for less than twelve months of the preceding calendar year shall be included only for the period that such persons were members of the household.

"Preceding calendar year", the calendar year immediately preceding the calendar year during which the claim for assistance is filed.

"Real estate tax payment", the real estate tax levied pursuant to chapter fifty-nine of the General Laws on the residence of a household and actually paid by the claimant during the preceding calendar year, either individually or in conjunction with other household members, exclusive of special assessments and delinquent interest, and less any abatement granted. The real estate tax payment shall include the tax paid on the building containing the residence and adjoining land, except that in the case of a multi-unit dwelling containing more than four dwelling units, a land area in excess of one acre, or a multi-purpose building or land area, the real estate tax payment shall constitute the real estate tax levied and paid on the entire building or area, multiplied by a fraction the numerator of which is the actual value of the portion of the larger area or building used and occupied as the residence of the household, and the denominator of which is the actual value of the larger area or building.

"Rent constituting real estate tax payment", twenty-five per cent of the rent actually paid by a claimant, either individually or in conjunction with other members of the household, under a good faith rental agreement, for the right of occupancy of the residence during the preceding calendar year or portion thereof. The rental agreement shall not be deemed to be a good faith rental agreement if it was entered into or if the amount of rent was agreed upon the purpose of obtaining or increasing the amount of assistance available to the claimant under this chapter.

"Residence", the building or portion thereof, including a mobile home, owned or rented and actually occupied by the

claimant's household as its primary dwelling during the preceding calendar year, and located within the commonwealth, together with so much of the land surrounding it, not to exceed one acre, as is reasonably necessary to the use of the dwelling as a home. A residence may consist of a part of a multi-unit or multi-purpose building.

"Treasurer", the state treasurer.

Section 3. Each eligible claimant shall be entitled to assistance under this chapter equal to the amount by which the real estate tax payment or the rent constituting real estate tax payment exceeds eight per cent of the household income of the claimant, which amount shall be multiplied by a factor which shall be eighty per cent if the household income of the claimant does not exceed twenty thousand dollars, sixty per cent if the household income of the claimant exceeds twenty thousand dollars but does not exceed twenty-three thousand dollars, forty per cent if the household income of the claimant exceeds twenty-three thousand dollars but does not exceed twenty-six thousand dollars, and twenty per cent if the household income of the claimant exceeds twenty-six thousand dollars but does not exceed thirty thousand dollars. The maximum amount of assistance to any claimant shall be five hundred dollars and only one claimant from any household shall be entitled to assistance with respect to any calendar year.

Section 4. No claimant shall be eligible for assistance under this chapter if the claimant's household income for the preceding calendar year exceeds thirty thousand dollars.

No claimant shall be eligible for assistance under this chapter if the fair cash value of the residence owned by the household of the claimant with respect to which assistance is claimed under this chapter exceeds sixty thousand dollars and the claimant or any joint owner of the residence is under sixty-two years of age, or exceeds ninety thousand dollars and the claimant and each joint owner of the residence is at least sixty-two years of age.

No claimant shall be eligible for assistance under this chapter if the claimant was designated as a dependent by another individual for federal income tax purposes with respect to any portion of the preceding calendar year.

No assistance shall be granted under this chapter with respect to the real estate tax payment or rent constituting real estate tax payment on more than one residence of any claimant during any calendar year; provided, however, that a claimant whose household makes a permanent change of primary dwellings during the course of the calendar year may claim assistance for real estate tax payment or rent constituting real estate tax payment with respect to each such primary dwelling actually occupied during the preceding calendar year.

No assistance shall be granted under this chapter to any claimant if any member of the claimant's household has claimed or received an exemption with respect to the residence of the household during the preceding calendar year under clauses Seventeenth, Twenty-second, Twenty-second A to Twenty-second E, inclusive, and clauses Thirty-seventh, Forty-first,

Forty-second, or Forty-third of section five of chapter fifty-nine; provided, however, that any claimant or household eligible for such an exemption may elect to waive such exemption during any portion of a calendar year and claim assistance under this chapter with respect to real estate tax payment or rent constituting real estate tax payment during such portion of the calendar year.

No assistance shall be granted under this chapter unless the claimant has been domiciled in the Commonwealth during the entire preceding calendar year.

Section 5. No assistance shall be granted under this chapter unless such assistance is claimed on a form approved by the commissioner and filed together with the return of income provided for by section six of chapter sixty-two C or, in the case of an individual not otherwise required to file a return under said section, on or before the fifteenth day of April following the end of the calendar year with respect to which assistance is claimed, or within any extension of time granted by the commissioner; provided, however, that assistance with respect to calendar year nineteen hundred and seventy-seven may be claimed on a form approved by the commissioner and filed on or before September first, nineteen hundred and seventy-eight, or within any extension of time granted by the commissioner.

Section 6. The commissioner shall be responsible for the determination of the amount of assistance to which each claimant is entitled under this chapter, and shall make available forms and tables of allowable claims with instructions for claimants. The commissioner shall adopt such regulations and require such information, including reasonable proof of taxes or rent paid, as he deems necessary. The commissioner shall formulate the regulations to encourage the maximum participation of persons entitled to assistance under this chapter and shall make every effort to inform the public about the assistance available under this chapter.

Section 7. If upon the audit of any claim filed under this chapter the commissioner determines that the claimant is ineligible for assistance, that the amount of assistance claimed was incorrectly determined, or that the rent constituting real estate tax payment did not result from a good faith rental agreement and that the rent claim was excessive, the commissioner shall deny or redetermine the claim and shall notify the claimant of the denial or redetermination and the reasons therefor.

The commissioner shall direct the treasurer to pay all valid claims from the funds appropriated for the property tax assistance fund for the fiscal year in which such claims are paid, on or before the fifteenth day of December of the year in which the claims are filed. Any payment made after this date shall bear interest at the rate of six per cent per annum.

If the aggregate amount of all assistance to which all claimants are entitled under this chapter in any fiscal year exceeds the amount appropriated for the property tax assistance fund for such fiscal year, the amount of assistance which shall be paid to each claimant for such fiscal year shall be the amount to which each such claimant would otherwise be entitled under this chapter,

multiplied by a fraction the numerator of which is the amount appropriated for the property tax assistance fund for such fiscal year and the denominator of which is the aggregate amount of assistance to which all claimants would otherwise be entitled under this chapter for such fiscal year.

The commissioner shall file a report with the governor, the clerk of the senate and the clerk of the house of representatives on or before the fourth Monday of February of each year, setting forth the amount of assistance claimed, authorized, and actually paid under this chapter, the number of recipients, and the amount of assistance reported by locality, income level, nature of dwelling and such other variables as will assist in the evaluation of the assistance granted under this chapter.

Section 8. All provisions of law relative to the assessment, collection, payment, abatement, appeal, verification and administration of taxes levied under chapter sixty-two, shall, so far as pertinent, be applicable to claims for assistance under this chapter. If, after the amount of assistance has been paid, the commissioner determines through subsequent audit of the claim that the claimant was not entitled to such assistance or to some portion thereof, the commissioner may at any time within three years of the payment of such assistance, assess and collect such portion in the manner provided for the assessment and collection of taxes levied under chapter sixty-two.

Section 9. The amount of any assistance due under the provisions of this chapter may be applied by the treasurer against any outstanding taxes owed to the commonwealth or its subdivisions by the claimant or members of the claimant's household, upon certification by the commissioner and adequate notification to the claimant.

Section 10. If it is determined that a claim is excessive and was filed with fraudulent intent, the claim shall be disallowed in full, and if the claim has been paid the amount may be recovered by assessment as provided in section eight of this chapter, and the assessment shall bear interest from the date of payment until refunded or repaid, at the rate of one per cent per month. Any claimant who wilfully files a false or fraudulent claim, and any person who assisted in the preparation or filing of such a claim with fraudulent intent, 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 11. No owner of rented residential property shall discriminate in the renting, charging or collecting of rent on any rented unit, or in any other manner, because the tenant or lessee is claiming or receiving assistance under this chapter. No owner or lessor of rented residential property shall increase rents in order to recover directly or indirectly any assistance claimed or received by a tenant, lessee or occupant under this chapter, and no tenant, lessee or occupant shall be legally obligated to pay any such increase or penalized in any way for failure to do so.

SECTION 54. Subsection (b) of section 21 of said chapter

62C, as appearing in section 22 of chapter 415 of the acts of 1976, is hereby amended by adding the following two clauses:-

(9) the disclosure to the commissioner of public welfare, upon his written request, of the fact that a specific bank or other entity paying interest income, doing business in the commonwealth has filed for any year a report under section eight with respect to interest paid by it to a designated recipient of public assistance under any program administered by the department of public welfare.

(10) the disclosure to the director of the division of employment security, the commissioner of public welfare, or the commissioner of veterans' services of information necessary to ascertain or confirm the existence of fraud, abuse or improper payments to an applicant for or recipient of veterans' benefits.

SECTION 54A. Every employer required to deduct and withhold taxes upon wages, under the provisions of chapter 62B of the General Laws, shall, for each calendar quarter beginning April first, nineteen hundred and seventy-nine submit to the department of corporations and taxation a report of the name, social security account number, and gross wages paid to each employee and any identification number such employer is required to include on a withholding tax return filed pursuant to said chapter and in such form and such manner as may be prescribed by regulations of said department and consistent with federal requirements or limitations.

The department of corporations and taxation shall design, develop, implement, and operate a wage reporting system for the purpose of receiving, maintaining, and processing information required to be submitted by employers pursuant to section two of chapter sixty-two C of the General Laws, for the purposes of verifying eligibility for and entitlement to public assistance benefits, eligibility for and entitlement to unemployment insurance benefits, eligibility for and entitlement to veterans services benefits, underreporting of taxable income, and errors and any fraud or abuse in connection with such benefits paid or income as reported.

Upon the written request of, and at a date specified by, the commissioner of corporations and taxation, the division of employment security shall provide to the department of corporations and taxation lists of all claimants paid unemployment insurance benefits for the purpose of verifying eligibility and detecting and preventing fraud, error and abuse in the unemployment insurance benefits program and other benefits programs administered by said division. Information on such lists shall include the employer's name, the employer's identification number, the claimant's name, the claimant's social security number and other data required for positive identification.

Upon the written request of and at a date specified by the commissioner of corporations and taxation, the department of public welfare shall provide to the department of corporations and taxation lists of applicants and recipients of public assistance for the purpose of verifying eligibility and detecting and preventing fraud, error and abuse in the programs administered by said department. Information in such lists shall include the recipient's

name, social security number and other data required to assure positive identification.

Upon the written request of and at a date specified by the commissioner of corporations and taxation, the office of commissioner of veterans' services shall provide to the department of corporations and taxation lists of applicants and recipients of veterans' benefits for the purpose of verifying eligibility and detecting and preventing fraud, error and abuse in the programs administered by said office. Information in such lists shall include the recipient's name, social security number and other data required to assure positive identification.

The department of corporations and taxation shall compare the data provided to it under this section, so as to identify any cases in which individuals who are receiving unemployment compensation, public assistance, or veterans' benefits are also receiving wages. The department of corporations and taxation shall thereupon furnish to the division of employment security, the department of public welfare, or the office of commissioner of veterans' services the cases of any recipients in their respective programs who are identified as receiving wages. The information furnished by the department of corporations and taxation to the receiving agencies shall include the name of the recipient and other data required to assure positive identification, the name and identifying number of the employer, and the amount of income received.

Upon the receipt of such information, the division of employment security, the department of public welfare or the office of commissioner of veterans' services shall, with respect to recipients in their respective programs, seek to verify the accuracy of the information presented, in consultation with the recipient whose status is in question.

If after such informal inquiry any of the administering department concludes that error or fraud has led to incorrect payments to recipients, said department shall take appropriate formal action to correct the situation, provided, however that no adverse action shall be taken against any recipient except after a hearing affording the recipient full opportunity to contest such action, in accordance with law.

No employee or agent of the commonwealth shall divulge any of the information referred to in this section, except in the manner herein prescribed, to any public or private agency or individual. Unauthorized disclosure of any of this information shall be a violation punishable by a fine of one hundred dollars per offense; provided, that unauthorized release of such information about any individual shall be a separate offense from information released about any other individual. Such unauthorized release of information shall also be cause for administrative discipline of any employee who engages in such unauthorized release.

Any employer who, without reasonable cause, fails to comply with this section and who, after notification by certified mail, return receipt requested, of such failure to comply continues for more than fifteen days, after the mailing of said notice, in noncompliance without reasonable cause shall be liable for a penalty as follows:

for the first failure to comply with said section two: fifty dollars per employee; for the second failure to so comply one hundred dollars per employee; for the third and subsequent failures to so comply: two hundred and fifty dollars per employee. Any employer who willfully and knowingly submits false data or omits accurate data shall be punished by a fine of not more than one thousand dollars or not more than three months in prison.

SECTION 54B. An advisory committee on the implementation of a wage reporting system is hereby created consisting of two members of the senate, appointed by the president; four members of the house, appointed by the speaker, one of whom shall be a member of the special legislative commission on privacy; the attorney general or his designee, and five persons to be appointed by the governor, one of whom shall represent the Associated Industries of Massachusetts, one of whom shall represent the Massachusetts AFL-CIO, one of whom shall represent the Retailers Association of Massachusetts, one of whom shall represent the Massachusetts Law Reform Institute, and one of whom shall represent the Massachusetts League of Cities and Towns; and three persons to be appointed by the chairman of the state welfare advisory board one of whom shall be a recipient of aid to families with dependent children; one of whom shall be a recipient of general relief; and one of whom shall be a recipient of veterans' benefits.

The governor shall appoint a chairperson from among the membership of the committee members. The committee shall meet from time to time and at a place convenient to its purpose. It may recommend to the departments participating in the wage reporting system and data exchange authorized by section fifty-four A of this act guidelines to assure that accessibility to and exchange of such data shall be restricted to officers and employees of the respective departments participating in the program, that such data and any investigation connected therewith shall remain confidential except for confirmed cases of fraud, that due process shall be observed with respect to the rights of any individual who, as an applicant for or recipient of the public assistance of unemployment insurance benefits or veterans' benefits, is suspected to have provided the respective departments with false or fraudulent information in the removal of identified cases of ineligibility, the recovery of funds disbursed to ineligible recipients, and the referral of identified cases of fraud to the proper authorities for legal action. It shall file a report on the implementation and status of the wage reporting system including any recommendations thereon with the clerks of the house of representatives and the senate no later than July first, nineteen hundred and eighty and every six months thereafter.

SECTION 54C. Section 17A of chapter 66 of the General Laws, as most recently amended by section 27 of chapter 885 of 1969, is hereby further amended by inserting after the word "assistance", in line 10, the words: including the use of said records by the department of public welfare in concert with related wage reports to ascertain or confirm any fraud, abuse or improper payments to an applicant for or recipient of public assistance.

SECTION 54D. Section 46 of chapter 151A of the General Laws, as most recently amended by chapter 875 of the acts of 1973, is hereby further amended by striking out the third sentence and inserting in place thereof the following sentence:- Such information shall also be made available to the commissioners of public welfare, revenue and veterans' services and probation officers working for a governmental agency in the performance of their official duties.

SECTION 54E. Section 43 of chapter 271 of the General Laws, as most recently amended by section 78 of chapter 658 of 1967, is hereby further amended by adding the following sentence:- Nothing herein shall prevent the disclosure, by the commissioner of corporations and taxation to the commissioner of public welfare, in concert with a wage reporting system, of such information as may be necessary to ascertain or confirm the existence of any fraud, abuse or improper payments to an applicant for or recipient of public assistance.

SECTION 54F. The division of employment security, the department of public welfare, and the commissioner of veterans' services shall mail or present to all recipients in their programs as of January first, nineteen hundred and seventy-nine, a notice in substantially the following form, appropriately adapted to the particular agency:

NOTICE: Effective April 1, 1979, the Commonwealth of Massachusetts will check lists of recipients of (public assistance) (unemployment compensation) (veterans' benefits) against lists of all wages paid to residents of Massachusetts by means of computer. The purpose of this check is to identify and take appropriate action against those (receiving public assistance) (unemployment compensation) (veterans' benefits) who are also receiving more wage income than they are entitled to receive. If you have any question about how this will apply in your case, please speak with the official of the (department of public welfare) (division of employment security) (office of veterans' assistance) with whom you deal.

The above notice shall also be mailed or presented to every new recipient of any assistance in the aforementioned programs after January 1, 1979.

SECTION 54G. The department of public welfare may proceed with planning for a system of monthly income reporting, but may not implement such a system without statutory authorization.

SECTION 55. Section 1 of chapter 123 of the General Laws is hereby amended by inserting after the paragraph defining "Superintendent" the following four paragraphs:-

"Dependent funds", those funds which a resident is unable to manage or spend himself as determined by the periodic review.

"Fiduciary", any guardian, conservator, trustee, representative payee as appointed by a federal agency, or other person who receives or maintains funds on behalf of another.

"Independent funds", those funds which a resident is able to manage or spend himself as determined by the periodic review.

"Funds", all cash, checks, negotiable instruments or other income or liquid personal property, and governmental and private pensions and payments, including payments pursuant to a Social Security Administration program.

SECTION 55A. The first paragraph of section 27 of said chapter 123, as amended by chapter 299 of the acts of 1974, is hereby further amended by striking out paragraph (a) and inserting in place the following paragraph:-

(a) The superintendent may deposit in any bank organized and existing under the laws of the commonwealth funds belonging to persons who are inpatients or residents at such facility, funds deposited by relatives or friends of such persons, and other funds belonging to such persons except that independent funds shall only be deposited with the consent of the resident. The interest earned by any funds so deposited shall be credited to the account of such person. Such funds shall be held in trust or used for the benefit of such persons except that such person shall have an unrestricted right to manage and spend in his sole discretion all his independent funds.

SECTION 55B. Said section 27 of said chapter 123 is hereby further amended by adding the following five paragraphs:-

(d) All fiduciaries of persons who are inpatients or residents at a departmental facility shall register with the superintendent of such facility on a form supplied by the department.

(e) The department shall establish procedures to make the fiduciaries accountable to the department for all funds belonging to such inpatients and residents. These procedures shall require an annual report by the fiduciary to the department on a form supplied by the department indicating the manner in which such funds were managed or expended during the report period. The annual report shall be submitted by the fiduciary under penalty of perjury pursuant to sections one and one A of chapter two hundred and sixty-eight.

(f) A fiduciary who fails to register with the department or who fails to submit an annual report to the department shall be guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of not more than five hundred dollars.

(g) A fiduciary who embezzles or fraudulently coverts or appropriates money, goods, or property held or possessed by him for the use and benefit of the resident shall be subject to penalties prescribed in section fifty-seven of chapter two hundred and sixty-six.

(h) A guardian, trustee, or conservator shall be removed from his duties upon his conviction of any of the offenses enumerated in paragraphs (f) and (g). The department shall petition the appropriate federal agency for the removal of a representative payee from his duties upon his conviction of any of the offenses enumerated in said paragraphs (f) and (g).

SECTION 56. Chapter 872 of the acts of 1977 is hereby amended by inserting after section 40 the following section:-

Section 40A. Said second sentence of said third paragraph of said section 2 of said chapter 14 is hereby further amended by

striking out the words "thirty thousand four hundred and eighty-six", inserted by section 40, and inserting in place thereof the words:- thirty-three thousand nine hundred and twenty-eight.

SECTION 56A. Said chapter 872 is hereby further amended by striking out sections 41 and 42 and inserting in place thereof the following two sections:-

Section 41. Said second sentence of said third paragraph of said section 2 of said chapter 14 is hereby further amended by striking out the words "thirty-three thousand nine hundred and twenty-eight", inserted by section 40A, and inserting in place thereof the words:- thirty-four thousand four hundred and fifty-three, -and by striking the words "twenty-three thousand eight hundred and ninety-seven", as inserted by section 40, and inserting in place thereof the words:- twenty-four thousand four hundred and twenty-two.

Section 42. Said second sentence of said third paragraph of said section 2 of said chapter 14 is hereby further amended by striking out the words "thirty-four thousand four hundred and fifty-three", inserted by section 41, and inserting in place thereof the words:- thirty-five thousand and fifty-three, -and by striking out the words "twenty-four thousand four hundred and twenty-two", as so inserted, and inserting in place thereof the words:- twenty-five thousand and twenty-two.

SECTION 56B. Section 204 of said chapter 872, as most recently amended by section 3 of chapter 997 of the acts of 1977, is hereby further amended by inserting after the first paragraph the following two paragraphs:-

Section forty A of this act shall take effect as of January first, nineteen hundred and seventy-eight.

Sections forty-one and forty-two of this act shall take effect on July first, nineteen hundred and seventy-eight.

SECTION 57. The total amount of urban renewal assistance grants to be paid under the provisions of section fifty-five of chapter one hundred and twenty-one B of the General Laws in fiscal year nineteen hundred and seventy-nine shall be eight million dollars. Said funds shall be apportioned among eligible cities and towns in such manner as is necessary to fulfill one twentieth of the obligation of the commonwealth.

SECTION 58. Chapter 29 of the General Laws is hereby amended by striking out section 2D, inserted by section 1 of chapter 813 of the acts of 1971, and inserting in place thereof the following section:-

Section 2D. There shall be established and set up on the books of the commonwealth a separate fund, subject to appropriation, to be known as the Local Aid Fund. There shall be credited to such fund the following:-

(a) Forty per cent of the net sums received under chapter sixty-two as taxes on income, interest thereon or penalties, including payments made on account thereof under chapter sixty-two B;

(b) Forty per cent of the net sums received under sections thirty to fifty-one, inclusive, of chapter sixty-three, as excises, interest thereon or penalties, including payments made on account thereof under chapter sixty-three B;

(c) Forty per cent of the net sums received under chapter sixty-four H and sixty-four I as excises upon the sale at retail of tangible personal property and upon the storage, use or other consumption of tangible personal property, interest thereon or penalties;

(d) The balance of the State Lottery Fund after payment of prizes and the expenses of administering and operating the lottery as determined by the comptroller in accordance with clause (c) of section thirty-five of chapter ten; and

(e) The annual income of the Massachusetts School Fund. Revenue credited to the Local Aid Fund shall be used solely for payment directly to cities, towns and districts of such amounts as may be appropriated for state assistance, reimbursements and distributions to such cities, towns and districts as provided by general and special law, except amounts distributed from the Highway Fund in accordance with the provisions of section thirty-one of chapter eighty-one; for payment of state assistance to cities and towns in accordance with the provisions of clause (c) of section thirty-five of chapter ten; and for payment of amounts appropriated for the commonwealth's share of net county court costs.

Any additional distribution from this fund shall be used solely for the reduction of property taxes.

SECTION 59. In order to provide immediate relief for the taxpayers of the several cities and towns, and to ensure that any additional distributions or grants-in-aid and any reduction in assessments from the commonwealth for the fiscal year nineteen hundred and seventy-nine are used for the relief of taxes on property, any additional distributions or grants-in-aid and any reduction in assessments as provided under section 2, Item 0315-0001, and Item 7061-0008 of this act, as verified by the tax commissioner, shall be available only to reduce the tax levy, as determined by the assessors under section twenty-three of chapter fifty-nine of the General Laws, for the fiscal year 1979.

Every bill or notice for a real or personal property tax shall have printed thereon in a conspicuous place the amount by which the school tax rate of the city or town, the general tax rate of the city or town, and the total tax rate of the city or town would increase in the absence of state aid, as certified and provided by the department of revenue.

SECTION 60. Chapter 12 of the General Laws is hereby amended by striking out section 14 and inserting in place thereof the following section:-

Section 14. District attorneys of the following districts may appoint the following officers, as herein specified, and may at their pleasure remove them:

For the Suffolk district, forty-eight assistant district attorneys.

For the northern district, twenty-two assistant district attorneys.
For the middle district, seventeen assistant district attorneys.
For the eastern district, twelve assistant district attorneys.
For the Norfolk district, eight assistant district attorneys.
For the Berkshire district, four assistant district attorneys.
For the Hampden district, eight assistant district attorneys.
For the Bristol district, seven assistant district attorneys.
For the Cape and Islands district, four assistant district attorneys.

For the Plymouth district, ten assistant district attorneys.
For the northwestern district, five assistant district attorneys.

SECTION 61. Said chapter 12 is hereby further amended by striking out section 16, as most recently amended by section 2 of chapter 995 of the acts of 1977, and inserting in place thereof the following section:-

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 Suffolk district, three assistants, a sum equivalent to ninety per cent of the salary of the district attorney; nine assistants, a sum equivalent to eighty per cent of the salary of the district attorney; twelve assistants, a sum equivalent to seventy per cent of the salary of the district attorney; eleven assistants, a sum equivalent to sixty per cent of the salary of the district attorney; thirteen 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, two assistants, a sum equivalent to ninety per cent of the salary of the district attorney; five 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; 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 not otherwise covered by another section of this chapter, a sum equal to forty per cent of the salary of the district attorney; for the middle district, two assistants, 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; six 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 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; five 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, 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; two assistants, 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 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 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 attorneys, 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; 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; 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 61A. Chapter 659 of the acts of 1977 is hereby amended by striking out section 2 and inserting in place thereof

the following section:-

SECTION 2. Said chapter 12 is hereby further amended by striking out section 16, as most recently amended by section 2 of chapter 542 of the acts of 1976, and inserting in place thereof the following section:

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, three assistants, a sum equivalent to ninety per cent of the salary of the district attorney; nine assistants, a sum equivalent to eighty per cent of the salary of the district attorney; twelve assistants, a sum equivalent to seventy per cent of the salary of the district attorney; eleven assistants, a sum equivalent to sixty per cent of the salary of the district attorney; thirteen 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, two assistants, 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; six 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; five 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, 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; 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 Berkshire 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 sixty 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 Hampden 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 equal 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 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 Plymouth 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; 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; 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 62. The commissioner of the department of environmental management, with the approval of the board of environmental management shall adopt an order establishing the North river commission, for the North river and the towns of Scituate, Marshfield, Norwell, Pembroke, Hanson and Hanover. The membership of the commission shall include a member of the local

governing body, or its designee, from each of the towns which contain private or municipal property which is subject to the provisions of the order. The commission shall in accordance with the order review applications for special permits and grant such permits, collect filing fees, expend such sums as may be appropriated therefor, grant certificates of compliance, issue cease and desist orders for violations of the order, implement a mangement plan developed by said commission in conjunction with the department, and act as a central information source. The commission shall meet regularly and may establish its own by-laws.

Within thirty days of the receipt of an application for a special permit, the commission shall hold a public hearing on the application. Notice of the time and place of said hearing shall be given by the commission at the expense of the applicant not less than five days prior to the hearing by publication in a newspaper of general circulation in the town where the land of the applicant is located. Within thirty days after said hearing, the commission shall grant, deny or condition a special permit consistent with the order. The applicant, the commissioner, any person aggrieved, any owner of land abutting the applicants land, or any ten residents of the towns subject to the order may, by certified mail and within thirty days from said commission's action or failure to act, appeal to the commissioner. The commissioner shall hold a hearing within thirty days of receipt of the appeal and issue a decision on the commission's action within thirty days of the hearing.

Failure of the commissioner to issue a decision within said thirty day period shall be deemed a grant of the appeal, unless the time is extended by mutual agreement of the parties. Any party aggrieved by the commissioners decision may appeal to superior court in accordance with the provisions of chapter thirty A of the General Laws.

SECTION 63. Superintendents and directors of department of mental health facilities as defined under chapter 123 of the General Laws shall be authorized to retain the services of personnel formerly or currently employed as medical assistants in physician assistant positions in lieu of other medical positions authorized for their respective facilities until the need for their services is no longer necessary to the provision of health care for the residents or patients of said facilities as determined by the superintendent or director; provided, that such personnel shall have actually performed medically related assignments at the facility for a period of at least ten years in a manner deemed satisfactory by such superintendent or director.

SECTION 64. Each member of the general court shall be paid an allowance for each day after prorogation of the general court when on legislative business affairs in accordance with the schedule contained in section nine B of chapter three of the General Laws.

SECTION 65. The first paragraph of section 83 of chapter 276 of the General Laws is hereby amended by striking out the first sentence, as most recently amended by section 21 of chapter 731 of the acts of 1972, and inserting in place thereof the following

sentence:- The superior court, the justices of the probate court for each county, other than for Barnstable, Nantucket, Hampshire and Franklin counties and the county of Dukes County, the chief justice of the municipal court of the city of Boston, subject to the approval of the Associate Justices thereof, and the Justice of each other district court and of the Boston juvenile court, the Bristol county juvenile court, the Worcester juvenile court and the Springfield juvenile court may appoint such male and female probation officers as they may respectively from time-to-time deem necessary for their respective courts; provided, that the justice of the probate court for Barnstable county shall appoint probation officers to serve the probate courts of the counties of Barnstable and Nantucket and the county of Dukes County, and the justice of the probate court for Hampshire county shall appoint probation officers to serve the probate courts of the counties of Hampshire and Franklin; provided, further, that no person shall be appointed until his or her qualifications have been examined by the commissioner of probation and approved by him as meeting the standards established by the committee on probation, as provided in section ninety-nine A, except that no applicant for appointment shall be disqualified automatically because of nonpossession of a bachelor's degree from an accredited college if the committee on probation considers he has the practical equivalent thereof.

SECTION 66. Notwithstanding any general or special law to the contrary, the amounts appropriated in section two of this act in items 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-nine fiscal year under the provisions of 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-nine fiscal year under said sections, as the case may be.

SECTION 67. Chapter 76 of the General Laws is hereby amended by striking out section 7, as most recently amended by chapter 579 of the acts of 1951, and inserting in place thereof the following section:-

Section 7. For the tuition in the public schools of any city, town, or regional school district of any school age child placed in foster care or group care elsewhere than in his home town by, or there kept under the control of, the department of public welfare, the commonwealth shall reimburse said city, town, or regional school district for the child's tuition each day the child is enrolled in a public elementary or secondary school. The amount of said reimbursement shall be based on the average

annual per pupil cost of education in the city, town, or regional school district, as determined by the department of education.

For purposes of reimbursement under this section, every superintendent of schools shall, as part of the annual statement required to be filed with the commissioner of education under chapter seventy, report on a form provided by the department of education the number of school age children placed in foster care or group care in the city, town, or regional school district by the department of public welfare and the duration of their public school enrollment there, and shall support each such claim with appropriate documentation as required by the commissioner of education.

SECTION 68. Said chapter 76 is hereby further amended by striking out section 9, and inserting in place thereof the following section:-

Section 9. If a city or town where a school age child is placed or kept under section seven does not maintain a public high school offering four years of instruction, said school age child may, subject to section six of chapter seventy-one, attend the public high school of another city, town or regional school district, but the commonwealth shall under section seven reimburse the city or town where he is so placed or kept, for tuition paid by it on his account.

Said reimbursement shall be based on appropriate documentation filed by the superintendent of schools of said city or town, as required by the commissioner of education.

SECTION 69. Any reimbursements made under this act for any school year shall be limited to those amounts to which the city, town, or regional school district is entitled under sections seven and nine of chapter seventy-six of the General Laws; provided, that any pupil for whom such reimbursable expenditures were originally incurred shall not be included in the computation of the school aid due said city, town, or regional school district under chapter seventy of the General Laws, nor shall such expenditures be included as reimbursable expenditures under section sixteen D of chapter seventy-one of the General Laws.

SECTION 70. Section 35 of chapter 41 of the General Laws is hereby amended by striking out the second sentence, as amended by section 3 of chapter 766 of the acts of 1972, and inserting in place thereof the following sentence:- He shall receive and take charge of all money belonging to the town, and pay over and account for the same according to the order of the town or of its authorized officers.

SECTION 70A. Section 53 of chapter 44 of the General Laws is hereby amended by striking out the first sentence, as most recently amended by section 4 of said chapter 766, and inserting in place thereof the following sentence:- All moneys received by any city, town or district officer or department, except as otherwise provided by special acts and except fees provided for by statute, shall be paid by such officers or department upon their receipt into the city, town or district treasury.

SECTION 70B. Chapter 58 of the General Laws is hereby amended by striking out section 18A, as most recently amended by section 54 of chapter 363A of the acts of 1977, and inserting in place thereof the following section:-

Section 18A. Commencing with the fiscal year ending June thirtieth, nineteen hundred and seventy-nine, and continuing in every fiscal year thereafter, the state treasurer shall, subject to appropriation and upon certification of the commission, annually distribute from the General Fund to the several cities, towns, regional school districts and independent vocational schools on or before the dates specified, to the extent that sufficient funds are available on such dates, the full amounts of school aid due the several cities, towns, regional school districts and independent vocational schools under the provisions of chapter seventy, provided, that not less than one quarter thereof shall be paid on or before September fifteenth. A second payment shall be made on or before December fifteenth, and a third payment shall be made on or before April fifteenth, and such payment, together with the payments previously made, shall equal seventy-five per cent of the total amount due. The balance thereof shall be paid on or before June fifteenth.

If upon any date of distribution in said fiscal years the amount appropriated is insufficient to pay the full amounts of school aid due under the provisions of chapter seventy the provisions of section eleven of said chapter seventy shall be applied in determining the actual amounts to be distributed to the several cities, towns, regional school districts and independent vocational schools under said chapter.

The amounts so distributable or distributed to the cities, towns, regional school districts and independent vocational schools under this section shall be subject to verification, correction, and adjustment by the commission in the event of any error or omission in their determination. Any adjustment which reduces or increases the amounts to which a city, town, regional school district or independent vocational school is entitled shall be taken into account in the distribution of school aid to such city, town, regional school district or independent vocational school as soon as may be after the adjustment is made and certified to the comptroller and state tax commission. No such adjustment shall be made after June thirtieth of the second fiscal year following the fiscal year in which such amounts of aid were distributed. Amounts distributable or changed in such year shall have priority over all other amounts distributed or changed in such year.

For the purpose of this section, the agricultural schools maintained by the counties of Bristol, Essex and Norfolk shall be deemed to be regional school districts.

The General Laws are hereby amended by striking out chapter 70 and inserting in place thereof the following chapter:-

CHAPTER 70

SCHOOL FUNDS AND STATE AID FOR PUBLIC SCHOOLS

Section 1. The purpose of the financial assistance provided by this chapter shall be to promote the equalization of educational

opportunity in the public schools of the commonwealth, to reduce the reliance upon the local property tax in financing public schools, and to promote the equalization of the burden of the cost of school support to the respective cities, towns, regional school districts and independent vocational schools. Assistance provided under this chapter shall be designated as school aid.

In furtherance of such purpose, it is hereby declared to be the legislative intent that, subject to appropriation, no city or town shall receive less in school aid in the nineteen hundred and eighty and subsequent fiscal years than was received in the nineteen hundred and seventy-nine fiscal year.

For the purposes of this chapter, the agricultural schools maintained by the counties of Bristol, Essex, and Norfolk shall be deemed to be regional school districts.

Section 2. When used in this chapter, the following words shall have the following meanings:-

"Average current operating expenditure per pupil in regular day program in the commonwealth", the sum of the total expenditures for all pupils enrolled in regular day programs in public schools in all cities, towns, regional school districts and independent vocational schools in the commonwealth during a fiscal year, as hereinafter defined, divided by the total of the sums of full-time equivalent pupils enrolled in regular day programs in all cities, towns, regional school districts and independent vocational schools during said year, as hereinafter defined.

"Average direct service expenditure per pupil in regular day program in the commonwealth", the sum of the total expenditures for all pupils enrolled in regular day programs in public schools in all cities, towns, regional school districts and independent vocational schools in the commonwealth during a fiscal year, as hereinafter defined, divided by the total of the sums of full-time equivalent pupils enrolled in regular day programs in all cities, towns, regional school districts and independent vocational schools during said year, as hereinafter defined; provided, however, that the numerator of the fraction described in this paragraph shall include expenditures for instructional services, attendance services, health services, fixed charges and food services only. Expenditures for administration, athletic and other student activities, plant operation and maintenance, capital outlays, transportation and food for food services shall not be included in the numerator of said fraction.

"Commissioner", the commissioner of education.

"Equalized valuation per person in a city or town", the equalized valuation of all property in a city or town subject to local taxation, as most recently reported by the state tax commission to the general court under section ten C of chapter fifty-eight, divided by the number of persons who reside in such city or town. In the case of a regional school district, the equalized valuation per person shall be determined in the following manner: first the equalized valuation per person of each member municipality in the regional school district shall be multiplied by the percentage of all pupils enrolled in the regional school district who are residents of that municipality; and second, the equalized valuations per person in all member municipalities as so modified

shall be summed. Independent vocational schools under the jurisdiction of a board of local or district trustees for vocational education shall be assigned the equalized valuation per person of the city or town in which they are located.

"Equalized valuation per person in the commonwealth", the equalized valuation of all property in the commonwealth subject to local taxation, as most recently reported by the state tax commission to the general court under the provisions of section ten C of chapter fifty-eight, divided by the total number of persons who reside in the commonwealth.

"Full-time equivalent pupil", the computational unit used for the purpose of determining the number of pupils enrolled in either public school or in a program approved under chapter seventy-one B and the regulations promulgated thereunder, and educated at the full or partial expense of a city, town, regional school district or independent vocational school in each of the programs described in section two A.

Such unit shall be computed as follows:

(1) a pupil enrolled full-time in only one such program shall be counted as one full-time equivalent pupil in that program; provided that a pupil enrolled in a kindergarten or preschool program which meets for a period of time each day no greater than one-half the minimum length for a school day as established by the board of education under section one G of chapter fifteen shall be counted as one-half of a full-time equivalent pupil in the program in which such pupil is enrolled;

(2) a pupil enrolled separately in two or more said programs shall be counted as a fraction of a full-time equivalent pupil in each program with each such fraction equal to the number of hours the pupil spends in each program divided by the total number of hours the pupil spends in all programs;

(3) a pupil enrolled in two or more said programs which are carried on simultaneously, and are therefore consolidated into one program, shall be counted as a full-time equivalent pupil in that one of such simultaneous programs in which the pupil is enrolled which has the highest pupil weight, as hereinafter provided in the definition of weighted full-time equivalent pupil; and

(4) a pupil enrolled in a program of more than one hundred and eighty-five days duration shall be counted as one full-time equivalent pupil plus a fraction of one full-time equivalent pupil in that program, with such fraction equal to the number of days in excess of one hundred and eighty divided by one hundred and eighty. The commissioner may by regulation, under the direction of the state board, further define the computation of "full-time equivalent pupil" as he deems advisable.

"Local support percentage", the percentage determined during each fiscal year in accordance with the provisions of section eleven.

"Persons who reside in a city or town", the population of the city or town as enumerated in the most recent of the following: (1) the most recent official state census conducted by the state secretary; or (2) the most recent official federal census, adjusted by the state tax commission to conform as nearly as possible to the same definitions as used in such state census.

"Pupil", a person who is enrolled in either public school or in an approved program under chapter seventy-one B and the regulations promulgated thereunder, and educated at the full or partial expense of a city, town, regional school district or independent vocational school where said full or partial expense represents an actual outlay or disbursement by said city, town, regional school district, or independent vocational school.

"Regular day program", any public school day program not defined as special needs, vocational or transitional bilingual education under any other provision of the General Laws or regulations promulgated thereunder.

"School aid percentage" for each city, town, regional school district and independent vocational school, the amount by which one hundred per cent exceeds the product of the local support percentage, as defined above, times the valuation percentage.

"State board", the state board of education.

"Sum of weighted full-time equivalent pupils" in a city, town, regional school district or independent vocational school, the total number of weighted full-time equivalent pupils in each program hereinafter defined in schools under the jurisdiction of a regional school district committee, a school committee of a city or town, or a board of local or district trustees for vocational education as the case may be, and the totals so derived for each program then added together to produce a single sum for all said programs in each city, town, regional school district or independent vocational school; provided, however, that any full-time equivalent pupils residing in a city or town who are receiving education in the schools of another city, town, regional school district or independent vocational school, or in a program approved under chapter seventy-one B and the regulations promulgated thereunder, on a tuition basis shall be deemed to be full-time equivalent pupils or their city or town of residence.

"Total expenditures for all pupils enrolled in regular day programs in a city, town, regional district or independent vocational school", the total amount expended by such city, town, regional school district or independent vocational school during the previous fiscal year for the support of regular day programs in public schools exclusive of expenditures for transportation, payment of regional school district assessments, food for school food services and capital outlays, after deducting therefrom any receipts for tuition, receipts from the federal government, the proceeds of any invested funds and grants, gifts and receipts from any other sources, to the extent that such receipts are applicable to such expenditures; provided, however, that amounts applicable to such expenditures received by (a) a city, town, regional school district or independent vocational school from the commonwealth, and (b) a regional school district from the member cities and towns of said district, shall not be so deducted. The commissioner of education may, by regulation, further define the expenditures and receipts that may be included hereunder.

"Total expenditures for all pupils enrolled in all programs in a city, town, regional school district or independent vocational school", the total amount expended by a city, town, regional school district or independent vocational school during the previous fiscal year for the support of all programs in public schools

and programs approved under chapter seventy-one B and the regulations promulgated thereunder, exclusive of expenditures for transportation, payment of regional school district assessments, food for school food services and capital outlays, after deducting therefrom any receipts for tuition, receipts from the federal government, the proceeds of any invested funds and grants, gifts, and receipts from any other sources, to the extent that such receipts are applicable to such expenditures; provided, however, that amounts applicable to such expenditures received by (a) a city, town, regional school district or independent vocational school from the commonwealth, and (b) a regional school district from the member cities and towns of said district shall not be so deducted. The commissioner of education may, by regulation, further define the expenditures and receipts that may be included hereunder.

"Valuation percentage of a city, town, regional school district or independent vocational school", the proportion which the equalized valuation per person in a city, town, regional school district or independent vocational school bears to the equalized valuation per person in the commonwealth.

"Weighted full-time equivalent pupil", a full-time equivalent pupil enrolled in any regular day, special needs, vocational or transitional bilingual education program multiplied by the pupil weight cost factor for the program or programs in which the pupil is enrolled as set forth in section two A.

Section 2A. (1) A full-time equivalent pupil enrolled in a regular day program shall be assigned a pupil weight of 1.00; (2) a full-time equivalent pupil enrolled in a transitional bilingual education program in accordance with the provisions of chapter seventy-one A and the regulations promulgated thereunder shall be assigned a pupil weight of 1.40; (3) a full-time equivalent pupil enrolled in a regular education program with modifications, a regular education program with no more than twenty-five per cent time out, a regular education program with no more than sixty per cent time out, a substantially separate program, a home and hospital program, a day program or a preschool program for children with special needs, as defined in regulations promulgated under chapter seventy-one B, shall be assigned a pupil weight of 4.00; (4) a full-time equivalent pupil enrolled in a residential program for children with special needs, as defined in regulations promulgated under chapter seventy-one B, shall be assigned a pupil weight of 6.30; (5) a full-time equivalent pupil enrolled in a vocational education program, as defined in chapter seventy-four and regulations promulgated thereunder, but excluding therefrom pupils enrolled in evening classes of vocational education and adult evening practical arts programs, shall be assigned a pupil weight of 2.00; (6) a pupil whose family income is below the poverty level, as determined by the department of education in accordance with the regulations promulgated under Title I of the Federal Elementary and Secondary Education Act of 1965, as amended, shall be counted as one additional full-time equivalent pupil in programs of auxiliary services for educationally disadvantaged pupils, and assigned a pupil weight of 0.20 to reflect the possible needs of such a pupil for such auxiliary

services, in addition to being counted in the regular day, special needs, vocational or transitional bilingual education program in which such pupil may be enrolled. Such auxiliary services shall seek to enable educationally disadvantaged pupils to fully benefit from regular day, special needs, vocational and transitional bilingual education programs. Approval criteria for auxiliary services for such educationally disadvantaged pupils shall be established by the board of education.

In determining the total number of full-time equivalent pupils enrolled in regular day program in a city, town, regional school district or independent vocational school (1) all children enrolled in a private school and receiving educational services at the expense of a city or town as required under the provisions of section forty-eight and fifty-seven of chapter seventy-one or Section 613 of the Federal Education for All Handicapped Children Act of 1975 shall be counted as a fraction of a full-time equivalent pupil enrolled in a regular day program, where the numerator of said fraction is the total amount so expended during the previous fiscal year, and the denominator of which is the average current operating expenditure per pupil in a regular day program in the commonwealth during said year; (2) pupils enrolled in adult education programs and other programs under the provisions of sections nine and nine A of chapter sixty-nine or sections eighteen, nineteen, twenty-one, twenty-six A, twenty-eight, seventy-one B, seventy-five, seventy-six, and seventy-seven of chapter seventy-one and any regulations promulgated thereunder and educated at the direct expense of a city, town, regional school district or independent vocational school, shall be counted as a fraction of a full-time equivalent pupil enrolled in a regular day program, where the numerator of said fraction is the total amount so expended for instructional services during the previous fiscal year after deducting therefrom any receipts for tuition, receipts from the federal government, the proceeds of any invested funds and grants, gifts and receipts from any other sources to the extent that such receipts are applicable to such expenditures provided, however, that amounts applicable to such expenditures received under this chapter as reimbursements for such expenditures shall not be so deducted, and the denominator of which is the average current operating expenditure per pupil in regular day program in the commonwealth during said year; (3) pupils enrolled in evening programs of vocational education and adult evening practical arts under chapter seventy-four and the regulations promulgated thereunder at the direct expense of a city, town, regional school district or independent vocational school shall be counted as a fraction of a full-time equivalent pupil enrolled in a regular day program where the numerator of said fraction is the total amount expended for instructional services during the previous fiscal year after deducting therefrom any receipts for tuition, receipts from the federal government, the proceeds of any invested funds and grants, gifts and receipts from any other sources to the extent that such receipts are applicable to such expenditures provided, however, that amounts applicable to such expenditures received under this chapter as reimbursements for such expenditures shall not be so deducted,

and the denominator of which is the average current operating expenditure per pupil in a regular day program in the commonwealth during said year; and (4) pupils enrolled in any program and educated at the direct expense of a city, town or regional school district who are residents of an institution and were not theretofore residents of said city, town or regional school district under the provisions of section eleven of chapter seventy-six shall be counted as a fraction of a full-time equivalent pupil enrolled in a regular day program where the numerator of said fraction is the total amount so expended for instructional services for said pupils during the previous fiscal year, after deducting therefrom any amount recovered from the commonwealth under said section eleven, and the denominator of which is the average current operating expenditure per pupil in regular day program in the commonwealth during said year.

Section 3. Subject to the limitations specified in sections six and seven, the amount of school aid to be paid to each city, town, regional school district and independent vocational school in a fiscal year under this chapter shall be determined by multiplying together: (1) the school aid percentage for such city, town, regional school district or independent vocational school; (2) the average current operating expenditures per pupil in regular day program in the commonwealth during the previous fiscal year; and (3) the sum of the weighted full-time equivalent pupils in such city, town, regional school district or independent vocational school during the fiscal year in question.

Section 4. The cities, towns, regional school districts and independent vocational schools shall report to the commissioner, in such form as the commissioner may require, all information necessary to compute the amount of school aid to be paid under this chapter. Such reports shall be made in accordance with the provisions of section six of chapter seventy-two. The commissioner may request other such reports as he deems necessary and as of such dates as he may require to carry out the purposes of this section.

The information submitted under this section shall be subject to approval, verification and adjustment. The commissioner shall be responsible for the verification of such information, including but not limited to (a) the numbers of full-time equivalent pupils within each program listed in section two A reported by each city, town, regional school district and independent vocational school; (b) certification that programs in transitional bilingual education under chapter seventy-one A have been carried out in accordance with the requirements of said chapter seventy-one A, the regulations promulgated thereunder, and approved plans submitted earlier by a city, town, regional school district or independent vocational school; (c) approval and certification that expenditures under chapter seventy-one B are reasonable, that funds for special education personnel, materials and equipment, tuition, rent and consultant services were actually expended, and that such special education classes, instruction periods and other programs have met the standards and requirements prescribed by the regulations promulgated under said chapter seventy-

one B; and (d) approval of vocational education programs under chapter seventy-four and regulations promulgated thereunder; (e) approval of adult education programs and other programs under sections nine and nine A of chapter sixty-nine and sections eighteen, nineteen, twenty-one, twenty-six A, twenty-eight, seventy-one B, seventy-five, seventy-six and seventy-seven of chapter seventy-one and regulations promulgated thereunder. When undertaking such verification, the commissioner shall employ a number of criteria in examining the information so reported, including but not limited to (a) the proportion which the total enrollment in each program listed in section two A reported by each city, town, regional school district and independent vocational school bears to the total enrollment in all programs so reported, and (b) the percentage change in the proportional enrollment in each program listed in section two A reported by each city, town, regional school district and independent vocational school from the prior fiscal year. An audit of the information submitted by a city, town, regional school district and independent vocational school shall be conducted by the commissioner in each instance of significant change in the annual proportional enrollment of any program listed in section two A.

A city, town, regional school district or independent vocational school may submit to the commissioner amendments to such a previously completed report in the event of any error in the preparation of said reports; provided, however, that no such amendment may be filed after June thirtieth of the fiscal year succeeding that in which amounts of school aid were computed and paid on the basis of the previously submitted report.

Any such adjustment which reduces or increases, as the case may be, the school aid to which a city, town, regional school district or independent vocational school is entitled shall be taken into account in the school aid to be paid to such city, town, regional school district or independent vocational school as soon as may be after the adjustment is made and certified to the comptroller and the state tax commission. No such adjustment shall be made after June thirtieth of the second fiscal year following the fiscal year in which such amounts of aid were distributed.

Section 5. The commissioner shall certify to the comptroller and to the department of revenue no later than December thirty-first prior to the fiscal year in which the aid is to be paid the estimated amount of school aid to be paid to each city, town, regional school district and independent vocational school. Before the final distributions are made under the provisions of section eighteen A of chapter fifty-eight, the commissioner shall make a final certification to the comptroller and to said department of revenue of the full amount due the cities, towns, regional school districts and independent vocational schools.

Section 6. The aid paid to any city, town, regional school district or independent vocational school under this chapter shall not be less than one hundred and seven per cent of the sum of the amounts due said city, towns, regional school district or independent vocational school from the commonwealth during the

fiscal year ending June thirtieth, nineteen hundred and seventy-eight under the provisions of the formulae contained in the following sections of the General Laws, as such formulae were applied during the fiscal year ending June thirtieth, nineteen hundred and seventy-eight, and as such amounts due were affected by the provisions of the second and third paragraph of paragraph (3) of subsection (b) of section eighteen A of chapter fifty-eight; chapter seventy; sections four and eight of chapter seventy-one A; the first paragraph of section thirteen of chapter seventy-one B; section nine, eleven and twelve of chapter seventy-four; and section ten of chapter seventy-four, excluding therefrom reimbursements for tuition fees for children placed in a city or town by the commissioner of public welfare or the youth service board. Said sums shall exclude any amounts of reimbursements due under said statutes for expenditures incurred in the transportation of pupils. In determining the amounts due from the commonwealth in the fiscal year ending June thirtieth, nineteen hundred and seventy-eight, the amount of school aid due under this chapter to cities and towns which were members of regional school districts shall be deemed to have been due to each of their respective regional school districts in the same proportions as the current operating assessments for the cost of regular day program levied by each regional school district upon each such member city or town during said fiscal year bear to the total current operating expenditures, including such assessments, for all pupils enrolled in regular day program in each such city or town during the fiscal year ending June thirtieth, nineteen hundred and seventy-eight. The amounts of school aid due, as so determined, shall be deducted from the amounts deemed to have been due such member cities and towns from the commonwealth under this chapter during the fiscal year ending June thirtieth, nineteen hundred and seventy-eight. The commissioner may, by regulation, under the direction of the state board, further define the amounts of aid due or deemed to have been due each city, town, regional school district and independent vocational school from the commonwealth under said provisions of chapters seventy, seventy-one A, seventy-one B and seventy-four. Said regulations may include the amounts of aid due or deemed to have been due any regional school district established, reorganized, or terminated after the fiscal year ending June thirtieth, nineteen hundred and seventy-eight.

Section 7. In each fiscal year, each city, town, regional school district and independent vocational school shall expend at least eighty-five per cent of the product obtained by multiplying the average direct service expenditure per pupil in regular day program in the commonwealth during the previous fiscal year by the sum of weighted full-time equivalent pupils in the city, town, regional school district or independent vocational school during the current fiscal year. The amount so determined shall be expended for the support of the school programs listed in section two A, exclusive of expenditures for administration, athletic and other student body activities, plan operation and maintenance, transportation, payment of regional school district assessments, food for school food programs, and capital outlay;

provided, however, that amounts received by a regional school district from the member cities and towns of said district which are applicable to such expenditures for such programs shall not be so deducted.

If a city, town, regional school district or independent vocational school fails to expend, from sources other than the amounts of aid paid under this chapter, an amount equal to the difference between (1) the amount determined in accordance with the first sentence of this section, and (2) either the total estimated amount of school aid to have been received, or the total school aid actually received by said city, town, regional school district or independent vocational school during the fiscal year in question, whichever is greater, then the commissioner shall certify to the comptroller and the state tax commission an amount equal to the school aid otherwise due to be paid under this chapter during the next fiscal year, multiplied by a fraction, the numerator of which is the actual amount expended by said city, town, regional school district or independent vocational school, from sources other than the amounts of aid paid under this chapter, and the denominator of which is the difference as set forth above.

The commissioner shall annually calculate, on or before January thirty-first, to the nearest tenth of one per cent, the proportion which the total amount of school aid paid under this chapter during the previous fiscal year bears to the sum of the total expenditures for all pupils, enrolled in all programs in all cities, towns, regional school districts and independent vocational schools during said previous fiscal year, until said proportion equals at least thirty-five per cent. The provisions of this section shall then apply to the expenditures of all cities, towns, regional school districts, and independent vocational schools commencing with the third fiscal year following that in which said percentage first equals at least thirty-five per cent, and in every fiscal year thereafter.

Section 8. Notwithstanding any provision of law to the contrary, the school aid paid under this chapter to a city, town, regional school district or independent vocational school in accordance with the provisions of this chapter shall be deposited with the treasurer of the city, town, or regional school district, and shall be applied in the first instance, subject to the limitations specified below, to total expenditures for current operating costs in all programs during the fiscal year in which payments are so made. In the event that the estimated amount of school aid to be received by a city, town, regional school district or independent vocational school exceeds the amount included for such expenditures within the total school department, regional school district or independent vocational school budget approved by said city, town, regional school district or independent vocational school, after first deducting from such budgeted expenditures any other estimated receipts for tuition, receipts from the federal government, the proceeds of any invested funds and grants, gifts, and receipts from the commonwealth or any other source, to the extent that such receipts are applicable to such expenditures, such access shall be available for application to expenditures for any municipal purpose by such city or town, or used by such regional school

district to reduce the operating assessments levied upon member cities and towns during the following fiscal year. In the event that the amount of such school aid actually received during the fiscal year exceeds the estimated school aid, such excess shall be added to the estimated school aid to be received during the following fiscal year and applied in said year in accordance with the provisions of this section. In the event that the amount of such school aid actually received and available during the fiscal year under the provisions of this section for such operating expenditures, plus receipts from any other sources applicable to such expenditures as defined above, exceed the total actual amount of such expenditures, such excess shall be added to the estimated school aid to be received during the following year and applied in aforesaid manner. The entire amounts of such excess school aid carried over from any previous year, plus the entire estimated amount of school aid to be received by a city or town under this chapter during the fiscal year shall, however, be treated by the board of assessors as school incomes when computing the school tax rate for said fiscal year under the provisions of section twenty-three C of chapter fifty-nine. The entire estimated amount of school aid to be received by a regional school district during the fiscal year, plus any amount of such excess school aid carried over from any previous year, shall be used by said district to reduce the operating assessments levied by such district upon member cities and towns during the following year.

The commissioner shall determine the portions of the school aid received by each city, town, regional school district or independent vocational school which are allocated on account of the total number of weighted full-time equivalent pupils reported for each program listed in section two A. Not less than seventy per cent of the aforesaid portions of school aid so determined for each said program and received by each city, town, regional school district or independent vocational school under this chapter shall be expended for instructional services, attendance services, health services, fixed charges and food services in each program listed in section two A in which full-time equivalent pupils were reported by the city, town, regional school district or independent vocational school during said fiscal year.

Section 9. The school fund of the commonwealth, known as the Massachusetts School Fund, with future additions shall constitute a permanent fund. The commissioner of education and the state treasurer shall continue to be commissioners to invest and manage said fund, and they shall report annually the condition and income thereof. All investments shall be made with the approval of the governor and council. The annual income thereof shall be paid to the several cities, towns, regional school districts and independent vocational schools under the provisions of section eighteen A of chapter fifty-eight, as part of the school aid required under this chapter.

Section 10. The income of the Todd Fund shall be paid to the board of trustees of state colleges, and applied by it to specific objects, in connection with state colleges, not provided by

appropriation.

Section 11. In determining the amounts of school aid due to be paid under this chapter to each city, town, regional school district, and independent vocational school during any fiscal year, the local support percentage used in computing said school aid shall be determined so that the total school aid as so computed shall be equal to the amount actually appropriated for distribution as school aid under this chapter, after deducting the amounts to be paid under the provisions of section six. The local support percentage so determined in any fiscal year shall be the same for every city, town, regional school district and independent vocational school. The school aid to be distributed under this chapter shall be subject to application.

SECTION 70D. Section 24 of chapter 71 of the General Laws, as most recently amended by section 51 of chapter 14 of the acts of 1966, is hereby amended by striking out the first and fourth sentences.

SECTION 70E. Sections twenty-six E, thirty-eight B, thirty-eight E, sixty-five and seventy-eight of said chapter seventy-one are hereby repealed.

SECTION 70F. Section 4 of chapter 71A of the General Laws, as appearing in section 2 of chapter 1005 of the acts of 1971, is hereby amended by striking out the third paragraph.

SECTION 70G. Said chapter 71A is hereby further amended by striking out section 8, as so appearing, and inserting in place thereof the following section:-

Section 8. The state treasurer shall annually, on or before November twentieth, reimburse any city, town, regional school district or independent vocational school for expenditures incurred during the previous fiscal year in the transportation of any pupil enrolled in a transitional bilingual education program and who resides as least one and one-half miles from the school which the pupil attends, as measured as by commonly travelled route, in the manner hereinafter defined. Such reimbursements shall include: first, an amount for each pupil which is equal to the average transportation services expenditure per pupil, enrolled in regular day program in said city, town, regional school district or independent vocational school during said fiscal year, provided that each such pupil enrolled in regular day program resides at least one and one-half miles from the school which said pupil attends; and second, the entire amount by which the average transportation services expenditure per pupil enrolled in such a bilingual program in said city, town, regional school district or independent vocational school during said fiscal year may exceed the aforesaid average transportation services expenditure per pupil enrolled in regular day program. In no instance, however, shall the amount or reimbursement for such excess cost per pupil exceed one hundred and ten per cent of the average of such excess costs per pupil in all cities, towns, regional school districts and independent vocational schools in the commonwealth during the fiscal year in which such expenditures were made.

In determining each said average transportation services expenditure per pupil enrolled in regular day program in each city, town, regional school district and independent vocational school, the department of education shall use the transportation services expenditure per pupil eligible for reimbursement under sections seven A, seven B, or sixteen C of chapter seventy-one, whichever is higher, during the same fiscal year. The commissioner of education may, by regulation, under the direction of the state board of education, further define the expenditures per pupil to be used in aforesaid computations.

SECTION 70H. Section 8 of chapter 71B of the General Laws, as appearing in section 11 of chapter 766 of the acts of 1972, is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:- The city or town providing transportation under this section shall be reimbursed according to the provisions of section fourteen.

SECTION 70I. Section 13 of said chapter 71B, as most recently amended by section 1 of chapter 383 of the acts of 1977, is hereby further amended by striking out the first, third, fourth and fifth paragraphs.

SECTION 70J. Section thirteen A of said chapter seventy-one B is hereby repealed.

SECTION 70K. Said chapter 71B is hereby further amended by striking out section 14, as appearing in section 11 of chapter 766 of the acts of 1972, and inserting in place thereof the following section.-

Section 14. The state treasurer shall annually, on or before November twentieth, reimburse any city, town, regional school district or independent vocational school for expenditures incurred during the previous fiscal year in the transportation of pupils enrolled in special needs programs, in the manner hereinafter defined, provided that such transportation services are required by the educational plan of each such pupil, and that such services are not normally provided to pupils enrolled in regular day program in said city, town, regional school district or independent vocational school. Such reimbursement shall include: first, an amount for each such special needs pupil which is equal to the average transportation services expenditure per pupil enrolled in regular day program in said city, town, regional school district or independent vocational school during said fiscal year; and second, the entire amount by which each of the average transportation services expenditures per pupil enrolled in each special needs program prototype, as defined in regulations promulgated under this chapter, in said city, town, regional school district or independent vocational school during said fiscal year may exceed the aforesaid average transportation services expenditure per pupil enrolled in regular day program. In no instance, however, shall the amount of reimbursement for such excess cost within such special needs program prototype exceed one hundred and ten per cent of the averages of such excess costs in all cities, towns, regional school districts and independent vocational schools during the fiscal year in which such expenditures were made.

In determining each said average transportation services expenditure per pupil enrolled in regular day program in each city, town, regional school district and independent vocational school, the department of education shall use the transportation services expenditure per pupil eligible for reimbursement under sections seven A, seven B or sixteen C of chapter seventy-one, whichever is higher, during the same fiscal year. The commissioner of education may, by regulation, under the direction of the state board of education, further define the expenditures per pupil to be used in aforesaid computations.

SECTION 70L. Sections nine, ten, eleven and twelve of chapter seventy-four of the General Laws are hereby repealed.

SECTION 70M. Chapter 76 of the General Laws is hereby amended by striking out section 11, as amended by section 13 of chapter 766 of the acts of 1972, and inserting in place thereof the following section:-

Section 11. Any city, town or regional school district which provides instruction to any child who is a resident of an institution and who was not theretofore a resident of such city, town or regional school district may recover from the commonwealth the school expense incurred by reason of the school attendance of such child to be determined jointly by the school committee of such city, town or regional school district and the department of education or, in case of their disagreement, by the probate court. The amount recoverable by a city, town or regional school district under this section shall be limited to the annual per pupil cost of education as determined under section seven; provided, however, that any amount expended in excess of said annual per pupil expenditure in said city, town or regional school district shall be recoverable under the provisions of sections two and three of chapter seventy.

SECTION 70N. Notwithstanding any other provision of law to the contrary, the school aid to be distributed under this act shall be subject to appropriation.

SECTION 70 O. The provisions of sections seventy to seventy N, inclusive, shall apply to the distributions of school aid to be made during the fiscal year ending June thirtieth, nineteen hundred and seventy-nine, and in every fiscal year thereafter.

SECTION 71. Chapter 19 of the General Laws is hereby amended by striking out section 14A, as amended by section 16 of chapter 1210 of the acts of 1973, and inserting in place thereof the following section:-

Section 14A. The state facilities under the control of the department shall be Worcester state hospital, Taunton state hospital, Northampton state hospital, Danvers state hospital, Grafton state hospital, Westborough state hospital, Foxborough state hospital, Medfield state hospital, Monson state hospital, Gardner state hospital, Wrentham state school, Boston state hospital, Walter E. Fernald state school, Massachusetts Mental Health Center, Belchertown State School, Metropolitan State Hospital, Cushing Hospital, Paul A. Dever State School and such

other mental health or retardation facilities including but not limited to an intensive care unit for women, as the commissioner from time to time shall designate in the regulations of the department, including any facilities or portions thereof which the department may, subject to appropriation, construct or develop for use as homes or facilities for aging persons who are not mentally ill. Admissions of patients to said facilities or homes for aging persons shall be voluntary and not by commitment and said facilities or homes, although under the supervision and control of said department, shall be deemed to be public medical institutions within the meaning of section two of chapter one hundred and eighteen E.

SECTION 71A. Section 1 of chapter 123 of the General Laws, as most recently amended by section 4 of chapter 760 of the acts of 1971, is hereby further amended by striking out the paragraph defining "Facility" and inserting in place thereof the following two paragraphs:-

"Facility", a public or private facility for the care and treatment of mentally ill or mentally retarded persons, except for the intensive care unit for women and the Bridgewater State Hospital.

"Intensive Care Unit for Women or I.C.U.", a facility or part thereof established by the department either directly or indirectly through a contract for purchase of services, for the care and treatment of mentally ill women who have current and sustained histories of self-destructive behavior or serious assaultive behavior for whom good faith effort at treatment in another facility has been unsuccessful.

SECTION 71B. Said chapter 123 is hereby further amended by striking out sections 4 and 5 and inserting in place thereof the following two sections:-

Section 4. Each person within the care of the department and each person at the Bridgewater state hospital under the provisions of this chapter relative to the mentally ill shall be the subject of a periodic review under the supervision of the superintendent, if said person is in a departmental facility, or of the medical director if said person is at the Bridgewater state hospital or of the director if said person is at the I.C.U. which shall include, but not necessarily be limited to, (1) a thorough clinical examination, (2) an evaluation of the legal competency of the person and the necessity or advisability of having a guardian or conservator appointed or removed, (3) a consideration of all possible alternatives to continued hospitalization or residential care including, but not necessarily limited to, a determination of the person's relationship to the community and to his family, or his employment possibilities, and of available community resources, foster care and convalescent facilities, and (4) unless a guardian or conservator has been appointed, an evaluation of each person who is an inpatient or resident of a facility in order to determine how much of his funds shall be designated as dependent funds and how much as independent funds, and the formulation and maintenance of a financial plan for the use of his dependent funds. Said periodic review shall take place at least upon admission, once during the first three months after admission, once during the

second three months after admission and annually thereafter, except that such review shall take place every three months at the I.C.U. Said person shall be given a physical examination by a physician licensed under the provisions of chapter one hundred and twelve at least once in every twelve-month period during which he is resident in said departmental facility or at the Bridgewater state hospital or the I.C.U. The superintendent or the medical director at the Bridgewater state hospital or the director of the I.C.U. shall give written notice to said person and his nearest relative or guardian prior to any such review which is made subsequent to admission. The social service department of the facility or of the Bridgewater state hospital or the I.C.U. shall take part in the review and may utilize community resources, including the area and regional community mental health and mental retardation programs. The results of each review shall become part of the official record of the person reviewed.

If the mentally ill person is in need of further care and treatment, the superintendent or said medical director or the director of the I.C.U. shall notify him and his nearest relative or guardian of that fact, and of his right to leave the facility, the I.C.U. or said hospital if he was not committed under a court order. If said mentally ill person was not committed under a court order and does not choose further treatment as an inpatient, within fourteen days of said notification he shall be discharged or be made the subject of a petition for a court ordered commitment. Following any review under the provisions of this section, or at any other time, any patient who is no longer in need of care as an inpatient shall be discharged or placed on interim community leave.

Following the review of a mentally retarded person he shall be discharged or placed on interim community leave if he is no longer in need of care as a resident; if the superintendent determines that the person is in need of such care he shall notify the person, his nearest relative or legal guardian.

Section 5. Whenever the provisions of this chapter require that a hearing be conducted in any court for the commitment or further retention of a person to a facility or to the Bridgewater state hospital or to the I.C.U., it shall be held as hereinafter provided. Such person shall have the right to be represented by counsel and shall have the right to present independent testimony. The court shall appoint counsel for such person whom it finds to be indigent and who is not represented by counsel, unless such person refuses the appointment of counsel. The court may provide an independent medical examination for such indigent person upon request of his counsel or upon his request if he is not represented by counsel. The person shall be allowed not less than two days after the appearance of his counsel in which to prepare his case and a hearing shall be conducted forthwith after such period unless counsel requests a delay. Notice of the time and place of hearing shall be furnished by the court to the department, the person, his counsel, and his nearest relative or guardian. The court may hold the hearing at the facility or said hospital or at the I.C.U.

SECTION 71C. Section 7 of said chapter 123, as most recently amended by section 2 of chapter 356 of the acts of 1976, is hereby further amended by striking out paragraph (c) 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, to the I.C.U. 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 71D. Said chapter 123 is hereby further amended by inserting after section 8 the following section:-

Section 8A. (a) If the head of a facility of the department or a person in charge of a place of detention has reason to believe that a woman committed to said facility or sentenced to a place of detention may be eligible for commitment to the I.C.U., he shall cause such woman to be examined at the facility or place of detention by a team of clinicians designated by the department as qualified to perform such examinations. The team of clinicians shall consist of a physician or physicians and such other mental health clinicians as the department may designate. If the results of the evaluation by the team is a recommendation to commit to the I.C.U., the team shall report its findings to the commissioner or his designee in writing. The report shall be signed by each member of the team conducting the examination. The report shall contain, at a minimum, (1) documentation of the woman's incidents of serious self-destructive behavior or serious assaultive behavior as an inpatient at the facility or place of detention; (2) documentation that attempts to treat the woman at other facilities operated, licensed or regulated by the department or at a place of detention in the case where the woman is in custody at a place of detention, have failed; (3) documentation that failure to commit such a woman to the I.C.U. would create an immediate and continuing likelihood that the woman would cause serious harm to herself or others; and (4) an evaluation of the woman's need for care and treatment at the I.C.U., supported by clinical findings.

For the purposes of this section, serious assaultive behavior shall mean actual touching and not merely the threat of touching.

If the commissioner or his designee believes that there is sufficient evidence for a court to make the findings required by this section for commitment to the I.C.U., the commissioner or his designee shall recommend to the head of the facility or place of detention that he petition the appropriate court for commitment of the woman to the I.C.U. Upon receipt of the commissioner's recommendation, the head of the facility or place of detention shall file a petition, accompanied by the report by the team of clinicians, with the district court having jurisdiction of the facility or place of detention requesting an order of commitment to the I.C.U.

All subsequent proceedings for the continuing commitment of a person under this section shall be in the court which has jurisdiction over the I.C.U.

The court shall not order the commitment of a woman to the I.C.U. unless after hearing it finds that beyond a reasonable doubt: (1) the woman is mentally ill; (2) the woman has engaged in repeated and recent incidents of serious self-destructive behavior or assaultive behavior as an inpatient at a facility or inmate of a place of detention; (3) the woman cannot be properly treated in any other facility licensed, operated or regulated by the department or a place of detention the case of a woman under sentence; and (4) there is a substantial likelihood that the woman's condition will continue to cause her to inflict serious harm upon herself or others. An initial and any subsequent order of commitment to the I.C.U. shall be valid for a period of not more than six months. All hearings conducted pursuant to this section shall be in accordance with the procedural requirements of sections seven and eight of this chapter.

(b) The court shall render its decision on the petition for commitment to the I.C.U. 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.

(c) Whenever the director of the I.C.U. determines that a woman is no longer in need of care and treatment at the I.C.U., the director shall request the commissioner to transfer the woman to a departmental facility, a community-based program, or to discharge the woman, or in the case of a woman whose sentence has not expired, to transfer her to the original place of detention.

The commissioner shall so transfer or shall discharge the woman within thirty days, unless he files a petition under Section 8A for further commitment of the woman to the I.C.U. If the commissioner so transfers, the staff of the I.C.U. shall assist the staff of the facility, the place of detention or the community-based program in providing follow up and supportive clinical services to the woman.

(d) At the commencement of commitment to the I.C.U. of a woman under sentence, the department of correction shall enter in the patient record of such woman the date of expiration of the sentence of the woman. Where applicable, the provisions of sections one hundred and twenty-nine, one hundred and twenty-nine A, one hundred and twenty-nine B, one hundred and twenty-nine C, and one hundred and twenty-nine D of chapter one hundred and twenty-seven may be applied to reduce such sentence, and on such date the woman shall be discharged; provided however, that if the commissioner determines that the discharge would create a likelihood of serious harm by reason of mental illness, he shall petition the district court having jurisdiction over the I.C.U. prior to the date of expiration to order the commitment of such woman to a facility.

(e) No woman shall be retained at the I.C.U. except in accordance with the provisions of this section.

SECTION 71E. Said chapter 123 is hereby further amended by striking out section 9 and inserting in place thereof the following

section:-

Section 9. (a) Matters of law arising in commitment hearings or incompetency for trial proceedings in a district court may be reviewed by the appellate division of the district courts in the same manner as in civil cases generally.

(b) Any person may make written application to a justice of the superior court at any time and in any county, stating that he believes or has reason to believe that a person named in such application is retained in a facility or the Bridgewater State Hospital or the I.C.U. who should no longer be so retained, giving the names of all persons interested in his confinement and requesting his discharge. The justice within seven days thereof shall order notice of the time and place for a hearing to be given to the superintendent or medical director or director of the I.C.U. and to such other persons as he considers proper; and such hearing shall be given promptly before a justice of the superior court in any county. The justice shall appoint an attorney to represent any applicant whom he finds to be indigent. The alleged mentally ill person may be brought before the justice at the hearing upon a writ of habeas corpus, upon a request approved by the justice. Pending the decision of the court such person may be retained in the custody of the superintendent or medical director or the director of the I.C.U. If the justice decides that the person is not mentally ill or that failure to retain the person in a facility or the Bridgewater state hospital would not create a likelihood of serious harm, or finds that the woman in the I.C.U. is not mentally ill; has not engaged in repeated and recent incidents of serious self-destructive behavior or assaultive behavior as an inpatient at a facility or an inmate of a place of detention; can be properly treated in any other facility licensed, operated or regulated by the department or a place of detention in the case of a woman under sentence; and there is not a substantial likelihood that woman's condition will continue to cause her to inflict serious harm upon herself or others, said person shall be discharged. If the justice decides that a patient at the Bridgewater state hospital does not require strict security, he shall be transferred to a facility.

SECTION 71F. Said chapter 123 is hereby further amended by striking out section 21 and inserting in place thereof the following section:-

Section 21. Any person who transports a mentally ill or mentally retarded person to or from a facility or the I.C.U. for any purpose authorized under this chapter shall not use any restraint which is unnecessary for the safety of the person being transported or other persons likely to come in contact with him.

In the case of persons being hospitalized under the provisions of section six, the applicant shall authorize practicable and safe means of transport, including where appropriate, departmental or police transport. Each female patient being transported shall be accompanied by a female agent, nurse or attendant.

In the case of inpatients or residents in facilities of the department or the I.C.U., restraint may be used only in cases of

emergency such as the occurrence of, or serious threat of, extreme violence, personal injury, or attempted suicide; provided, however, that written authorization for such restraint is given in advance by the superintendent or director of the I.C.U. or by a physician designated by him for this purpose or if the superintendent or director of the I.C.U. or the designated physician is not available, nonchemical means of restraint may be used; provided, however, that said use is reported to the superintendent or director of the I.C.U. or to the designated physician within eight hours of said use. Any use of restraint shall be reviewed at least every eight hours by said superintendent, director of the I.C.U. or physician, who shall authorize in writing its continuation or cessation and shall make a written record of the reasons for any such use and of his review.

SECTION 71G. Section 22 of said chapter 123, as most recently amended by section 4 of chapter 888 of the acts of 1970, is hereby further amended by inserting after the word "hospital", in line 4, the words:- or the I.C.U.

SECTION 71H. Section 23 of said chapter 123, as most recently amended by chapter 291 of the acts of 1974, is hereby further amended by adding the following paragraph:-

Inpatients of the I.C.U shall have the same rights guaranteed under this section. Neither electroconvulsive treatment nor psychosurgery shall be performed on any inpatient of the I.C.U.

SECTION 71I. The first sentence of paragraph (a) of section 24 of said chapter 123 is hereby further amended by inserting after the word "facility", in line 5, as appearing in section 4 of chapter 888 of the acts of 1970, the words:- or the I.C.U.

SECTION 71J. Section 27 of said chapter 123 is hereby amended by adding after paragraph (h), added by section 55B of this act, the following paragraph:-

(i) The director of the I.C.U. shall administer funds of the inpatients of the I.C.U. in accordance with the procedures set forth in this section.

SECTION 71K. Section 28 of said chapter 123 is hereby further amended by inserting after the word "facility", in line 1, as appearing in section 4 of chapter 888 of the acts of 1970, the words:- or the I.C.U.

SECTION 71L. Said chapter 123 is hereby further amended by striking out section 28A and inserting in place thereof the following section:-

Section 28A. Upon the death of any person confined to a mental institution under the control of the department, the superintendent of such institution or director of I.C.U. shall, if he is of the opinion that the death may have resulted from violence or unnatural causes, immediately notify the district attorney for the district in which the death occurred, giving him the name and address of the person who died and the cause of death.

SECTION 71M. Said chapter 123 is hereby further amended by

striking out section 30 and inserting in place thereof the following section:-

Section 30. If a patient or resident in a facility of the department or the I.C.U. is absent without authorization the superintendent of the facility or the director of the I.C.U. shall notify the state and local police, the district attorney of the county wherein the facility or the I.C.U. is located and the next of kin of such patient or resident. Any patient or resident in a facility of the department or the I.C.U. who is absent for less than six months without authorization consistent with the provisions of this chapter, the regulations of the department, or the rules of said facility or the I.C.U. may be returned by a police officer or other person designated by the superintendent or the director. Said six month limitation shall not apply to persons who have been found not guilty of a criminal charge by reason of insanity nor to persons who have been found incompetent to stand trial on a criminal charge.

SECTION 71N. Said chapter 123 is hereby further amended by striking out section 33 and inserting in place thereof the following section:-

Section 33. All necessary expenses attending the apprehension, examination, hearing, commitment or delivery of a mentally ill person, or an alleged alcoholic shall be allowed and certified by the judge if said person is committed pursuant to this chapter and presented as often as once a year to the county commissioners of the county in which said person was committed, who shall examine and audit the same. Necessary expenses attending the apprehension, examination or hearing of any person sought to be committed pursuant to this chapter but not so committed shall be so presented, examined and audited if they have been allowed in the discretion of the judge and certified by him. All expenses certified, examined and audited as provided in this section shall be paid by the proper county. Such expenses shall be repaid to the county paying them by the county, if any, of which the person apprehended, examined, heard, committed or delivered is an inhabitant; but if said person is an inpatient or resident of a facility or institution of any department of the commonwealth or the I.C.U. at the time said expenses are incurred, said expenses shall be repaid to the county paying them by the county of which said person was an inhabitant at the time of his admission or commitment to said facility or institution or I.C.U. or, if he was not an inhabitant of any county, by the county from which he was sent to said facility or institution or I.C.U. If application is made for the commitment of a person whose expenses and support are not to be paid by the commonwealth, said expenses shall be paid by the applicant or by a person in his behalf. The compensation of the physicians and officers taking part in the commitment or admission of persons to facilities or the I.C.U. in accordance with this chapter shall be as follows: The fee for each physician making an authorized mental examination and for making a written report thereon to the court, or for making a medical certificate, shall be twenty-five dollars and twenty cents for each mile traveled one way or such other rate as may be set

by the rate setting commission under chapter six A. Any physician required to appear before a judge or justice in any commitment proceedings, in which such physician has made an examination, shall receive a fee of twenty-five dollars, and twenty cents for each mile traveled one way for such appearance before the court, or such other rate as may be set by the rate setting commission under chapter six A. The fees for officers serving process shall be the same as are allowed by law in like cases.

SECTION 71 O The first sentence of section 36 of said chapter 123, as appearing in section 4 of chapter 888 of the acts of 1970, is hereby amended by inserting after the word "supervision", in line 3, the words:- or the I.C.U.

SECTION 72. This act shall take effect as of July first, nineteen hundred and seventy-eight.

Approved July 10, 1978

This Bill was returned July 7, 1978 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:-

Item

0611-5501 & Section 53;
4406-2002 & Sections 52 & 63 were disapproved.

<u>Item</u>	<u>Reduced to</u>
0305-6021	\$164,650
0305-6051	571,491
0305-6061	112,075
0305-6071	551,555
0305-6111	677,250
0305-6121	401,950
0305-6131	868,700
0305-6141	629,411

The vote being taken by the House of Representatives & Senate, in concurrence, on July 7, 1978, Items 1120-2000, 1120-3000, 1120-4000 and 4402-5000 were passed notwithstanding said objections. The remainder of the bill was approved by the Governor July 10, 1978.

Chap. 368. AN ACT RELATIVE TO THE ADMISSION CHARGES AT BATTLESHIP COVE IN THE CITY OF FALL RIVER.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to direct the council on the arts and humanities to immediately provide for free admission to certain events and exhibits for school groups, 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 387 of the acts of 1973 is hereby amended by striking out the first sentence, as amended by chapter 909 of the acts of 1977, and inserting in place thereof the following sentence:-

The council on the arts and humanities, in the name and on behalf of the commonwealth, is hereby authorized and directed to contract with the U.S.S. Massachusetts Memorial Committee, Incorporated, for the purpose of furnishing free admission to all educational events and exhibits in Battleship Cove in the city of

Fall River including, but not limited to, the battleship Massachusetts, including the commonwealth's World War II Memorial thereon, the destroyer Kennedy, including the commonwealth's Korean and Vietnam Memorial thereon, the submarine Lionfish, the P.T. Boat Museum and the Marine Museum for all organized school groups and teachers of all schools located in the commonwealth.

Approved July 10, 1978

Chap. 369. AN ACT EXEMPTING THE TOWN OF MASHPEE FROM INTEREST PAYMENTS ON OVERDUE ASSESSMENTS.

Be it enacted, etc., as follows:

Notwithstanding the provisions of section twenty of chapter fifty-nine and section twenty-four of chapter thirty-five of the General Laws, the town of Mashpee during fiscal year nineteen hundred and seventy-eight shall not be required to make any interest payments on any sums assessed by Barnstable county or the commonwealth that have become overdue during said fiscal year.

Approved July 10, 1978

Chap. 370. AN ACT AUTHORIZING THE METROPOLITAN DISTRICT COMMISSION AND THE METROPOLITAN WATER AND SEWERAGE BOARD TO TRANSFER CERTAIN LAND IN THE TOWNS OF HOLDEN, WEST BOYLSTON AND STERLING 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 metropolitan district commission and the metropolitan water and sewerage board are hereby authorized to transfer the care, custody and control to the department of public works certain land, presently used as vacant land for watershed purposes, described below, for the construction of a portion of interstate highway route 190 in the towns of Holden, West Boylston and Sterling. Said conveyance shall not take place until final plans and specifications for the construction of interstate highway route 190 have been approved by the metropolitan district commission and the department of environmental quality engineering.

Said parcels of land are shown on a plan on file in the department of public works, office of the chief engineer, and bounded and described as follows:

Parcel 2-2, Town of Holden

A certain parcel of land under the care, custody and control of the Metropolitan District Commission on the easterly side of Malden Brook and approximately nine hundred feet south of Malden Street, Town of Holden, more fully described as follows:

Beginning at a point on the westerly location line of I-190 and extending thence northwesterly along said location about three hundred fifty-seven (357) feet; thence leaving said location line

northeasterly about one hundred twenty-eight (128) feet to a point; thence southerly about three hundred forty-six (346) feet to a point of beginning. Said parcel contains about 0.51 acres.

Parcel 2-17, Town of Holden

A certain parcel of land under the care, custody and control of the Metropolitan Water and Sewerage Board, more fully described as follows:

Beginning at a point on the northerly street line of River Street, Town of Holden, and extending thence northerly along the westerly location line of I-190 about eight hundred ninety-seven (897) feet; thence northwesterly about one hundred eighty-six (186) feet to a point; thence northerly about two hundred thirty (230) feet to a point; thence leaving said location line easterly about three hundred forty-five (345) feet to a point on the line dividing the Towns of Holden and West Boylston; thence southeasterly along said town line about eight hundred twenty-five (825) feet to a point on the northerly street line of River Street; thence leaving said town line and following the northerly street line of said street southwesterly about six hundred and ninety-five (695) feet to the point of beginning. Said parcel contains about 8.98 acres.

Parcel 2-19, Town of Holden

A certain parcel of land under the care, custody and control of the Metropolitan Water & Sewerage Board, more fully described as follows:

Beginning at a point on the line dividing the Towns of Holden and West Boylston and extending thence leaving said town line westerly about three hundred four (304) feet to a point on the westerly location line of I-190; thence northerly along said location about three hundred thirty-eight (338) feet; thence leaving said location line northeasterly about two hundred fifteen (215) feet to a point on the line dividing the Towns of Holden and West Boylston; thence southeasterly along said town line about three hundred seventy-seven (377) feet to a point of beginning. Said parcel contains about 2.12 acres.

Parcel 2-21, Town of Holden

A certain parcel of land under the care, custody and control of the Metropolitan Water & Sewerage Board, more fully described as follows:

Beginning at a point on the southerly street line of River Street and extending thence northeasterly along said street line about eighteen (18) feet to a point on the line dividing the Towns of Holden and West Boylston; thence southeasterly along said town line about nine (9) feet to a point; thence leaving said town line southwesterly about fifteen (15) feet to the point of beginning. Said parcel contains about seventy (70) square feet.

Parcel 2-U-4, Town of Holden

A certain parcel of land under the care, custody and control of the Metropolitan Water and Sewerage Board, more fully described as follows:

Beginning at a point on the westerly location line of I-190, at about Station 385 and extending thence northwesterly about

three hundred and twenty-eight (328) feet; thence easterly about eighty-two (82) feet; thence southeasterly about two hundred eighty-eight (288) feet; thence southerly along said westerly location line of I-190 about fifty-seven (57) feet to the point of beginning. Said parcel contains about fourteen thousand ninety (14,090) square feet of land.

Parcel 3-19, Town of West Boylston

A certain parcel of land under the care, custody and control of the Metropolitan Water & Sewerage Board, more fully described as follows:

Beginning at a point on the line dividing the Towns of West Boylston and Holden on the southerly street line of River Street and extends thence leaving said town line northeasterly along said street line about five hundred sixty (560) feet to a point, said point being on the easterly-northeasterly location line of I-190; thence southerly along said location line about three hundred thirty-one (331) feet; thence leaving said location line southwesterly about four hundred thirteen (413) feet to a point on said town line; thence northwesterly along said town line about nine (9) feet to the point of beginning. Said parcel contains about 1.55 acres.

Parcel 3-20, Town of West Boylston

A certain parcel of land under the care, custody and control of the Metropolitan Water & Sewerage Board, more fully described as follows:

Beginning at a point on the line dividing the Towns of West Boylston and Holden on the northerly street line of River Street and extends thence leaving said street line and running along said town line about eight hundred twenty-five (825) feet to a point; thence leaving said town line northeasterly about two hundred fifty-five (255) feet to a point; thence northerly about fifty (50) feet to a point; thence northeasterly about five hundred eighty-five (585) feet to a point on the easterly northeasterly location line of I-190; thence southerly along said location line about four hundred eighty (480) feet to a point on the northerly street line of River Street; thence southwesterly in part along said location line and the northerly street line of River Street about three hundred twenty-one (321) feet and about five hundred eighty-five (585) feet respectively to the point of beginning. Said parcel contains about 11.87 acres.

Parcel 3-22, Town of West Boylston

A certain parcel of land under the care, custody and control of the Metropolitan Water & Sewerage Board, more fully described as follows:

Beginning at a point on the easterly-northeasterly location line of I-190 and extends thence leaving said location line southwesterly about eight hundred fifty-five (855) feet to a point on the line dividing the Towns of West Boylston and Holden; thence northwesterly along said town line about three hundred seventy-seven (377) feet to a point; thence leaving said town line northeasterly about six hundred eighty (680) feet to a point on said location line; thence southeasterly and southerly along said

location line about two hundred eighty-six (286) feet and about one hundred twelve (112) feet respectively to the point of beginning. Said parcel contains about 7.18 acres.

Parcel 2-21, Town of Sterling

A certain parcel of land under the care, custody and control of the Metropolitan Water & Sewerage Board, more fully described as follows:

Beginning at a point on the southerly street line of John Dee Road at the northeasterly location line of I-190 and extends thence leaving said street line and along said location line southerly and southwesterly about two hundred fifteen (215) feet and about one hundred twelve (112) feet respectively to a point; thence leaving said location line northwesterly about three hundred fifty-seven (357) feet to a point; thence northeasterly about one hundred nine (109) feet to a point on the southerly street line of John Dee Road; thence southeasterly along said street line about one hundred ten (110) feet to a point of beginning. Said parcel contains about forty thousand two hundred twenty (40,220) square feet.

Parcel 2-22, Town of Sterling

A certain parcel of land under the care, custody and control of the Metropolitan Water & Sewerage Board, more fully described as follows:

Beginning at a point on the northerly street line of John Dee Road at the northeasterly location line of I-190 and extends thence northwesterly along said street line about two hundred twenty-three (223) feet to a point; thence northeasterly about one hundred eighty-nine (189) feet to a point on said location line; thence southeasterly and southerly along said location line about one hundred eighty (180) feet and about eighty-five (85) feet to the point of beginning. Said parcel contains about twenty-two thousand one hundred eighty (22,180) square feet.

Parcel 2-25, Town of Sterling

A certain parcel of land under the care, custody and control of the Metropolitan Water & Sewerage Board, more fully described as follows:

Beginning at a point on the northerly location line of I-190 at the Stillwater River and extends thence along said location line northeasterly about four hundred ninety-nine (499) feet to a point; thence southeasterly about one hundred fifty-five (155) feet, about fifty (50) feet, about two hundred thirty-one (231) feet, about one hundred sixty-five (165) feet, about two hundred thirty (230) feet and about sixty-five (65) feet to a point on the northeasterly location line of I-190; thence southerly to southwesterly along said location line about one hundred fifty-five (155) feet, about five hundred twelve (512) feet, about six hundred fifty-three (653) feet, about one hundred sixty-two (162) feet, and about seventy-three (73) feet to a point; thence leaving said location line northerly to northwesterly about one hundred twenty (120) feet, about one hundred ninety-five (195) feet, about one hundred fourteen (114) feet, about one hundred

ninety-four (194) feet, about two hundred forty-five (245) feet and about two hundred eighty-three (283) feet to the point of beginning. Said parcel contains about 13.80 acres.

Parcel 2-25-X, Town of Sterling

A certain parcel of land under the care, custody and control of the Metropolitan Water & Sewerage Board, more fully described as follows:

Beginning at a point on the northerly location line of I-190 at the Stillwater River and extends thence northwesterly along said river about two hundred twenty-seven (227) feet; thence leaving said river northeasterly about four hundred (400) feet to a point; thence northeasterly about one hundred twenty-two (122) feet to a point on said location line; thence southerly along said location line about four hundred ninety-nine (499) feet to the point of beginning. Said parcel contains about 1.47 acres.

Parcel 2-7-T, Town of Sterling

A certain parcel of land under the care, custody and control of the Metropolitan Water & Sewerage Board, more fully described as follows:

Beginning at a point on the southerly street line of John Dee Road on the easterly location line of I-190 and extends thence southeasterly along said street line about five hundred sixty (560) feet; thence leaving said street line westerly about fifty-six (56) feet to a point; thence northwesterly about five hundred six (506) feet to a point on said location line; thence northerly along said location line about fifteen (15) feet to the point of beginning. Said parcel contains about seven thousand six hundred thirty (7,630) square feet.

Parcel 2-8-T, Town of Sterling

A certain parcel of land under the care, custody and control of the Metropolitan Water & Sewerage Board, more fully described as follows:

Beginning at a point on the northerly street line of John Dee Road on the easterly location line of I-190 and extends thence southeasterly along said street line about five hundred twenty-seven (527) feet to a point; thence leaving said street line northwesterly about five hundred thirty-eight (538) feet to a point on said location line; thence southerly along said location line about seventeen (17) feet to the point of beginning. Said parcel contains about six thousand seven hundred sixty (6,760) square feet.

Parcel 2-D-8-T, Town of Sterling (Easement)

A certain parcel of land under the care, custody and control of the Metropolitan Water & Sewerage Board, more fully described:

Beginning at a point on the southerly street line of John Dee Road on the easterly location line of I-190 and extends southeasterly along said street line about two hundred seventy-nine (279) feet to a point; thence southwesterly about twenty-eight (28) feet to a point; thence northwesterly about two hundred sixty (260) feet to a point on said location line; thence northerly along said location line about thirty-five (35) feet to a point of beginning. Said drainage easement contains about seven thousand five hundred sixty (7,560) square feet.

Said department of public works may construct as deemed necessary slopes of excavation or embankment appurtenant to said construction.

Parcel 3-DS-12-T, Town of West Boylston

A certain parcel of land under the care, custody and control of the Metropolitan Water and Sewerage Board, more fully described as follows:

Beginning at a point on the easterly location line of Interstate Route 190 and extending thence northeasterly about two hundred thirty-five (235) feet, about fifty-three (53) feet, about three hundred fifty-one (351) feet, about sixty (60) feet, and about four hundred thirty-two (432) feet; thence northwesterly about seventy-one (71) feet; thence southwesterly along the southerly street line of River Street about one thousand forty-two (1,042) feet; thence along said easterly location line of Interstate Route 190 about one hundred five (105) feet to the point of beginning. Said parcel contains about one and sixty-five hundredths (1.65) acres of land.

Approved July 10, 1978

Chap. 371. AN ACT DIRECTING THE DIVISION OF CIVIL SERVICE TO PERMIT VITO A. PISCITELLI TO TAKE A CERTAIN EXAMINATION FOR THE POSITION OF CAPITOL POLICE OFFICER.

Be it enacted, etc., as follows:

Notwithstanding any law, rule or regulation to the contrary, regulating the maximum age of applicants for appointment as police officer, Vito A. Piscitelli shall be eligible to take the next open competitive examination for capitol police officer, and provided he meets all other requirements shall be eligible for certification and appointment as said police officer.

Approved July 10, 1978

Chap. 372. AN ACT MAKING CHANGES IN THE LAWS REGULATING MEETINGS OF GOVERNMENTAL BODIES.

Be it enacted, etc., as follows:

SECTION 1. Section 11A of chapter 30A of the General Laws, as most recently amended by section 1 of chapter 397 of the acts of 1976, is hereby further amended by adding the following definition:-

"Made public", when the records of an executive session have been approved by the members of the respective governmental body attending such session for release to the public and notice of such approval has been entered in the records of such body.

SECTION 2. The fourth paragraph of section 11A $\frac{1}{2}$ of said chapter 30A, as appearing in section 2 of chapter 829 of the acts of 1977, is hereby amended by striking out the first five clauses and inserting in place thereof the following five clauses:-

(1) To discuss the reputation, character, physical condition or mental health rather than the professional competence of an individual, provided that the individual to be discussed in such executive session has been notified in writing by the governmental body, at least forty-eight hours prior to the proposed executive session. Notification may be waived upon agreement of the parties.

A governmental body shall hold an open meeting if the individual involved requests that the meeting be open. If an executive session is held, such individual shall have the following rights:

(a) to be present at such executive session during discussions or considerations which involve that individual.

(b) to have counsel or a representative of his own choosing present and attending for the purpose of advising said individual and not for the purpose of active participation in said executive session.

(c) to speak in his own behalf.

(2) To consider the discipline or dismissal of, or to hear complaints or charges brought against, a public officer, employee, staff member, or individual, provided that the individual involved in such executive session has been notified in writing by the governmental body at least forty-eight hours prior to the proposed executive session. Notification may be waived upon agreement of the parties. A governmental body shall hold an open meeting if the individual involved requests that the meeting be open. If an executive session is held, such individual shall have the following rights:

(a) to be present at such executive session during discussions or considerations which involve that individual.

(b) to have counsel or a representative of his own choosing present and attending for the purpose of advising said individual and not for the purpose of active participation in said executive session.

(c) to speak in his own behalf.

(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 investigate charges of criminal misconduct or to discuss the filing of criminal complaints.

SECTION 3. Said section 11A½ of said chapter 30A, as so appearing, is hereby further amended by striking out the seventh paragraph and inserting in place thereof the following paragraph:-

A governmental body shall maintain accurate records of its meetings, setting forth the date, time, place, members present or absent and action taken at each meeting, including executive sessions. The records of each meeting shall become a public record and be available to the public; provided, however, that the records of any executive session may remain secret as long as publication may defeat the lawful purposes of the executive session, but no longer. All votes taken in executive sessions

shall be recorded roll call votes and shall become a part of the record of said executive sessions.

SECTION 4. Said section 11A½ of said chapter 30A, as so appearing, is hereby further amended by striking out the eleventh, twelfth and thirteenth paragraphs and inserting in place thereof the following four 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 provision 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 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.

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 twenty-one 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. The remedy created hereby is not exclusive, but shall be in addition to every other available remedy.

The rights of an individual set forth in this section relative to his appearance before a meeting in an executive or open session, are in addition to the rights that an individual may have from any other source, including, but not limited to rights under any laws or collective bargaining agreements, and the exercise or nonexercise of the individual rights under this section shall not be construed as a waiver of any rights of the individual.

SECTION 5. Section 9F of chapter 34 of the General Laws, as most recently amended by section 2 of chapter 303 of the acts of 1975, is hereby further amended by adding the following definition:-

"Made public", when the records of an executive session have been approved by the members of the respective governmental body attending such session for release to the public and notice of such approval has been entered in the records of such body.

SECTION 6. The fourth paragraph of section 9G of said chapter 34, as appearing in said section 2 of said chapter 303, is hereby amended by striking out the first five clauses and inserting in place thereof the following five clauses:-

(1) To discuss the reputation, character, physical condition or mental health rather than the professional competence of an individual, provided that the individual involved in such executive session has been notified in writing by the governmental body, at least forty-eight hours prior to the proposed executive session. Notification may be waived upon agreement of the parties. A governmental body shall hold an open meeting if the individual involved requests that the meeting be open. If an executive session is held, such individual shall have the following rights:

(a) to be present at such executive session during discussions or considerations which involve that individual.

(b) to have counsel or a representative of his own choosing present and attending for the purpose of advising said individual and not for the purpose of active participation in said executive session.

(c) to speak in his own behalf.

(2) To consider the discipline or dismissal of, or to hear complaints or charges brought against, a public officer, employee, staff member, or individual, provided that the individual involved in such executive session has been notified in writing by the governmental body at least forty-eight hours prior to the proposed executive session. Notification may be waived upon agreement of the parties. A governmental body shall hold an open meeting if the individual involved requests that the meeting be open. If an executive session is held, such individual shall have the following rights:

(a) to be present at such executive session during discussions or considerations which involve that individual.

(b) to have counsel or a representative of his own choosing present and attending for the purpose of advising said individual and not for the purpose of active participation.

(c) to speak in his own behalf.

(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 investigate charges of criminal misconduct or to discuss the filing of criminal complaints.

SECTION 7. Said section 9G of said chapter 34, as so appearing,

is hereby further amended by striking out the seventh paragraph and inserting in place thereof the following paragraph:-

A governmental body shall maintain accurate records of its meetings, setting forth the date, time, place, members present or absent and action taken at each meeting, including executive sessions. The records of each meeting shall become a public record and be available to the public; provided, however, that the records of any executive session may remain secret as long as publication may defeat the lawful purposes of the executive session, but no longer. All votes taken in executive sessions shall be recorded roll call votes and shall become a part of the record of said executive sessions.

SECTION 8. Said section 9G of said chapter 34 is hereby further amended by striking out the twelfth and thirteenth paragraphs, as appearing in section 4 of chapter 397 of the acts of 1976, and inserting in place thereof the following three paragraphs:-

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 twenty-one 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. The remedy created hereby is not exclusive, but shall be in addition to every other available remedy.

The rights of an individual set forth in this section, relative to his appearance before a meeting in an executive or open session are in addition to the rights that an individual may have from any other source, including, but not limited to, rights under any laws or collective bargaining agreements, and the exercise or nonexercise of the individual rights under this section shall not be construed as a waiver of any rights of the individual.

SECTION 9. Section 23A of chapter 39 of the General Laws, as appearing in section 3 of chapter 303 of the acts of 1975, is hereby amended by adding the following definition:-

"Made public", when the records of an executive session have been approved by the members of the respective governmental body attending such session for release to the public and notice of such approval has been entered in the records of such body.

SECTION 10. The fourth paragraph of section 23B of said chapter 39, as appearing in section 6 of chapter 397 of the acts of 1976, is hereby amended by striking out the first five clauses and inserting in place thereof the following five clauses:-

(1) To discuss the reputation, character, physical condition or mental health rather than the professional competence of an individual, provided that the individual involved in such executive session has been notified in writing by the governmental body, at least forty-eight hours prior to the proposed executive session.

Notification may be waived upon agreement of the parties. A governmental body shall hold an open meeting if the individual involved requests that the meeting be open. If an executive session is held, such individual shall have the following rights:

(a) to be present at such executive session during discussions or considerations which involve that individual.

(b) to have counsel or a representative of his own choosing present and attending for the purpose of advising said individual and not for the purpose of active participation in said executive session.

(c) to speak in his own behalf.

(2) To consider the discipline or dismissal of, or to hear complaints or charges brought against, a public officer, employee, staff member, or individual, provided that the individual involved in such executive session pursuant to this clause has been notified in writing by the governmental body at least forty-eight hours prior to the proposed executive session. Notification may be waived upon agreement of the parties. A governmental body shall hold an open meeting if the individual involved requests that the meeting be open. If an executive session is held, such individual shall have the following rights:

(a) to be present at such executive session during discussions or considerations which involve that individual.

(b) to have counsel or a representative of his own choosing present and attending for the purpose of advising said individual and not for the purpose of active participation.

(c) to speak in his own behalf.

(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 investigate charges of criminal misconduct or to discuss the filing of criminal complaints.

SECTION 11. Said section 23B of said chapter 39, as most recently amended by said section 6 of said chapter 397, is hereby further amended by striking out the seventh paragraph and inserting in place thereof the following paragraph:-

A governmental body shall maintain accurate records of its meetings, setting forth the date, time, place, members present or absent and action taken at each meeting, including executive sessions. The records of each meeting shall become a public record and be available to the public; provided, however, that the records of any executive session may remain secret as long as publication may defeat the lawful purposes of the executive session, but no longer. All votes taken in executive sessions shall be recorded roll call votes and shall become a part of the record of said executive sessions.

SECTION 12. Said section 23B of said chapter 39, as most recently amended by said section 6 of said chapter 397, is hereby further amended by striking out the twelfth and thirteenth

paragraphs and inserting in place thereof the following three paragraphs:-

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 twenty-one 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. The remedy created hereby is not exclusive, but shall be in addition to every other available remedy.

The rights of an individual set forth in this section relative to his appearance before a meeting in an executive or open session, are in addition to the rights that an individual may have from any other source, including, but not limited to, rights under any laws or collective bargaining agreements, and the exercise or nonexercise of the individual rights under this section shall not be construed as a waiver of any rights of the individual.

Approved July 11, 1978

Chap. 373. AN ACT RELATIVE TO RESIDENCE OF CERTAIN MUNICIPAL EMPLOYEES.

Be it enacted, etc., as follows:

SECTION 1. Chapter 41 of the General Laws is hereby amended by striking out section 99A and inserting in place thereof the following section:-

Section 99A. Any member of the regular police or fire department of a city or town appointed subsequent to August first, nineteen hundred and seventy-eight shall reside within fifteen miles of the limits of said city or town. Said distance shall be measured from the closest border limits of said city or town in which said member is employed to the closest border limits of the city or town in which said member lives; provided however, if any said city or town by local ordinance or by-law to which the provisions of paragraph (d) of section seven of chapter one hundred and fifty E of the General Laws shall apply, or by collective bargaining agreement shall require the members of a regular police or fire department appointed on or after August first, nineteen hundred and seventy-eight to be residents of such city or town, the provision of such local ordinance, by-law or collective bargaining agreement shall supersede the provision of this section and provided further such local ordinance, by-law or collective bargaining agreement shall apply only to those members of a regular police or fire department appointed subsequent to the adoption of such local ordinance, by-law or collective bargaining agreement.

SECTION 2. The provisions of said section ninety-nine A of said chapter forty-one, as amended by section one of this act,

shall not apply in any city or town to members of the regular police or fire department of said city or town appointed prior to August first, nineteen hundred and seventy-eight who reside outside the said city or town; provided, they reside within the commonwealth; and provided further, that said section ninety-nine A of said chapter forty-one shall apply to any such member who changes his domicile after August first, nineteen hundred and seventy-eight.

Approved July 11, 1978

Chap. 374. AN ACT AUTHORIZING THE TOWN OF WAREHAM TO PAY BEVERLY GARCIA A CERTAIN SUM OF MONEY FOR UNUSED SICK LEAVE.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any general or special law to the contrary, the town of Wareham is hereby authorized to appropriate the sum of two thousand five hundred seventy-eight dollars and thirty-two cents, and after such appropriation the treasurer of said town is authorized and directed to pay such sum to Beverly Garcia for unused sick leave.

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

Approved July 12, 1978

Chap. 375. AN ACT AUTHORIZING THE COUNTY COMMISSIONER OF EACH COUNTY TO INCREASE THE SALARY OF CERTAIN COUNTY EMPLOYEES.

Be it enacted, etc., as follows:

SECTION 1. Paragraph (1) of section 51B of chapter 35 of the General Laws is hereby amended by striking out the salary schedule, as most recently amended by section 1 of chapter 482 of the acts of 1974, and inserting in place thereof the following schedule:-

SALARY SCHEDULE
Effective April 1, 1977

Job Group	Step 1.	Step 2.	Step 3.	Step 4.	Step 5.	Step 6.	Step 7.	Increment
1.	\$6,421.80	\$6,601.20	\$6,780.60	\$6,960.00	\$7,139.40	\$7,318.80	\$7,498.20	\$179.40
2.	6,583.00	6,762.40	6,941.80	7,121.20	7,300.60	7,480.00	7,659.40	179.40
3.	6,767.60	6,970.40	7,173.20	7,376.00	7,578.80	7,781.60	7,984.40	202.80
4.	7,004.20	7,207.00	7,409.80	7,612.60	7,815.40	8,018.20	8,221.00	202.80
5.	7,188.80	7,409.80	7,630.80	7,851.80	8,072.80	8,293.80	8,514.80	221.00
6.	7,508.60	7,729.60	7,950.60	8,171.60	8,392.60	8,613.60	8,834.60	221.00
7.	7,786.80	8,028.60	8,270.40	8,512.20	8,754.00	8,995.80	9,237.60	241.80
8.	8,049.40	8,312.00	8,574.60	8,837.20	9,099.80	9,362.40	9,625.00	262.60

9.	8,468.00	8,748.80	9,029.60	9,310.40	9,591.20	9,872.00	10,152.80	280.80
10.	8,891.80	9,190.80	9,489.80	9,788.80	10,087.80	10,386.80	10,685.80	299.00
11.	9,310.40	9,635.40	9,960.40	10,285.40	10,610.40	10,935.40	11,260.40	325.00
12.	9,817.40	10,158.00	10,498.60	10,839.20	11,179.80	11,520.40	11,861.00	340.60
13.	10,472.60	10,831.40	11,190.20	11,549.00	11,907.80	12,266.60	12,625.40	358.80
14.	11,078.80	11,499.60	11,920.80	12,342.00	12,763.20	13,184.40	13,605.60	421.20
15.	11,738.80	12,199.00	12,659.20	13,119.40	13,579.60	14,039.80	14,500.00	460.20
16.	12,420.00	12,934.80	13,449.60	13,964.40	14,479.20	14,994.00	15,508.80	514.80
17.	13,223.40	13,761.60	14,299.80	14,838.00	15,376.20	15,914.40	16,452.60	538.20
18.	13,899.40	14,481.80	15,064.20	15,646.60	16,229.00	16,811.40	17,393.80	582.40
19.	14,663.80	15,290.40	15,917.00	16,543.60	17,170.20	17,796.80	18,423.40	626.60
20.	15,498.40	16,145.80	16,793.20	17,440.60	18,088.00	18,735.40	19,382.80	647.40
21.	16,260.20	16,957.00	17,653.80	18,350.60	19,047.40	19,744.20	20,441.00	696.80
22.	17,113.00	17,856.60	18,600.20	19,343.80	20,087.40	20,831.00	21,574.60	743.60
23.	18,033.40	18,797.80	19,562.20	20,326.60	21,091.00	21,855.40	22,619.80	764.40
24.	18,888.80	19,694.80	20,500.80	21,306.80	22,112.80	22,918.80	23,724.80	806.00
25.	19,744.20	20,597.00	21,449.80	22,302.60	23,155.40	24,008.20	24,861.00	852.80

SECTION 2. Paragraph (1A) of said section 51B of said chapter 35, inserted by section 2 of chapter 233 of the acts of 1977, is hereby amended by striking out the three salary schedules and inserting in place thereof the following three schedules:-

SALARY SCHEDULE
Effective August 1, 1977

Job Group	Step 1.	Step 2.	Step 3.	Step 4.	Step 5.	Step 6.	Step 7.	Increment
1.	\$7,072.00	\$7,251.40	\$7,430.80	\$7,610.20	\$7,789.60	\$7,969.00	\$8,148.40	\$179.40
2.	7,233.20	7,412.60	7,592.00	7,771.40	7,950.80	8,130.20	8,309.60	179.40
3.	7,417.80	7,620.60	7,823.40	8,026.20	8,229.00	8,431.80	8,634.60	202.80
4.	7,654.40	7,857.20	8,060.00	8,262.80	8,465.60	8,668.40	8,871.20	202.80
5.	7,839.00	8,060.00	8,281.00	8,502.00	8,723.00	8,944.00	9,165.00	221.00
6.	8,158.80	8,379.80	8,600.80	8,821.80	9,042.80	9,263.80	9,484.80	221.00
7.	8,437.00	8,678.80	8,920.60	9,162.40	9,404.20	9,646.00	9,887.80	241.80
8.	8,699.60	8,962.20	9,224.80	9,487.40	9,750.00	10,012.60	10,275.20	262.60
9.	9,118.20	9,406.28	9,694.36	9,982.44	10,270.52	10,558.60	10,846.68	288.08
10.	9,542.00	9,848.28	10,154.56	10,460.84	10,767.12	11,073.40	11,379.68	306.28
11.	9,960.60	10,293.92	10,627.24	10,960.56	11,293.88	11,627.20	11,960.52	333.32
12.	10,467.60	10,816.52	11,165.44	11,514.36	11,863.28	12,212.20	12,561.12	348.92
13.	11,134.76	11,502.40	11,870.04	12,237.68	12,605.32	12,972.96	13,340.60	367.64
14.	11,755.64	12,187.24	12,618.84	13,050.44	13,482.04	13,913.64	14,345.24	431.60
15.	12,432.16	12,903.80	13,375.44	13,847.08	14,318.72	14,790.36	15,262.00	471.64
16.	13,130.52	13,658.32	14,186.12	14,713.92	15,241.72	15,769.52	16,297.32	527.80
17.	13,954.20	14,505.92	15,057.64	15,609.36	16,161.08	16,712.80	17,264.52	551.72
18.	14,646.84	15,243.80	15,840.76	16,437.72	17,034.68	17,631.64	18,228.60	596.96
19.	15,430.48	16,072.68	16,714.88	17,357.08	17,999.28	18,641.48	19,283.68	642.20

20.	16,285.88	16,949.40	17,612.92	18,276.44	18,939.96	19,603.48	20,267.00	663.52
21.	17,066.92	17,781.40	18,495.88	19,210.36	19,924.84	20,639.32	21,353.80	714.48
22.	17,941.04	18,703.36	19,465.68	20,228.00	20,990.32	21,752.64	22,514.96	762.32
23.	18,884.32	19,667.96	20,451.60	21,235.24	22,018.88	22,802.52	23,586.16	783.64
24.	19,761.04	20,587.32	21,413.60	22,239.88	23,066.16	23,892.44	24,718.72	826.28
25.	20,637.76	21,511.88	22,386.00	23,260.12	24,134.24	25,008.36	25,882.48	874.12

SALARY SCHEDULE
Effective October 1, 1978

Job Group	Step 1.	Step 2.	Step 3.	Step 4.	Step 5.	Step 6.	Step 7.	Increment
1.	\$7,597.20	\$7,776.60	\$7,956.00	\$8,135.40	\$8,314.80	\$8,494.20	\$8,673.60	\$179.40
2.	7,758.40	7,937.80	8,117.20	8,296.60	8,476.00	8,655.40	8,834.80	179.40
3.	7,943.00	8,145.80	8,348.60	8,551.40	8,754.20	8,957.00	9,159.80	202.80
4.	8,179.60	8,382.40	8,585.20	8,788.00	8,990.80	9,193.60	9,396.40	202.80
5.	8,364.20	8,585.20	8,806.20	9,027.20	9,248.20	9,469.20	9,690.20	221.00
6.	8,684.00	8,905.00	9,126.00	9,347.00	9,568.00	9,789.00	10,010.00	221.00
7.	8,962.20	9,204.00	9,445.80	9,687.60	9,929.40	10,771.20	10,413.00	241.80
8.	9,224.80	9,487.40	9,750.00	10,012.60	10,275.20	10,537.80	10,800.40	262.60
9.	9,643.40	9,931.48	10,219.56	10,507.64	10,795.72	11,083.80	11,371.88	288.08
10.	10,067.20	10,373.48	10,679.76	10,986.04	11,292.32	11,598.60	11,904.88	306.28
11.	10,485.80	10,819.12	11,152.44	11,485.76	11,819.08	12,152.40	12,485.72	333.32
12.	10,992.80	11,341.72	11,690.64	12,039.56	12,388.48	12,737.40	13,086.32	348.92
13.	11,659.96	12,027.60	12,395.24	12,762.88	13,130.52	13,498.16	13,865.80	367.64
14.	12,280.84	12,712.44	13,144.04	13,575.64	14,007.24	14,438.84	14,870.44	431.60
15.	12,957.36	13,429.00	13,900.64	14,372.28	14,843.92	15,315.56	15,787.20	471.64
16.	13,655.72	14,183.52	14,711.32	15,239.12	15,766.92	16,294.72	16,822.52	527.80
17.	14,479.40	15,031.12	15,582.84	16,134.56	16,686.28	17,238.00	17,789.72	551.72
18.	15,172.04	15,769.00	16,365.96	16,962.92	17,559.88	18,156.84	18,753.80	596.96
19.	15,955.68	16,597.88	17,240.08	17,882.28	18,524.48	19,166.68	19,808.88	642.20
20.	16,811.08	17,474.60	18,138.12	18,801.64	19,465.16	20,128.68	20,792.20	663.52
21.	17,592.12	18,306.60	19,021.08	19,735.56	20,450.04	21,164.52	21,879.00	714.48
22.	18,466.24	19,228.56	19,990.88	20,753.20	21,515.52	22,277.84	23,040.16	762.32
23.	19,409.52	20,193.16	20,976.80	21,760.44	22,544.08	23,327.72	24,111.36	783.64
24.	20,286.24	21,112.52	21,938.80	22,765.08	23,591.36	24,417.64	25,243.92	826.28
25.	21,162.96	22,037.08	22,911.20	23,785.32	24,659.44	25,533.56	26,407.68	874.12

SALARY SCHEDULE
Effective October 1, 1979

Job Group	Step 1.	Step 2.	Step 3.	Step 4.	Step 5.	Step 6.	Step 7.	Increment
1.	\$8,197.28	\$8,376.68	\$8,556.08	\$8,735.48	\$8,914.88	\$9,094.28	\$9,273.68	\$179.40
2.	8,358.48	8,537.88	8,717.28	8,896.68	9,076.08	9,255.48	9,434.88	179.40
3.	8,543.08	8,745.88	8,948.68	9,151.48	9,354.28	9,557.08	9,759.88	202.80

4.	8,779.68	8,982.48	9,185.28	9,388.08	9,590.88	9,793.68	9,996.48	202.80
5.	8,964.28	9,185.28	9,406.28	9,627.28	9,848.28	10,069.28	10,290.28	221.00
6.	9,284.08	9,505.08	9,726.08	9,947.08	10,168.08	10,389.08	10,610.08	221.00
7.	9,562.28	9,804.08	10,045.88	10,287.68	10,529.48	10,771.28	11,013.08	241.80
8.	9,824.88	10,087.48	10,350.08	10,612.68	10,875.28	11,137.88	11,400.48	262.60
9.	10,243.48	10,531.56	10,819.64	11,107.72	11,395.80	11,683.88	11,971.96	288.08
10.	10,667.28	10,973.56	11,279.84	11,586.12	11,892.40	12,198.68	12,504.96	306.28
11.	11,085.88	11,419.20	11,752.52	12,085.84	12,419.16	12,752.48	13,085.80	333.32
12.	11,592.88	11,941.80	12,290.72	12,639.64	12,988.56	13,337.48	13,686.40	348.92
13.	12,260.04	12,627.68	12,995.32	13,362.96	13,730.60	14,098.24	14,465.88	367.64
14.	12,880.92	13,312.52	13,744.12	14,175.72	14,607.32	15,038.92	15,470.52	431.60
15.	13,557.44	14,028.08	14,500.72	14,972.36	15,444.00	15,915.64	16,387.28	471.64
16.	14,255.80	14,783.60	15,311.40	15,839.20	16,367.00	16,894.80	17,422.60	527.80
17.	15,079.48	15,631.20	16,182.92	16,734.64	17,286.36	17,838.08	18,389.80	551.72
18.	15,772.12	16,369.08	16,966.04	17,563.00	18,159.96	18,756.92	19,353.88	596.96
19.	16,555.76	17,197.96	17,840.16	18,482.36	19,124.56	19,766.76	20,408.96	642.20
20.	17,411.16	18,074.68	18,738.20	19,401.72	20,065.24	20,728.76	21,392.28	663.52
21.	18,192.20	18,906.68	19,621.16	20,335.64	21,050.12	21,764.60	22,479.08	714.48
22.	19,066.32	19,828.64	20,590.96	21,353.28	22,115.60	22,877.92	23,640.24	762.32
23.	20,009.60	20,793.24	21,576.88	22,360.52	23,144.16	23,927.80	24,711.44	783.64
24.	20,886.32	21,712.60	22,538.88	23,365.16	24,191.44	25,017.72	25,844.00	826.28
25.	21,763.04	22,637.16	23,511.28	24,385.40	25,259.52	26,133.64	27,007.76	874.12

SECTION 3. Except those specifically excluded in another section of this act and notwithstanding any law, rule or regulation to the contrary, all county employees who are not subject to the salary schedule in section two of this act, including but not limited to sheriffs, county commissioners, registers of deeds, county treasurers, district court defenders, shall receive a salary increase effective August first, nineteen hundred and seventy-seven of six hundred and fifty dollars and twenty cents and effective October first, nineteen hundred and seventy-eight a salary increase of five hundred and twenty-five dollars and twenty cents and effective October first, nineteen hundred and seventy-nine a salary increase of six hundred dollars and eight cents.

SECTION 4. Those employees who have collectively bargained with their employers and who have by said bargaining established a separate salary schedule or received a cost-of-living increase shall not be subject to or receive any benefits as a result of this act.

SECTION 5. The acceptance of the provisions of this act by

the county commissioners of the several counties shall constitute agreement of such commissioners that when there are two or more possible salaries for a position, they shall compensate at the salary with the most remuneration.

SECTION 6. No county employee shall receive a benefit from this act unless the county commissioners of the county or several counties paying such employee's salary have accepted all the provisions of this act.

SECTION 7. This act shall take effect upon its passage.
Approved July 12, 1978

Chap. 376. AN ACT AUTHORIZING THE GREATER LAWRENCE SANITARY DISTRICT TO BORROW MONEY TO RE-PAY CERTAIN FEDERAL AID ANTICIPATION NOTES.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any other provisions of law to the contrary, the treasurer of the Greater Lawrence Sanitary District, with the approval of the district commission of said District, is hereby authorized to issue not exceeding four hundred and fifty thousand dollars principal amount of federal aid anticipation notes, payable in not more than two years from their respective dates, in order to pay the outstanding renewals of the three hundred thousand dollars of such notes originally dated August twenty-fifth, nineteen hundred and seventy-six and the outstanding renewals of the one hundred and fifty thousand dollars of such notes originally dated October twentieth, nineteen hundred and seventy-six, which outstanding notes are now payable in or within two years from the respective dates of the original loans. Notes issued under this act for a period of less than two years may be renewed or paid from time to time by the issue of other notes, provided that the period from the date of an original note issued under this act to the maturity of any note issued to renew or pay the same debt shall not exceed two years.

SECTION 2. This act shall take effect upon its passage.
Approved July 12, 1978

Chap. 377. AN ACT FURTHER REGULATING THE GRANTING OF SEASONAL LICENSES FOR THE SALE OF ALCOHOLIC BEVERAGES TO BE DRUNK ON THE PREMISES.

Whereas, The deferred operation of this act would tend to defeat its purpose which is to provide forthwith for the more equitable distribution of certain alcoholic beverage licenses in resort 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:

SECTION 1. Section 17 of chapter 138 of the General Laws is hereby amended by striking out the fifth paragraph, as most

recently amended by chapter 453 of the acts of 1970, and inserting in place thereof the following paragraph:-

The local licensing authorities of any city or town, except the city of Boston, may make an estimate prior to March the first in any year of any temporary increased resident population in such city or town as of July the tenth following, and one additional license under section fifteen, to be effective from April the first to November the thirtieth only, may be granted by said authorities for each unit of five thousand or additional fraction thereof of such population as so estimated, and the local licensing authorities of any city or town in Berkshire county, in which the city council, in accordance with the provisions of its charter, or the town, at an annual or special town meeting, votes to authorize such authority to grant winter seasonal licenses, or of any town in Franklin county, may make an estimate not later than October the fifteenth in any year of any temporary increased resident population in such city or town as of February the tenth following, and one additional license under section fifteen, to be effective from December the first to April the first of the year following, may be granted by said authorities for each unit of five thousand or additional fraction thereof of such population as so estimated; provided, that not more than one additional license shall be granted under this paragraph to the same person or for the same premises in any one year; and provided, further, that the local licensing authorities of any city or town, except the city of Boston, may grant, in addition to and irrespective of any limitation of the number of licenses contained in this section, seasonal licenses under section twelve, to be effective from April first to January fifteenth of the following year, or any portion thereof, and in any city or town in Berkshire county in which the granting of winter seasonal licenses is authorized as above provided, and in any town in Franklin county seasonal licenses under section twelve, to be effective from December the first to April the first, to the amount or number that such authorities deem to be in the public interest. Every estimate hereunder of temporary resident population shall be made and voted upon by the local licensing authorities at a meeting of said authorities called for the purpose after due notice to each of the members thereof of the time, place and purpose of said meeting and after investigation and ascertainment by them of all the facts and after co-operative discussion and deliberation. A copy of such an estimate, signed by a majority of the members of said authorities, stating under the penalties of perjury that all the foregoing requirements have been complied with and that the estimate is true to the best of their knowledge and belief, shall be forwarded forthwith to the commission. Upon the petition of twenty-five persons who are taxpayers of the city or town in which a seasonal license has been so granted, or who are registered voters in the voting precinct or district wherein the licensed premises are situated, filed within five days after the granting of such license, the commission shall, and upon its own initiative at any time may, after a hearing, examine and review any estimate made or action taken by the local licensing authorities in granting the same, and after such examination or review, may rescind, revoke, cancel, modify or suspend any such estimate or action. Nothing in this paragraph shall be deemed to authorize or permit the

commission to deny a renewal of, or to rescind, revoke or cancel, because of a decrease in population, any seasonal license outstanding and in full force on April thirtieth, nineteen hundred and fifty.

SECTION 2. Said chapter 138 is hereby further amended by adding after said section 17, the following section:-

Section 17A. The local licensing authority of a city or town which granted seasonal licenses under section twelve prior to January the first, nineteen hundred and seventy-eight, and which accepts this section by majority vote of a town meeting if a town, or by majority of the city council if a city, is hereby authorized to grant, in addition to, and irrespective of any limitation of number of licenses contained in section seventeen, but subject to all other provisions of this chapter, additional licenses under section twelve.

Approved July 12, 1978

Chap. 378. AN ACT RELATIVE TO THE OBSERVANCE OF SUNDAY AND HOLIDAYS.

Be it enacted, etc., as follows:

SECTION 1. Section 7 of chapter 136 of the General Laws is hereby amended by striking out the second paragraph, as appearing in section 2 of chapter 616 of the acts of 1962, and inserting in place thereof the following paragraph:-

A permit under this section shall cover not more than one day. Application shall be made within sixty days prior to the day on which the permit is to be used, and a permit shall be issued or denied within fifteen days of application.

SECTION 1A. Said chapter 136 is hereby further amended by inserting after said section 7 the following section:-

Section 7A. In any city or town which accepts the provisions of this section when an application for a permit has been denied under the provisions of sections seven or fifteen such applicant may appeal such denial to the board of selectmen in a town or to the mayor of a city, as the case may be, and after a hearing such selectmen or mayor may issue such permit as provided in said sections seven or fifteen.

SECTION 2. Section 15 of said chapter 136 is hereby amended by striking out the third paragraph, as so appearing, and inserting in place thereof the following paragraph:-

A permit under this section shall cover not more than one day. Application shall be made within sixty days prior to the day on which the permit is to be used, and the permit shall be issued or denied within fifteen days of application.

Approved July 12, 1978

EMERGENCY LETTER - October 4, 1978 @ 2:48 P.M.

Chap. 379. AN ACT REDEFINING CERTAIN CRIMES IN SEX-NEUTRAL TERMS.

Be it enacted, etc., as follows:

SECTION 1. Chapter 265 of the General Laws is hereby amended by striking out section 24, as amended by section 4 of chapter 474 of the acts of 1974, and inserting in place thereof the following section:-

Section 24. Whoever assaults a person with intent to commit a rape, as defined in section thirty-nine of chapter two hundred and seventy-seven, shall be punished by imprisonment in the state prison for life or for any term of years or by a fine of not more than one thousand dollars and imprisonment in a jail or house of correction for not more than two and one half years.

SECTION 2. Said chapter 265 is hereby further amended by striking out section 24B, as most recently amended by section 6 of said chapter 474, and inserting in place thereof the following section:-

Section 24B. Whoever assaults a child under sixteen with intent to commit a rape, as defined in section thirty-nine of chapter two hundred and seventy-seven, shall be punished by imprisonment in the state prison for life or for any term of years; and whoever over the age of eighteen commits a subsequent such offense shall be punished by imprisonment in the state prison for life or for any term of years but not less than five years.

SECTION 3. Chapter 269 of the General Laws is hereby amended by striking out section 14A, as amended by chapter 521 of the acts of 1965, and inserting in place thereof the following section:-

Section 14A. Whoever telephones another person, or causes any person to be telephoned, repeatedly, for the sole purpose of harassing, annoying or molesting such person or his family, whether or not conversation ensues, or whoever telephones a person repeatedly, and uses indecent or obscene language to such person, shall be punished by a fine of not more than five hundred dollars or by imprisonment for not more than three months, or both.

SECTION 4. Chapter 272 of the General Laws is hereby amended by striking out sections 1 to 3, inclusive, and inserting in place thereof the following three sections:-

Section 1. Whoever fraudulently and deceitfully entices or takes away an unmarried person under sixteen from the house of such person's parents or elsewhere, without the consent of the parent or guardian, if any, under whose care and custody such person is living, for the purpose of effecting a clandestine marriage of such person without the consent of such parent or guardian, shall be punished by imprisonment for not more than one year or by a fine of not more than one thousand dollars, or both.

Section 2. Whoever fraudulently and deceitfully entices or takes away a person from the house of his parent or guardian or elsewhere, for the purpose of prostitution or for the purpose of unlawful sexual intercourse, and whoever aids and assists in such abduction for such purpose, shall be punished by imprison-

ment in the state prison for not more than three years or in jail for not more than one year or by a fine of not more than one thousand dollars, or by both such fine and imprisonment in jail.

Section 3. Whoever applies, administers to or causes to be taken by a person any drug, matter or thing with intent to stupefy or overpower such person so as thereby to enable any person to have unlawful sexual intercourse with such person shall be punished by imprisonment in the state prison for not more than three years or in jail or the house of correction for not more than two and one-half years or by fine of not more than one thousand dollars, or by both such fine and imprisonment in jail or the house of correction.

SECTION 5. Said chapter 272 is hereby further amended by striking out section 6, as appearing in the Tercentenary Edition, and inserting in place thereof the following section:-

Section 6. Whoever, being the owner of a place or having or assisting in the management or control thereof induces or knowingly suffers a person to resort to or be in or upon such place, for the purpose of unlawfully having sexual intercourse, shall be punished as provided in section three.

SECTION 6. Said chapter 272 is hereby further amended by striking out section 9, as amended by section 9 of chapter 313 of the acts of 1959, and inserting in place thereof the following section:-

Section 9. If a person makes oath before a district court that he has probable cause to suspect that a house, building, room or place is kept or resorted to for prostitution and that a certain person owning or having or assisting in the management or control of such house, building, room or place knowingly suffers another person to be in or upon such place for the purpose of unlawfully having sexual intercourse, said court shall, if satisfied that there is probable cause thereof, issue a warrant commanding the sheriff or his deputy, or any constable or police officer, to enter such house, building, room or place and search for such owner or person in control, and take into custody both the owner or person in control and such other person as may be in or upon such place for such purpose. Said owner or person in control shall be detained for not more than twenty-four hours until complaint may be made against him, and any such other person for a reasonable time until brought before said court to be recognized with or without sureties at the discretion of said court to appear as witnesses before the next or any succeeding sitting of said court. This section shall be in addition to and not in derogation of the common law.

SECTION 7. Said chapter 272 is hereby further amended by striking out sections 12 to 14, inclusive, and inserting in place thereof the following three sections:-

Section 12. Whoever knowingly procures, entices, sends or aids or abets in procuring, enticing or sending, a person to practice prostitution, or to enter as an inmate or a servant a house of ill fame or other place resorted to for prostitution, whether within or without the commonwealth, shall be punished by a fine of not less than one hundred nor more than five

hundred dollars or by imprisonment for not less than three months nor more than two years. Whoever as a proprietor or keeper of an employment agency, either personally or through an agent or employee, procures or sends a person to enter as aforesaid a house of ill fame or other place resorted to for prostitution, the character of which on reasonable inquiry could have been ascertained by him, shall be punished by a fine of not less than fifty nor more than two hundred dollars.

Section 13. Whoever, for any length of time, unlawfully detains or attempts to detain, or aids or abets in unlawfully detaining or attempting to detain, or provides or administers or aids or abets in providing or administering any drug or liquor for the purpose of detaining a person in a house of ill fame or other place where prostitution is practiced or allowed, shall be punished by imprisonment in the state prison for not more than five years or in the house of correction for not less than one nor more than two and one half years or by a fine of not less than one hundred nor more than five hundred dollars.

Section 14. A married person who has sexual intercourse with a person not his spouse or an unmarried person who has sexual intercourse with a married person shall be guilty of adultery and shall be punished by imprisonment in the state prison for not more than three years or in jail for not more than two years or by a fine of not more than five hundred dollars.

SECTION 8. Section 39 of chapter 277 of the General Laws is hereby amended by striking out the definition of "Adultery", as appearing in the Tercentenary Edition, and inserting in place thereof the following definition:-

Adultery. - Sexual intercourse by a married person with a person not his spouse or by an unmarried person with a married person.

SECTION 9. Said section 39 of said chapter 277 is hereby further amended by striking out the definition of "Fornication", as so appearing, and inserting in place thereof the following definition:-

Fornication. - Sexual intercourse between an unmarried male and an unmarried female.

SECTION 10. The schedule of forms and pleadings at the end of said chapter 277 is hereby amended by striking out the form of complaint or indictment for "Abduction" and inserting in place thereof the following form:-

Abduction. (Under Chap. 272, §§ 1, 2.) - (1) That A.B. did fraudulently and deceitfully entice (and take away) one C.D., an unmarried person under the age of sixteen years, from the house of the father (or guardian, etc., as the case may be), without the consent of the said father (or guardian, etc., as the case may be), under whose care and custody said C.D. was living, for the purpose of effecting a clandestine marriage of said C.D. without the consent of said father (or guardian, etc., as the case may be).

(2) That A.B. did fraudulently and deceitfully entice (and take away) C.D. from his house (or, if a minor, from his father's or guardian's house; or if elsewhere, state it as the case may be), for the unlawful purpose of prostitution (or for the purpose

of unlawful sexual intercourse).

SECTION 11. Said schedule of forms and pleadings of said chapter 277 is hereby further amended by striking out the form of complaint or indictment for "Adultery" and inserting in place thereof the following form:-

Adultery. (Under Chap. 272, § 14.) - (1) That A.B., a married person, did commit adultery with C.D., a person not his spouse.

(2) That A.B., an unmarried person, did commit adultery with C.D., a married person.

SECTION 12. Said schedule of forms and pleadings of said chapter 277 is hereby further amended by striking out the form of complaint or indictment for "Assault on Rape" and inserting in place thereof the following form:-

Assault on Rape. (Under Chap. 265, § 24.) - (1) That A.B. did assault C.D., with intent to commit rape.

(2) That A.B. did assault C.D., a child under the age of sixteen years, with intent unlawfully and carnally to know and abuse.

SECTION 13. Said schedule of forms and pleadings of said chapter 277 is hereby further amended by striking out the form of complaint or indictment for "Fornication" and inserting in place thereof the following form:-

Fornication. (Under Chap. 272, § 18.) - That A.B., an unmarried person, did commit fornication with C.D., an unmarried person.

SECTION 14. Said schedule of forms and pleadings of said chapter 277 is hereby further amended by striking out the form of complaint or indictment for "illegitimacy".

SECTION 15. Said schedule of forms and pleadings of said chapter 277 is hereby further amended by striking out the form of complaint or indictment for "Manslaughter by negligence" and inserting in place thereof the following form:-

Manslaughter by negligence. - That A.B., being under the legal duty, and being of sufficient ability to provide C.D., who was his spouse, with sufficient food and drink for sustenance and maintenance, did neglect and refuse so to do; by reason whereof said C.D., being unable to provide sufficient food and drink, became and was mortally sick and died.

SECTION 16. Said schedule of forms and pleadings of said chapter 277 is hereby further amended by striking out the form of complaint or indictment for "Neglect of wife or minor child" and inserting in place thereof the following form:-

Neglect of Spouse or Minor Child. (Under Chap. 273, § 1.) - That A.B., during the three months next before the making of this complaint, being of sufficient ability, did unreasonably neglect to provide for the support of C.D., his lawful spouse (and E.D., his minor child).

SECTION 17. Said schedule of forms and pleadings of said chapter 277 is hereby further amended by striking out the form of complaint or indictment for "Prostitute" and inserting in place thereof the following form:-

Prostitute. (Under Chap. 272, § 53.) - That A.B. was a

prostitute, offering his or her body indiscriminately to others for hire.

SECTION 18. Said schedule of forms and pleadings of said chapter 277 is hereby further amended by striking out the form of complaint or indictment for "Polygamy" and inserting in place thereof the following form:-

Polygamy. (Under Chap. 272, § 15.) - (1) That A.B. unlawfully married C.D., the said A.B. having at the time he so unlawfully married a lawful spouse living other than said C.D.

(2) That A.B., having a lawful spouse living, to wit: X., did at (state place) unlawfully marry and have for his spouse one C.D., after which the said A.B. did, while said X., was still living, on, at, etc., unlawfully cohabit and continue to cohabit in (Boston) with the said C.D.

SECTION 19. Said schedule of forms and pleadings of said chapter 277 is hereby further amended by striking out the form of complaint or indictment for "Rape" and inserting in place thereof the following form:-

Rape. (Under Chap. 265, §§ 22, 23) - (1) That A.B. did assault C.D., with the intent to commit rape; and did commit rape upon said C.D.

(2) That A.B., in and upon C.D., a child under the age of sixteen years, did make an assault with the intent to unlawfully and carnally know and abuse; and did unlawfully know and abuse said C.D.

Approved July 12, 1978

Chap. 380. AN ACT FURTHER REGULATING THE DISPOSITION OF PROPERTY TO SPOUSES OF CERTAIN DECEASED PERSONS.

Be it enacted, etc., as follows:

SECTION 1. Section 1 of chapter 191 of the General Laws, as amended by chapter 291 of the acts of 1971, is hereby further amended by striking out the second sentence.

SECTION 2. Chapter 196 of the General Laws is hereby amended by striking out sections 1 and 2 and inserting in place thereof the following two sections:-

Section 1. Articles of apparel and ornaments of the surviving spouse and minor children of a deceased person shall belong to them respectively. The surviving spouse may remain in the house of a deceased spouse for not more than six months next succeeding the death without being chargeable for rent.

Section 2. Such parts of the personal property of a deceased person as the probate court, having regard to all the circumstances of the case, may allow as necessities to the surviving spouse and for the family under the care of such spouse or if there is no surviving spouse, to the minor children of the deceased, not exceeding one hundred dollars to any child, and also such provisions and other articles as are necessary for the reasonable sustenance of the family, and the use of the house of the deceased and of the furniture therein for six months next succeeding the death, shall not be taken as assets for the pay-

ment of debts, legacies or charges of administration. After exhausting the personal property, real property may be sold or mortgaged to provide the amount of allowance decreed, in the same manner as it is sold or mortgaged for the payment of debts, if a decree authorizing such sale or mortgage is made, upon the petition of any party in interest, within one year after the approval of the bond of the executor or administrator.

SECTION 3. Chapter 200 of the General Laws is hereby amended by striking out section 1, as appearing in the Tercenary Edition, and inserting in place thereof the following section:-

Section 1. If a person entitled to or having an interest in property within the jurisdiction of the commonwealth has disappeared or absconded from the place within or without the commonwealth where he was last known to be, and has no agent in the commonwealth, and it is not known where he is, or if such person, having a spouse or minor child, dependent to any extent upon him for support, has thus disappeared or absconded without making sufficient provision for such support, and it is not known where he is, or if it is known that he is without the commonwealth, anyone who would under the law of the commonwealth be entitled to administer upon the estate of such absentee if he were deceased, or if no one is known to be so entitled, any suitable person, or such spouse, or someone in behalf of such spouse or minor, may file a petition under oath in the probate court for the county where any such property is situated or found, stating the name, age, occupation and last known residence or address of such absentee, the date and circumstances of the disappearance or absconding, and the names and residence of other persons, whether members of such absentee's family or otherwise, of whom inquiry may be made, and containing a schedule of the property, real and personal, so far as known, and its location within the commonwealth, and praying that such property may be taken possession of and a receiver thereof appointed under this chapter. The state treasurer shall be made a party to every such petition and shall be given due notice of all subsequent proceedings under this chapter.

SECTION 4. Said chapter 200 is hereby further amended by striking out section 10, as so appearing, and inserting in place thereof the following section:-

Section 10. The court may order said property or its proceeds acquired by mortgage, lease or sale to be applied in payment of charges incurred or that may be incurred in the support and maintenance of the absentee's spouse and minor children, and to the discharge of such debts and claims for alimony as may be proved against said absentee.

Approved July 12, 1978

Chap. 381. AN ACT FURTHER REGULATING THE GUARDIANSHIP OF CERTAIN PERSONS.

Be it enacted, etc., as follows:

SECTION 1. Section 5 of chapter 201 of the General Laws is hereby amended by striking out the third and fourth sentences,

as appearing in the Tercentenary Edition, and inserting in place thereof the following two sentences:- The marriage of a person under guardianship as a minor shall deprive his guardian of all right to the custody and education of such person but not of the care and possession of such person's property. If a corporation is appointed guardian of a minor, the court may, subject to the right of his parents, or of the spouse of a minor, as provided in this section, award the custody to some suitable person.

SECTION 2. Said chapter 201 is hereby further amended by striking out section 11, as so appearing, and inserting in place thereof the following section:-

Section 11. Any probate court having jurisdiction of the property of a person who is under guardianship as a spendthrift may, on petition of such ward, and after such notice as the court may determine, authorize the guardian of the ward to pay or convey such portion of the ward's real or personal estate, either principal or income, as the court may designate, to the spouse or any child, or children, or grandchildren, of the ward; and such property, when so paid or conveyed, shall become the property of the donee or grantee.

SECTION 3. Section twenty-three of said chapter two hundred and one is hereby repealed.

SECTION 4. Said chapter 201 is hereby further amended by striking out sections 24 and 25 and inserting in place thereof the following two sections:-

Section 24. The guardian of a married person unless authorized by the court for causes which the court considers sufficient, shall not have the care, custody or education of his ward, except in case of the mental illness of the spouse of such person, or of his abandoning such person and making no sufficient provision therefor.

Section 25. The guardian or conservator of a married person shall not, except as provided in sections twenty-six and thirty-two of chapter one hundred and twenty-three, apply the property of his ward to the maintenance of such person and his family while married, unless he is thereto authorized by the probate court on account of the inability of the spouse of such person suitably to maintain them, or for other cause which the court considers sufficient.

SECTION 5. Said chapter 201 is hereby further amended by striking out section 41, as appearing in the Tercentenary Edition, and inserting in place thereof the following section:-

Section 41. If a minor, who has a parent living, has property sufficient for his maintenance and education in a manner more expensive than the parent can reasonably afford, regard being had to the situation of the parent's family and to all the circumstances of the case, the probate court may order that such expenses of the maintenance and education of such child as it determines are reasonable may be defrayed out of his own estate; and, if necessary, his real property upon obtaining license therefor may be sold for that purpose by the guardian.

SECTION 6. Said chapter 201 is hereby further amended by

striking out section 43, as most recently amended by section 14 of chapter 845 of the acts of 1974, and inserting in place thereof the following section:-

Section 43. The probate court for the county where a guardian of a mentally ill or mentally retarded person has been appointed may make an allowance out of the estate of such mentally ill or mentally retarded person for the support of the spouse of such person, to be paid by the guardian during the continuance of the guardianship in such manner as the court orders.

SECTION 7. Chapter 202 of the General Laws is hereby amended by striking out section 4A, inserted by chapter 129 of the acts of 1933, and inserting in place thereof the following section:-

Section 4A. If the personal property of a deceased person appears to be insufficient to pay his debts, the probate court may, subject to the rights of the surviving spouse under section one of chapter one hundred and ninety-six, after notice, authorize the executor or administrator to take charge of the real property of the deceased or any part thereof and collect the rents thereof for such period of time as the court deems proper, and, during such period, to make necessary repairs and do all other things which it may consider needful for the preservation of such real property and as a charge on the interest of the decedent therein; provided, that if any person interested in the estate shall give bond as provided in section thirteen, no such authorization shall be given. The balance, if any, of said rents, subject to rights of dower and curtesy, and the rights of the surviving spouse and minor children of the decedent under section two of chapter one hundred and ninety-six, shall be assets in the hands of the executor or administrator for the payment of debts in like manner as are the proceeds of real property sold for the payment of debts. An order giving authority to the executor or administrator as aforesaid shall have effect, notwithstanding an appeal therefrom, until it is otherwise ordered by a justice of the supreme judicial court.

Approved July 12, 1978

Chap. 382. AN ACT RELATIVE TO THE PAYMENT OF INTEREST ON SUSPENDED SPECIAL ASSESSMENTS OR BETTERMENT ASSESSMENTS ON LAND IN AGRICULTURAL OR HORTICULTURAL USE.

Be it enacted, etc., as follows:

SECTION 1. Section 9 of chapter 61A of the General Laws is hereby amended by inserting after the second paragraph, as appearing in section 3 of chapter 794 of the acts of 1975, the following paragraph:-

All liens for special assessments or betterment assessments under section eighteen shall be released in full or in part upon its being so established that any such assessment or portion of such assessment which have become due have been paid.

SECTION 2. Section 18 of said chapter 61A, as appearing in section 1 of chapter 1118 of the acts of 1973, is hereby amended by striking out the second sentence and inserting in place

thereof the following six sentences:- Any such assessment and interest on account of such suspended special assessments or betterment assessments shall, however, upon application, be suspended during the time the land is in agricultural or horticultural use and shall become due and payable as of the date when the use of such land is changed. The suspended interest shall be equal to the total amount of interest which would have been paid if interest had been paid annually. In the event only a portion of a tract of land which benefits from a suspension of payment is changed from such use, the assessment including interest shall become due and payable as of the date when the use was changed only to the extent of and in the proportion that the frontage of such portion bears to the street frontage of the entire tract of land which originally benefited from a suspension of payment. Upon full payment of a portion of a suspended assessment including interest, the tax collector may dissolve the lien for the assessment insofar as it affects the portion of the land changed from agricultural or horticultural use. The lien for the portion of the original assessment including interest which remains unpaid shall continue and remain in full force and effect until dissolved in accordance with law. A request for such release shall be made in writing to the tax collector, and shall be accompanied by a plan and such other information as is required in the case of a request for a division of an assessment pursuant to section fifteen.

Approved July 12, 1978

Chap. 383. AN ACT TO ADVISE AN ALIEN OF THE POTENTIAL CONSEQUENCES OF A CRIMINAL CONVICTION UPON THEIR IMMIGRATION STATUS.

Be it enacted, etc., as follows:

Chapter 278 of the General Laws is hereby amended by inserting after Section 29C, as amended by Section 2 of Chapter 310 of the Acts of 1962, a new section as follows:-

Section 29D: Conviction Upon Plea of Guilty or Nolo Contendere; Motion to Vacate:

The Court shall not accept a plea of guilty or nolo contendere from any defendant in any criminal proceeding unless the Court advises him of the following: "If you are not a citizen of the United States, you are hereby advised that conviction of the offense for which you have been charged may have the consequences of deportation, exclusion from admission to the United States, or denial of naturalization, pursuant to the laws of the United States." The defendant shall not be required at the time of the plea to disclose his or her legal status in the United States to the court.

If the Court fails so to advise the defendant, and he later at any time shows that his plea and conviction may have one of the enumerated consequences, the Court, on the defendant's motion, shall vacate the judgment, and permit the defendant to withdraw the plea of guilty or nolo contendere, and enter a plea of "not guilty." Absent a record that the Court provided the advisement required by this section, the defendant shall be presumed not to have received the required advisement.

Approved July 12, 1978

Chap. 384. AN ACT FURTHER REGULATING INVESTMENTS OF CERTAIN CORPORATIONS AUTHORIZED TO CARRY ON THE BUSINESS OF A BANKING COMPANY.

Be it enacted, etc., as follows:

SECTION 1. Chapter 172A of the General Laws is hereby amended by striking out section 5, as most recently amended by chapter 122 of the acts of 1953, and inserting in place thereof the following section:-

Section 5. Such corporation may receive deposits of money in one payment or in instalments, upon certificates which it may issue, fixing the amount received or to be received thereon, the time and other terms of repayment and the rate of interest to be paid. Deposits of money thus received are hereinafter in this chapter referred to as certificate funds. No interest shall be specified in any certificate or paid on any certificate funds in excess of five per cent per annum, except with the approval of the commissioner. No certificate shall be issued for an amount less than ten dollars and, except as provided in section five A, the total amount of all certificates issued to any individual, estate, trust, corporation, association or partnership shall not exceed forty thousand dollars; provided, that such deposits are insured in full; and, provided further, that the limitations upon the issuance of certificates imposed by this sentence and by section five A shall not apply to certificates issued prior to October first, nineteen hundred and thirty-eight. Such corporation may allow interest to be accumulated upon certificates issued by it and upon interest thereon, in addition to the maximum amounts for which certificates may be issued under this section and under section five A.

Such certificates may be issued to represent money to be paid by the certificate holder thereafter in stated instalments as specified therein either with or without the payment of interest on paid-in instalments. All certificates shall be in such form as the commissioner shall approve and a record of all certificates issued and the forms thereof shall be kept on file by the corporation.

Except as provided in clauses (a) to (e), inclusive, of the last sentence of section six A, no such corporation shall receive or have at any time aggregate certificate funds in excess of twelve and one half times the total of its capital, surplus, undivided profits and unallocated reserves; provided, that certificate funds in any manner pledged with it to secure loans made by it shall not be included in its certificate funds for the purpose of this provision.

SECTION 2. Said chapter 172A is hereby further amended by striking out section 5A, inserted by section 2 of chapter 148 of the acts of 1948, and inserting in place thereof the following section:-

Section 5A. Such corporation may receive deposits of money upon certificates in joint accounts, provided for in section four-

teen of chapter one hundred and sixty-seven, and may issue certificates therefor subject to the limitations contained in section five, provided that the total amount of any such certificate shall not exceed forty thousand dollars, provided, that such deposits are insured in full. Persons having such joint accounts may also make deposits upon certificates in their individual names, but the total amount of all certificates, both joint and individual, issued to any individual, estate, trust, corporation, association or partnership shall not exceed forty thousand dollars.

SECTION 3. Section six A of said chapter one hundred and seventy-two A is hereby repealed.

SECTION 4. Section 7 of said chapter 172A is hereby amended by striking out clause Fourth, as amended by chapter 100 of the acts of 1948, and inserting in place thereof the following two clauses:-

Fourth. In making such loans upon real estate secured by first mortgages as are authorized as investments for savings banks by sections thirty-four and thirty-five, of chapter one hundred and sixty-eight. Except as otherwise provided, such loans shall be subject to the limitations of sections thirty-four to thirty-six, inclusive, and of other applicable sections of said chapter one hundred and sixty-eight.

Fifth. In second mortgages on residential property as security for a noncommercial or nonbusiness loan not exceeding ten thousand dollars.

Approved July 12, 1978

EMERGENCY LETTER - July 13, 1978 @ 2:55 P.M.

Chap. 385. AN ACT RELATIVE TO WITHDRAWALS FROM SPECIAL NOTICE ACCOUNT DEPOSITS OF SAVINGS BANKS.

Be it enacted, etc., as follows:

SECTION 1. Subsection 1 of section 22A of chapter 168 of the General Laws is hereby amended by striking out clause (a), as amended by section 3 of chapter 94 of the acts of 1977, and inserting in place thereof the following clause:-

(a) Except as provided in subsection 2 and except as herein-after provided in respect of dividends on such deposits, neither the whole nor any part of such deposits may be withdrawn other than pursuant to the terms of a withdrawal notice of ninety days or more signed by such depositor or any joint depositor and received by such corporation. Such notice shall state that such depositor or joint depositor proposes to withdraw such deposits in whole or in specified part during a withdrawal period commencing upon a day specified, which day shall be not less than ninety days following the receipt by the corporation of such withdrawal notice, and terminating upon the expiration of the ninth day following or, if such ninth day shall be a Saturday, Sunday or legal holiday, upon the expiration of the business day next succeeding such ninth day.

SECTION 2. Said section 22A of said chapter 168 is hereby further amended by striking out subsection 2, as amended by chapter 168 of the acts of 1977, and inserting in place thereof

the following subsection:-

2. Withdrawals. - No such corporation shall permit the whole or any part of such deposits or any ordinary, extra or additional dividend declared thereon to be withdrawn, in whole or in part, except in accordance with the terms of such agreement; provided that any such corporation may permit withdrawal of all or any portion of such deposits or dividends in a joint account without notice or penalty if the withdrawal is made subsequent to the death of a joint owner of the account, and provided further that such corporation may provide that notice prior to withdrawal shall not be required on any quarterly withdrawal date or within ten days thereafter in connection with the withdrawal of funds which have remained in such account for at least ninety days.

SECTION 3. Said section 22A of said chapter 168 is hereby further amended by striking out subsection 3, as appearing in section 2 of chapter 169 of the acts of 1962, and inserting in place thereof the following subsection:-

3. Deposit Books. - Each deposit book evidencing deposits received under this section shall contain the title "Special Notice Account" and shall, (1) if deposits may only be withdrawn pursuant to the terms of a withdrawal notice of ninety days or more, plainly set forth the phrase "90 Days' Written Notice of Withdrawal Required", or shall (2) if deposits may be withdrawn pursuant to the terms of a withdrawal notice of ninety days or more, plainly set forth the phrase "90 Days' Written Notice of Withdrawal Required, if applicable".

Approved July 12, 1978

Chap. 386. AN ACT REQUIRING CERTAIN ADDITIONAL INFORMATION ON THE APPLICATION FOR REGISTRATION OF MOTOR VEHICLES AND TRAILERS.

Be it enacted, etc., as follows:

Section 2 of chapter 90 of the General Laws is hereby amended by striking out the first paragraph, as most recently amended by section 1 of chapter 737 of the acts of 1977, and inserting in place thereof the following paragraph:-

Applications for the registration of motor vehicles and trailers may be made by the owner thereof. The application shall contain, in addition to such other particulars as may be required by the registrar, a statement of the name, place of residence and address, date of birth of the applicant and the number of the applicant's license to operate, if one has been issued. The application shall also contain the apartment number or unit number if the applicant's address is in an apartment house, or family hotel, or a condominium, or a residential flat, or in a combined business and residential property. The application shall also contain a brief description of the motor vehicle or trailer, including the name of the maker, such number or numbers as may be required by the registrar to properly identify the vehicle, the character of the motor power and the type of transmission. The registration fee as required in section thirty-three shall accompany such application. Applicants for registration shall also comply with the provisions of chapter ninety D.

Approved July 12, 1978

Chap. 387. AN ACT PROVIDING FOR THE NONCRIMINAL DISPOSITION OF CERTAIN FISH AND GAME AND MARINE FISHERY VIOLATIONS.

Be it enacted, etc., as follows:

Chapter 21 of the General Laws is hereby amended by inserting after section 6E the following two sections:-

Section 6F. If the director, his assistants and any natural resource officer empowered to enforce the section contained in section two of this act, has probable cause to believe that a violation of any of said sections has occurred or is occurring, he may request the offender to state his name and address. Whoever, upon such request, refuses to state his name and address may be arrested without a warrant, or if he states a false name and address or a name and address which is not his name and address in ordinary use, shall be punished by a fine of not less than fifty nor more than one hundred dollars. Such officer may, as an alternative to instituting criminal proceedings, forthwith give to the offender a written notice to appear before the clerk of the district court having jurisdiction at any time during office hours, not later than twenty-one days after the date of such violation. Such notice shall be made in triplicate, and shall contain the name and address of the offender and if served with the notice in hand at the time of such violation, the number of his license, if any, to operate motor vehicles; the registration number of the vehicle or motorboat involved, if any; the number of the license, certificate, or permit, if any, issued pursuant to chapter one hundred and thirty or chapter one hundred and thirty-one which is relevant to the violation so charged; the time and place of the violation; the specific offense charged; and the time and place for his required appearance. Such notice shall be signed by the officer, and shall be signed by the offender in acknowledgement that the notice has been received. The officer shall deliver to the offender at the time and place of the violation a copy of said notice. At or before the completion of each tour of duty the officer shall deliver to his commanding officer copies of each notice of such violation that he has issued during such tour. Said commanding officer shall retain and safely preserve one of such copies and shall, at a time not later than the next court day after said issuance, deliver another of such copies to the clerk of the court before whom the offender has been notified to appear. The clerk of each district court shall maintain a separate docket of all such notices to appear.

Any person so notified to appear before the clerk of a district court may appear before such clerk and confess the offense charged, either personally or through an agent duly authorized in writing; provided, that it is the first offense for such violation within two calendar years. At the time of such appearance said person shall provide the clerk with the notice issued by said officer and shall pay to the clerk the fine as provided in section six G, such payment to be made only by postal note, money order or check. Payment of such fine shall operate as a final disposition of the case. Proceedings under this paragraph shall not be deemed criminal; and a person so notified to appear before the clerk of a district court shall not be required to report to any probation officer, and no record of the case shall be entered in the probation records.

If at any time, the court finds that the interests of justice so require, it may cause a warrant to be issued as provided in section thirty-two of chapter two hundred and eighteen of the General Laws.

If any person notified to appear before the clerk of the district court fails to so appear and pay the fine provided hereunder or, having appeared, desires not to avail himself of the procedure for the noncriminal disposition of the case, the clerk shall notify the officer concerned, who shall forthwith make a criminal complaint. If any person fails to appear in accordance with a summons issued upon such complaint the clerk shall send such person by certified mail, return receipt requested, a notice that the complaint is pending and that if the person fails to appear within twenty-one days from the sending of such notice a warrant for his arrest will be issued. If any person fails to appear within twenty-one days from the sending of such notice, the court shall issue a warrant for his arrest.

The notice to appear, provided herein, shall be printed in such form as the chief justice of the municipal court of the city of Boston may prescribe for said court; and as the chief justice of the district courts may prescribe for district courts other than said municipal court of the city of Boston.

The secretary of the executive office of environmental affairs shall adopt rules and regulations consistent with the provisions of this chapter and shall file said regulations in accordance with the provisions of section thirty-seven of chapter thirty.

Section 6G. A person notified to appear before the clerk of a district court as provided in section six F for a violation of section four A of chapter twenty-one may so appear within the time specified and pay a fine of ten dollars.

Any person notified to appear before the clerk of a district court as provided in said section six F for a violation of sections seventeen A, thirty-three, thirty-four, thirty-six, thirty-seven, thirty-nine, forty, fifty-one, sixty-nine, seventy, seventy-one, seventy-two, eighty, eighty-one, eighty-two, ninety-five, one hundred and one hundred A of chapter one hundred and thirty may so appear within the time specified and pay a fine of ten dollars.

A person notified to appear before the clerk of a district court as provided in said section six F for a violation of sections thirty-five, thirty-eight, thirty-eight A, forty-one, forty-one A, forty-four, ninety-two, and one hundred C of chapter one hundred and thirty may so appear within the time specified and pay a fine of fifty dollars.

A person notified to appear before the clerk of a district court as provided in said section six F for a violation of sections forty-seven and section seventy-five of chapter one hundred and thirty may so appear within the time specified and pay a fine of one hundred dollars.

A person notified to appear before the clerk of a district court as provided in said section six F for a violation of sections five, eight, ten, eleven, sixteen, nineteen A, twenty-three through twenty-five, inclusive, twenty-six, twenty-six A, twenty-seven, thirty, thirty-two, thirty-six, thirty-eight, forty-four, forty-seven, forty-nine to fifty-four, inclusive, fifty-seven to fifty-nine, inclusive, sixty-nine, seventy-one, seventy-two, seventy-nine, eighty, and eighty-two of chapter one hundred and thirty-one

may so appear and pay a fine of twenty dollars.

Approved July 12, 1978

Chap. 388. AN ACT EXTENDING THE PERIOD FOR A REAL ESTATE TAX EXEMPTION FOR THE UTILIZATION OF SOLAR OR WIND POWERED SYSTEMS.

Be it enacted, etc., as follows:

Clause Forty-fifth of section 5 of chapter 59 of the General Laws, added by section 2 of chapter 734 of the acts of 1975, is hereby amended by striking out, in line 6, the word "ten" and inserting in place thereof the word:- twenty.

Approved July 12, 1978

Chap. 389. AN ACT RELATIVE TO THE DISSOLUTION OF CERTAIN CORPORATIONS.

Be it enacted, etc., as follows:

Chapter 156B of the General Laws is hereby amended by striking out section 102, as amended by section 44 of chapter 685 of the acts of 1965, and inserting in place thereof the following section:-

Section 102. Every corporation whose corporate existence for other purposes is terminated (1) by dissolution under the provisions of section ninety-nine, one hundred, or one hundred and one, (2) by the expiration of the period for its duration limited by its articles of organization, or (3) in any other manner, shall nevertheless be continued as a body corporate for three years after the time when its existence is terminated, for the purpose of prosecuting and defending suits by or against it and of enabling it gradually to settle and close its affairs, to dispose of and convey its property and assets remaining after the payment of its debts and obligations, but not for the purpose of continuing the business for which it was established; provided, that the corporate existence of such a corporation, for the purposes of any suit brought by or against it prior to the commencement of, or during, said period of three years, shall continue beyond said period for a further period of ninety days after the final judgement in the suit.

Approved July 12, 1978

Chap. 390. AN ACT AUTHORIZING THE COUNTY OF NORFOLK TO CONSTRUCT AN ADDITION TO THE DISTRICT COURT OF NORTHERN NORFOLK.

Be it enacted, etc., as follows:

SECTION 1. The county commissioners of Norfolk county are hereby authorized to construct, equip and furnish an addition to the district court of northern Norfolk; provided, however, that for such purposes the county commissioners may expend a sum not to exceed nine hundred thousand dollars; provided, further,

that nothing in this act shall be construed as permitting, allowing, or enabling the county commissioners to purchase or otherwise acquire any land pursuant to the aforesaid purpose. Any sums received from the federal government for the purposes of this act shall be included in, and considered a part of, the total amount authorized to be expended hereunder.

SECTION 2. For the purposes authorized by section one, the county treasurer of Norfolk county, with the approval of the county commissioners, may borrow upon the credit of said county such sums as may be necessary but not to exceed, in the aggregate, nine hundred thousand dollars and may issue bonds or notes of said county, which bonds or notes shall bear on their face the words Norfolk County Northern District Court Loan, Act of 1978. Each authorized issue shall constitute a separate loan, and such loans shall be payable not more than twenty years from their dates. The bonds and 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 July 12, 1978

Chap. 391. AN ACT PROVIDING FOR THE FILING OF CERTAIN PROBATE RECORDS REGARDING INTERESTS IN REAL PROPERTY WITH CERTAIN OFFICES IN THE COUNTY IN WHICH THE PROPERTY IS LOCATED WHEN THE TESTATOR OR INTESTATE DIES IN ANOTHER COUNTY.

Be it enacted, etc., as follows:

Chapter 217 of the General Laws is hereby amended by inserting after section 15B the following section:-

Section 15C. The register in each county shall, upon the receipt of an inventory, filed in an estate matter being probated in his court, which contains as an asset an interest in real estate located in another county, send a certified copy of the will and inventory to the registrar in the county in which the real estate is located and also to the register of deeds in said county. Upon receipt of said copies said registrar and register shall each file them with the records of their respective offices in the same manner as if such papers had been originally filed in their office.

Approved July 12, 1978

Chap. 392. AN ACT FURTHER INCREASING THE AMOUNT OF EXEMPTION TO WHICH OWNERS OF ESTATES OF HOMESTEAD ARE ENTITLED.

Be it enacted, etc., as follows:

SECTION 1. Section 1 of chapter 188 of the General Laws, as

most recently amended by section 1 of chapter 791 of the acts of 1977, is hereby further amended by striking out the introductory paragraph and inserting in place thereof the following paragraph:-

An estate of homestead to the extent of forty thousand dollars in the land and buildings may be acquired pursuant to this chapter by an owner of a home, or one who rightfully possesses premises by lease or otherwise, who has a family and occupies or intends to occupy said home as a principal residence; and such estate shall be exempt from the laws of conveyance, descent and devise and from attachment, levy on execution and sale for the payment of his or her debts or legacies except in the following cases:.

SECTION 2. Section 9 of said chapter 188 is hereby amended by striking out the word "thirty", inserted by section 2 of chapter 407 of the acts of 1975, and inserting in place thereof the word:- forty.

SECTION 3. Section 21 of chapter 209 of the General Laws is hereby amended by striking out the word "thirty", inserted by section 3 of said chapter 407, and inserting in place thereof the word:- forty.

SECTION 4. Chapter 236 of the General Laws is hereby amended by striking out section 18, as most recently amended by section 4 of said chapter 407, and inserting in place thereof the following section:-

Section 18. If a judgment creditor requires an execution to be levied on property which is claimed by the debtor to be as a homestead exempt from such levy and if the officer holding such execution is of the opinion that the premises are of greater value than forty thousand dollars, appraisers shall be appointed to appraise the property in the manner provided by section six. If, in the judgment of the appraisers, the premises are of greater value than forty thousand dollars, they shall set off to the judgment debtor so much of the premises, including the dwelling house, in whole or in part, as shall appear to them to be of the value of forty thousand dollars; and the residue of the property shall be levied upon and disposed of in like manner as land not exempt from levy on execution; and if the property levied on is subject to a mortgage, it may be set off or sold subject to the mortgage and to the estate of homestead, in like manner as land subject to a mortgage only.

SECTION 5. This act shall take effect as of January first, nineteen hundred and seventy-eight.

Approved July 12, 1978

Chap. 393. AN ACT RECODIFYING THE CIVIL SERVICE LAW.

Be it enacted, etc., as follows:

SECTION 1. Section 71 of chapter 6 of the General Laws, as most recently amended by section 1 of chapter 623 of the acts of 1971, is hereby further amended by striking out the fifth sentence and inserting in place thereof the following sentence:- The

provisions of section forty-nine of chapter thirty-one shall apply to the appointment of such treasurer and assistant treasurer.

SECTION 2. The first paragraph of section 4H of chapter 7 of the General Laws is hereby amended by striking out the third sentence, as most recently amended by section 18 of chapter 829 of the acts of 1977, and inserting in place thereof the following sentence:- He shall hear, or assign for hearing, appeals filed pursuant to section thirty-six of chapter six A and such appeals assigned for hearing pursuant to sections forty-two and forty-three of chapter thirty-one.

SECTION 3. The fifth paragraph of section 3 of chapter 14 of the General Laws, as appearing in section 1 of chapter 654 of the acts of 1953, is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:- So far as feasible each appointment to each such position not so classified shall be made by promoting an employee of the department serving in a position so classified; and in such event upon termination of his service in such supervisory position such employee shall, at his request, be restored to his former position without loss of seniority and with full civil service status and rights therein; except that if such termination shall have been caused by his delinquency, his right to be so restored shall be determined in accordance with sections forty-one to forty-five, inclusive, of said chapter thirty-one.

SECTION 4. The second paragraph of section 9 of chapter 18 of the General Laws, added by section 9 of chapter 752 of the acts of 1974, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- The commissioner may delegate all or a portion of his responsibilities as appointing authority under section forty-one of chapter thirty-one to one or more subordinates in the department.

SECTION 5. Section 14C of chapter 19 of the General Laws is hereby amended by striking out the seventh sentence, as appearing in section 2 of chapter 888 of the acts of 1970, and inserting in place thereof the following sentence:- The provisions of section forty-nine of chapter thirty-one shall apply to the appointment of such treasurers and assistant treasurers.

SECTION 6. The third paragraph of section 10 of chapter 26 of the General Laws, as appearing in section 2 of chapter 421 of the acts of 1972, is hereby amended by striking out, in line 7, the words "forty-three and forty-five" and inserting in place thereof the words:- forty-one to forty-five, inclusive.

SECTION 7. Section 2A of chapter 27 of the General Laws is hereby amended by striking out the introductory paragraph, as most recently amended by section 27 of chapter 835 of the acts of 1974, and inserting in place thereof the following introductory paragraph:-

Notwithstanding the provisions of section twenty-one of chapter thirty-one, the personnel administrator shall establish the following educational requirements for taking an examination for the following positions in the department of correction:-.

SECTION 8. Section 9A of chapter 30 of the General Laws, as amended by chapter 242 of the acts of 1947, is hereby further amended by striking out the first sentence and inserting in place thereof the following sentence:- A veteran, as defined in section one of chapter thirty-one, who holds an office or position in the service of the commonwealth not classified under said chapter thirty-one, other than an elective office, an appointive office for a fixed term or an office or position under section seven of this chapter, and has held such office or position for not less than three years, shall not be involuntarily separated from such office or position except subject to and in accordance with the provisions of sections forty-one to forty-five, inclusive, of said chapter thirty-one to the same extent as if said office or position were classified under said chapter.

SECTION 9. Chapter 30 of the General Laws is hereby amended by striking out section 9B, as most recently amended by section 5 of chapter 838 of the acts of 1969, and inserting in place thereof the following section:-

Section 9B. No person permanently employed in any institution under the department of mental health, public health, public welfare, correction or youth services, or in the soldiers' homes in Massachusetts, except an employee, other than a nurse, rendering professional service, who is not classified under chapter thirty-one, and no maintenance employee permanently employed in any institution under the department of education, shall, after having actually performed the duties of any office or position continuously for a period of six months in such an institution or department, be discharged, removed, suspended, laid off, transferred from the latest permanent office or employment held by him without his consent, 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-one to forty-five, inclusive, of chapter thirty-one.

SECTION 10. Section 9D of chapter 30 of the General Laws, as amended by section 6 of chapter 838 of the acts of 1969, as appearing in section 1 of chapter 538 of the acts of 1958, is hereby further amended by striking out, in lines 9 and 10, the words "forty-three and forty-five" and inserting in place thereof the words:- forty-one to forty-five, inclusive,.

SECTION 11. The General Laws are hereby amended by striking out chapter 31 and inserting in place thereof the following chapter:-

CHAPTER 31.
CIVIL SERVICE.

Section 1. In this chapter, the following words and phrases shall have the following meanings, unless the context requires otherwise:-

"Administrator", the personnel administrator of the division of personnel administration.

"Appointing authority", any person, board, or commission with the power to appoint or employ personnel in civil service positions.

"Certification", the designation to an appointing authority by

the administrator, pursuant to the civil service law and rules, of the names of persons from an eligible list or register who qualify for appointment to civil service positions.

"Civil service appointment", an original appointment or a promotional appointment made pursuant to the provisions of the civil service law and rules.

"Civil service employee", a person holding a civil service appointment.

"Civil service law", this chapter.

"Civil service law and rules", this chapter and the rules promulgated pursuant to this chapter.

"Civil service position", an office or position, appointment to which is subject to the requirements of the civil service law and rules.

"Commission", the civil service commission of the commonwealth.

"Departmental unit", a board, commission, department, or any division, institutional component, or other component of a department where established by law, ordinance, or by-law.

"Disabled veteran", any veteran, as defined in this section, who (1) has a continuing service-incurred disability of not less than ten per cent based on wartime service for which he is receiving or entitled to receive compensation from the veterans administration or, provided that such disability is a permanent physical disability, for which he has been retired from any branch of the armed forces and is receiving or is entitled to receive a retirement allowance, or (2) has a continuing service-incurred disability based on wartime service for which he is receiving or is entitled to receive a statutory award from the veterans administration.

"Discharge", the permanent, involuntary separation of a person from his civil service employment by his appointing authority.

"Division", the division of personnel administration.

"Eligible list", a list established by the administrator, pursuant to the civil service law and rules, of persons who have passed an examination; or a re-employment list established pursuant to section forty; or a list of intermittent or reserve fire or police officers as authorized under the provisions of section sixty; or any other list established pursuant to the civil service rules from which certifications are made to appointing authorities to fill positions in the official service.

"Entrance requirements", the prerequisites which an applicant must satisfy to be eligible to take an examination.

"Essay question", a question in an examination requiring an applicant to compose a written response of one or more sentences or requiring other than a limited response or short answer.

"Executive office", an office established pursuant to chapter six A or chapter seven.

"Labor service", the composite of all civil service positions whose duties are such that a suitable selection for such positions may be made based upon registration pursuant to section twenty-eight, rather than by competitive examination.

"Layoff", a temporary discontinuance of employment for lack of work or lack of money.

"Mentally retarded person", a person certified as being mentally retarded by the Massachusetts rehabilitation commission.

"Official service", the composite of all civil service positions not in the labor service.

"Original appointment", an appointment pursuant to section six or section twenty-eight.

"Permanent employee", a person who is employed in a civil service position (1) following an original appointment, subject to the serving of a probationary period as required by law, but otherwise without restriction as to the duration of his employment; or (2) following a promotional appointment, without restriction as to the duration of his employment.

"Promotional appointment", an appointment pursuant to section seven or, in the labor service, pursuant to the civil service rules, of a person employed in one title to a higher title in the same or a different series, or to another title which is not higher but where substantially dissimilar requirements prevent a transfer pursuant to section thirty-five.

"Register", a list established by the administrator, pursuant to the civil service law and rules, from which certifications are made to appointing authorities to fill civil service positions in the labor service.

"Reinstatement", the restoration of an employee to a position pursuant to the civil service law and rules.

"Requisition", a request by an appointing authority to the administrator to certify names of persons for appointment to civil service positions.

"Resignation", a permanent voluntary separation from service.

"Roster", a list of permanent employees in a departmental unit, arranged according to seniority, and of employees appointed pursuant to temporary or provisional appointments.

"Rules", the rules of the commission promulgated pursuant to the civil service law.

"Seasonal position", a position requiring the services of an incumbent, on either a full-time or less than full-time basis, beginning no earlier than May first and ending no later than September thirtieth or beginning no earlier than November first and ending no later than April first in any twelve month period, except that none of the following shall be deemed to be a seasonal position: (1) a position in the police force or fire force of a city or town, (2) a position 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 (3) a permanent position for which funds have been appropriated or are available on a permanent basis.

"Series", a vertical grouping of related titles so that they form a career ladder.

"Suspension", a temporary, involuntary separation of a person from his civil service employment by his appointing authority.

"Temporary employee", a person who is employed in a civil service position, after a civil service appointment, for a specified period of time or for the duration of a temporary vacancy.

"Tenured employee", a civil service employee who is employed following (1) an original appointment to a position on a permanent basis and the actual performance of the duties of such position for the probationary period required by law or (2) a promotional appointment on a permanent basis.

"Title", a descriptive name applied to a position or to a group of positions having similar duties and the same general level of responsibility.

"Veteran", any person who:

(1) comes within the definition of a veteran appearing in the forty-third clause of section seven of chapter four; or

(2) comes within such definition except that instead of having performed "wartime service" as defined therein, he has been awarded the congressional medal of honor or one of the following campaign badges: Second Nicaraguan Campaign, Yangtze Service, Navy Occupation Service, Army of Occupation or Medal for Humane Action; or

(3) is a person eligible to receive the congressional medal of honor or one of the campaign badges enumerated in clause (2) of this paragraph and who presents proof of such eligibility which is satisfactory to the administrator.

"Wartime service", the same meaning as specified in the forty-third clause of section seven of chapter four, or active service in the armed forces of the United States in any campaign for which an award was made of any of the campaign badges enumerated in the definition of "veteran" in this section.

Section 2. In addition to its other powers and duties, the commission shall have the following powers and duties:

(a) To conduct investigations in its discretion or upon the written request of the governor, the executive council, the general court or either of its branches, the administrator, an aggrieved person, or by ten persons registered to vote in the commonwealth.

(b) To hear and decide appeals by persons aggrieved by decisions, actions or failures to act of the administrator, except as limited by the provisions of section twenty-four relating to the grading of examinations; provided that no decision or action of the administrator shall be reversed or modified nor shall any action be ordered in the case of a failure of the administrator to act, except by an affirmative vote of at least three members of the commission, and in each such case the commission shall state in the minutes of its proceedings the specific reasons for its decision.

Hearings on any appeal before the commission may be held before less than a majority of its members, or the chairman may assign one or more members to hold such hearings and to report his or their findings of fact and recommendations to the commission for its action.

(c) To make an annual report to the general court containing recommended legislation, if any, for the improvement of the civil service system.

(d) To keep complete minutes of its proceedings.

Section 3. Subject to the approval of the governor, the commission shall make and amend rules which shall regulate the selection and employment of persons for civil service positions. Such rules shall include provisions for the following:

(a) Establishment of civil service series and titles, provided that for employment in the service of the commonwealth such series and titles shall be consistent with those established pur-

suant to section forty-five of chapter thirty.

(b) Placement of civil service positions in the official or labor service.

(c) Open competitive and other examinations to test the practical fitness of applicants.

(d) Selection of persons for positions and employment in accordance with the results of examinations, or in the order of application, or otherwise.

(e) Promotional appointments, on the basis of merit determined by examination, and seniority of service.

(f) Preferences to veterans in original and promotional appointments.

(g) Subject to prior preference to disabled veterans, preference to blind persons in the employment by any state department, board or commission of typists to take dictation solely from dictating machines.

(h) Transfers within and between departmental units.

(i) Delegation of the administration of functions of the civil service system, so far as practicable, to the cities and towns.

Section 4. A new rule of the commission and any change in an existing rule shall not be effective until after a public hearing relative to such new rule or change in rule has been held by the commission and until such new rule or change in rule has been approved by the governor. Not earlier than thirty nor later than fifteen days before such hearing the commission shall send notice thereof to each member of the general court, to the mayor of each city and the selectmen of each town to which such rule or change relates, and shall also publish such notice in one or more newspapers. Notices of the hearing shall also be sent, within the same period, to the clerks of the several cities and towns, who shall post them in the city and town halls and other conspicuous places. There shall be posted not less than three copies of such notice in every town and not less than twenty-five in every city, including one in each ward. Such notice shall contain information as to where copies of the proposed rule or change in rule may be obtained. After the hearing provided for by this paragraph, the commission may issue such new rule or such change in an existing rule.

The commission, after approval of a new rule or a change in an existing rule, shall forthwith print such new rule or change in an existing rule and send a copy to the mayor of each city and the selectmen of each town to which such new rule or change in rule relates, and to each member of the general court, and shall publish such new rule or change in rule in one or more newspapers. Such publication shall specify the effective date of such new rule or change in rule, which shall be not less than thirty days subsequent to the date of such publication.

If a new rule or a change in any rule is required because of an act of the general court, the commission may issue such rule or change in rule without holding a public hearing; provided, however, that the provisions of this section relative to the publishing of new rules and changes in rules shall apply to such new rule or change in rule.

Section 5. In addition to his other powers and duties, imposed

upon him by this chapter, chapter seven and chapter thirty the administrator shall have the following powers and duties:

(a) To administer, enforce and comply with the civil service law and rules and the decisions of the commission.

(b) Establish, with the approval of the commission, classification plans for positions in every city and town which are subject to any provisions of this chapter. Upon the establishment of each such classification plan, the administrator shall forthwith make such plan effective. He shall keep said classification plan current and, with like approval, may from time to time amend or change said classification plan. Failure of the commission to approve or reject said amendment or change within ninety days after the request by the administrator for approval thereof shall constitute an approval of said amendment or change.

(c) To approve or disapprove specifications and qualifications submitted by an appointing authority in a city or town or other political subdivision of the commonwealth for any civil service position; and, in the case of any disapproval, to establish such specifications and qualifications when, in his opinion, the appointing authority has failed to furnish satisfactory specifications and qualifications within thirty days after notice to the appointing authority of such disapproval.

(d) To evaluate the qualifications of applicants for civil service positions.

(e) To conduct examinations for purposes of establishing eligible lists.

(f) To establish such mandatory standards for civil service positions as he determines to be necessary, including standards designed to facilitate the employment of handicapped persons, disadvantaged persons and persons who have been convicted of criminal offenses.

(g) To develop and to assist appointing authorities in developing programs and opportunities for the employment of handicapped and disadvantaged persons and for the rehabilitation and employment of persons who have been convicted of criminal offenses.

(h) To maintain records of the following: examinations which have been conducted, eligible lists and registers which have been established, the names of persons certified for original and promotional appointment, and all permanent, provisional and temporary appointments to civil service positions.

(i) When he shall determine to be necessary, to examine or direct the examination of and to investigate payrolls and bills and accounts for the payment of salaries and compensation for service in civil service positions.

(j) On or before October first each year, to submit a written report to the general court, the governor, the commission, and the state library describing the activities of the division during the previous fiscal year. Such report shall include data on examinations and appointments and any recommendations of the administrator for the improvement of the operation of the division.

(k) To establish a recruitment program to recruit applicants for civil service positions.

(l) To delegate, so far as practicable, to the cities and towns

the administration of functions of the civil service system.

Section 6. Each appointment to a civil service position shall be made by an original appointment pursuant to the provisions of this section or by a promotional appointment pursuant to the provisions of section seven, except as otherwise provided by this chapter or other law.

Each such original appointment in the official service shall be made after certification from an eligible list established as the result of a competitive examination for which civil service employees and non-civil service employees were eligible to apply, except as otherwise provided by sections twenty-six, forty, forty-seven, fifty-six, and sixty.

An appointing authority desiring to make an original appointment in the official service shall, if a suitable eligible list exists, submit a requisition to the administrator. Upon receipt of such requisition, the administrator shall certify from such list the names of persons eligible for such original appointment. If no suitable list exists, or if the list contains the names of less than three persons who are eligible for and willing to accept employment, the appointing authority may request authorization to make a provisional appointment pursuant to sections twelve, thirteen and fourteen.

An appointing authority may requisition to fill any position by original appointment pursuant to this section, or, where a promotional appointment may be made under the civil service law and rules, it may requisition to fill a position by promotional appointment pursuant to section seven.

Any request by an appointing authority to the administrator to fill a vacancy, other than a temporary vacancy, in a permanent position shall include a statement that such position is permanent and that such vacancy is to be filled on a permanent basis.

Section 7. Each promotional appointment within the official service shall be made pursuant to section eight or after certification from an eligible list established as a result of one of the following types of examinations: (a) a departmental promotional examination pursuant to section nine, (b) an alternate departmental promotional examination pursuant to section ten or (c) a competitive promotional examination pursuant to section eleven, provided that promotional appointments in such police and fire forces of cities and towns as are within the official service, in the capitol police force, in the police force of the metropolitan district commission and in the detective force of the state department of public safety, other than promotions to positions in said force specified by section nine P of chapter twenty-two, shall be made pursuant to section fifty-nine or section sixty-five. An appointing authority desiring to make a promotional appointment shall recommend the type of examination to be utilized.

An appointing authority desiring to make a promotional appointment within the official service, other than a promotional appointment pursuant to section eight, shall, if a suitable eligible list exists, submit a requisition to the administrator. Upon receipt of such requisition the administrator shall certify from such list the names of persons eligible for such promotional appointment. If no suitable list exists, or if the list contains the names of less

than three persons who are eligible for and willing to accept employment, the appointing authority may request authorization to make a provisional appointment pursuant to sections twelve, thirteen, and fourteen or a provisional promotion pursuant to section fifteen.

An appointing authority may make a temporary promotional appointment to a temporary position or to fill a temporary vacancy in a permanent position. A promotional appointment made pursuant to this paragraph shall not be deemed to interrupt the period of service in the permanent position from which such promotional appointment was made where such service is required to establish eligibility for a promotional examination.

An appointing authority may make a promotional appointment of an employee in the labor service to a position in the official service pursuant to the provisions of section thirty.

Section 8. An appointing authority, with the approval of the administrator, may promote an employee in the official service from one title to the next higher title in the same series in the same departmental unit, subject to the following requirements: (a) such employee shall have been employed in such unit in such lower title as a permanent employee for three years or longer immediately preceding the request for approval of such promotion; (b) such employee is the first, second, or third ranking employee in length of service in such departmental unit who is willing to accept the promotion; and (c) such employee shall demonstrate, by the passing of an examination prescribed by the administrator, that he possesses the qualifications and abilities necessary to perform the duties of the higher title; provided that an employee in a departmental unit of a city, town or district who has been employed in such unit in a lower title as a permanent employee for not less than one year next preceding the date of such request may be promoted to the next higher title in the same series if there is no other employee in such lower title or any other lower title in such series who has also been so employed, and if such employee shall demonstrate, by the passing of an examination prescribed by the administrator, that he possesses the qualifications and abilities necessary to perform the duties of such higher title. The relative ranking of titles as next higher or lower shall be determined by the administrator.

In case of promotional appointments of more than one employee, the appointing authority may select from among the same number of employees with the greatest length of service as the number provided in the civil service rules governing appointments to fill more than one vacancy.

The effective date of a promotional appointment made pursuant to this section shall be the date on which the person promoted assumes the duties of the higher title, as certified by the appointing authority, following the approval of the promotion by the administrator.

The provisions of this section may be utilized to make a temporary promotional appointment to fill a temporary vacancy in a permanent position if the administrator is satisfied that such vacancy is likely to become permanent within a reasonable period of time. If a person has received such a promotional appointment,

the administrator, upon the request of the appointing authority, may approve such promotional appointment on a permanent basis when the position to which the temporary promotional appointment has been made becomes permanently vacated.

Section 9. Pursuant to the provisions of this section, an appointing authority may make a promotional appointment within a departmental unit on the basis of a departmental promotional examination. Such departmental promotional examination shall be open, until there are at least two employees in lower titles eligible to apply, only to persons who have been employed in the departmental unit as civil service employees for at least one year immediately preceding the date of the examination, who have no permanent status in such unit in a title higher than the examination title, and who have been employed in such unit as civil service employees in a title equal to that of the position for which the examination is to be held or in the next lower titles, as determined by the administrator, for at least one year at any time preceding the date of the examination.

Section 10. An appointing authority may make a promotional appointment within a departmental unit on the basis of an alternate departmental promotional examination pursuant to this section. Eligibility to take such examination shall extend only to persons who have been employed in the departmental unit as civil service employees for at least one year immediately preceding the date of examination and who have no permanent status in such unit in a title higher than that of the position to which the promotional appointment is to be made. In addition, eligibility to take such examination shall extend only to: (1) persons who have been employed in the departmental unit as civil service employees for one year or longer at any time preceding the date of the examination in a position which the administrator determines to be directly qualifying for the position for which the examination is to be held or (2) employees who satisfy such experience or education and training requirements as the administrator determines shall be qualifying for the position for which the examination is to be held. Such experience, education or training may have been acquired within or without the departmental unit and shall be credited by the administrator only upon the presentation of evidence satisfactory to the administrator that such experience, education or training is of the length, type and quality determined by the administrator to be qualifying for the position for which the examination is to be held.

The provisions of this section may be applied, upon approval of the administrator, to competitive promotional examinations held pursuant to section eleven. The provisions of this section may also be utilized to hold promotional examinations which shall be open to eligible employees of an entire executive office, with the approval of the secretary thereof.

Section 11. An appointing authority may make a promotional appointment on the basis of a competitive promotional examination, pursuant to the provisions of this section, which shall be open to all permanent employees of the commonwealth, or of the city, town, or district where the promotion is to be made, as the case

may be, who have been employed for at least the six months next preceding the date of said examination as civil service employees in titles determined by the administrator to be eligible titles.

Section 12. An appointing authority may make a provisional appointment to a position in the official service with the authorization of the administrator or, if the appointing authority is a department, board, commission, institution or other agency within an executive office, with the authorization of the secretary of such office. Such authorization may be given only if no suitable eligible list exists from which certification of names may be made for such appointment or if the list contains the names of less than three persons who are eligible for and willing to accept employment and the appointing authority submits a written statement to the administrator that each person whose name was certified and who reported for an interview was interviewed and considered for appointment and states sound and sufficient reasons, satisfactory to the administrator, for not making an appointment from among such persons. A provisional appointment may be authorized pending the establishment of an eligible list. Such authorization shall be void unless exercised within two weeks after it is granted.

After authorization of a provisional appointment pursuant to the preceding paragraph, the administrator shall proceed to conduct an examination as he determines necessary and to establish an eligible list. Such examination shall be held and such eligible list shall be established within one year from the date of such authorization if the appointment must comply with federal standards for a merit system of personnel administration as a condition for receipt of federal funds by the commonwealth or any of its political subdivisions. If, as the result of such examination, no suitable eligible list is established, the administrator, upon the request of the appointing authority, may authorize an extension of the provisional appointment pending the results of another examination. Upon authorization of such an extension, the administrator shall arrange to hold a new examination forthwith and to determine the results of such examination. The eligible list resulting from such new examination shall be established within eighteen months of the determination of the results of the last previous examination, provided, however, that such new examination shall be held no later than one year from the date the last examination was held if the appointment must comply with federal standards for a merit system of personnel administration as a condition for receipt of federal funds by the commonwealth or any of its political subdivisions.

If no eligible list is established after a second examination for the same position, the administrator and the appointing authority shall confer and decide what action should be taken, such as the holding of another examination on a different basis.

Section 13. An appointing authority, in requesting authorization to make a provisional appointment, shall file with the administrator or, if the appointing authority is a department, board, commission, institution or other agency within an executive office, with the secretary in charge of such office, a notice containing: (1) the

information which the appointing authority believes is necessary to prepare and conduct an examination for the position for which such authorization is being requested, including the entrance requirements for the examination, a statement of the duties of the position, and the knowledge, skills and abilities necessary to perform those duties; (2) a proposal specifying the type of examination which should be held by the administrator; (3) a substantiation that the person proposed for the provisional appointment meets the proposed entrance requirements and possesses the knowledge, skills and abilities necessary to perform such duties.

Section 14. Upon receipt of the notice described in section thirteen, the administrator or the secretary in charge of the executive office, as the case may be, may authorize a provisional appointment if he determines that the contents of the notice are satisfactory. If the administrator or secretary and the appointing authority which filed the notice agree that the duties, qualifications and entrance requirements are correct as stated in the notice and if no person who meets the entrance requirements can be found for provisional appointment to the position pending the holding of an examination and the establishment of an eligible list, the position shall remain unfilled until such eligible list is established; provided, however, that if an emergency exists, and the appointing authority describes the reasons for the emergency, states that such position must be filled because of such emergency, and submits a statement which describes to the satisfaction of the administrator the steps which have been taken to find a person who meets the entrance requirements for the position, the administrator may authorize a provisional appointment of a person who does not meet such entrance requirements. Such authorization in the case of such emergency shall not constitute a finding that the person so provisionally appointed is eligible to take the examination for such position.

Each provisional appointment shall be reported by the appointing authority to the administrator. A provisional appointment may be terminated by the administrator at any time and, except as provided in the preceding paragraph, shall be terminated forthwith whenever the administrator or secretary shall determine that the person appointed does not, in fact, possess the approved qualifications or satisfy the approved requirements for the position. The administrator shall have the authority to terminate a provisional appointment which was approved by a secretary of an executive office.

Except as otherwise provided by section fifteen, no provisional employment in a position shall be authorized, approved, or continued for more than thirty days following a certification from an eligible list if such list contains the names of three persons eligible for and willing to accept appointment to such position.

A provisional appointment shall be terminated if there is a change in the nature of the employment or in the salary of the person who has been provisionally appointed.

Section 15. An appointing authority may, with the approval of the administrator or, if the appointing authority is a department, board, commission, institution or other agency within an executive

office, with the approval of the secretary of such office, make a provisional promotion of a civil service employee in one title to the next higher title in the same departmental unit. Such provisional promotion may be made only if there is no suitable eligible list, or if the list contains the names of less than three persons eligible for and willing to accept employment, or if an eligible list has been established as a result of a competitive examination for an original appointment and the appointing authority requests that the position be filled by a departmental promotional examination or pursuant to section eight. No provisional promotion shall be continued after a certification by the administrator of the names of three persons eligible for and willing to accept promotion to such position.

If there is no such employee in the next lower title who is qualified for and willing to accept such a provisional promotion the administrator may authorize a provisional promotion of a permanent employee in the departmental unit without regard to title, upon submission to the administrator by the appointing authority of sound and sufficient reasons therefor, satisfactory to the administrator. If the administrator has approved the holding of a competitive promotional examination pursuant to section eleven, he may authorize the provisional promotion of a person who is eligible to take such examination, without regard to departmental unit.

A provisional promotion pursuant to this section shall not be deemed to interrupt the period of service in the position from which the provisional promotion was made where such service is required to establish eligibility for any promotional examination.

A secretary of an executive office who approves a provisional promotion pursuant to this section shall notify the administrator of each such approval. Such approval shall be made pursuant to the civil service law and rules, and such notification shall be made in such form as shall be required by the administrator. The administrator shall terminate any provisional promotion if, at any time, he determines that (1) it was made in violation of the civil service law and rules, or (2) the person provisionally promoted does not possess the qualifications or satisfy the requirements for the position. An appointing authority which makes a provisional promotion pursuant to this section shall report such promotion to the administrator.

Section 16. Examinations shall be conducted under the direction of the administrator, who shall determine their form, method and subject matter. Examinations shall relate to matters which will fairly test the fitness of applicants actually to perform the duties of the position for which the examination is held. The administrator may utilize practical tests, or written or oral examinations or any combination of such tests and examinations, except that an oral examination shall be used only in conjunction with a written examination or practical test. Any oral examination shall be conducted by a board of three or more persons chosen by the administrator. The administrator shall notify each person who has taken an examination of his mark on the examination.

The administrator may, subject to the provisions of section twenty-six, where applicable, examine, qualify, and rank applicants for original or promotional appointment solely on the basis of

training and experience (a) for a scientific or professional position for which education at or above the master's degree level is required by statute or under authority thereof or (b) when the major duty of a position is such that applicants are required to have successfully completed a course in emergency medical care pursuant to the provisions of chapter one hundred and eleven C or to possess a certificate, registration or license issued after examination by one of the state boards of registration or examiners under the provisions of chapters one hundred and twelve, one hundred and forty-one or one hundred and forty-two, or a license or certificate of competency issued under the provisions of chapter one hundred and forty-six. A person who has taken a civil service examination pursuant to this paragraph shall not have recourse to the review procedures set forth in section twenty-two.

Section 17. The administrator, without requisition from an appointing authority, may hold a competitive examination to establish an eligible list of persons with bachelor's degrees. Such examination shall be open to any person who, at the time of the examination, has completed, or expects to complete within nine months, a four year course leading to a bachelor's degree from an accredited college or university or who has a combination of education and experience in administrative, professional or investigative work which the administrator finds acceptable.

Names shall be placed on the eligible list established as a result of such examination in the order specified by section twenty-six. Such list shall be open to public inspection. Each applicant shall be notified promptly of his mark on the examination. Certification from such list shall be made by the administrator only to fill vacancies in offices or positions in the official service for which he determines the examination to have been appropriate. Certifications from such list to the subdivisions of the commonwealth shall be made only upon request of the appointing authority.

A person who has taken an examination pursuant to this section shall not have recourse to the review procedures set forth in section twenty-two.

Section 18. The administrator shall prepare notices of all examinations for original appointment to the official service and shall send such notices to the clerks of those cities and towns where persons are domiciled who may be eligible to apply to take such examinations. The clerks shall cause such notices to be posted in the city and town halls and in other conspicuous places for at least three weeks prior to the final day for the filing of applications for the examination or, if no such final day for filing is indicated, as directed by the administrator. In towns with twenty-five hundred or more residents, a minimum of five notices shall be posted; in towns with less than twenty-five hundred residents, a minimum of two notices shall be posted; and in cities, a minimum of twenty-five shall be posted with at least one posted in each ward. The clerks of such cities and towns shall submit an annual report to the administrator certifying that all such notices have been posted pursuant to the requirements of this section. The administrator shall determine when such annual report shall be submitted and the specific information it shall contain concerning the time and place of posting of notices.

The administrator, on the basis of his assessment of local conditions, may require posting in addition to that required by this section or may modify the requirements of this section in some other manner. The administrator shall cause to be posted copies of all notices required by this section in a conspicuous place at the office of the division for not less than three weeks prior to the final day for the filing of applications for the examination or, if no such final day for filing is indicated, for so long as he shall continue to accept applications for the examination.

Each notice required by this section shall state the duties, compensation, and title of and required qualifications for the position for which the examination is to be held, the time, place and manner of applying for admission to the examination, the entrance requirements, if any, and any other information which the administrator determines should be included because of its relevancy and usefulness.

Section 19. The administrator shall prepare a notice of each competitive examination to be held for a promotional appointment in the official service. The administrator shall send copies of such notice to the appointing authority for the departmental unit in which the promotional appointment is to be made and to the appointing authority for any other departmental unit in which persons eligible to take such examination may be employed. Any appointing authority receiving such notice shall cause it to be posted in conspicuous places in the departmental unit and in each of its branch offices. Such appointing authority shall mail a copy of such notice to any eligible employee of such unit who, during the entire period of such posting, is on sick or military leave, on vacation, or off the payroll. The appointing authority shall make provision for fully informing all employees in such departmental unit of the places where such notices are posted.

Each notice required by this section shall state the duties, compensation, and title of and required qualifications for the position for which the examination is to be held, the time, place and manner of applying for admission to the examination, the entrance requirements, and any other information which the administrator determines should be included because of its relevancy and usefulness.

Section 20. Each application for examination or registration pursuant to the civil service law and rules shall be made under the penalties of perjury and shall contain requests for such information as the administrator deems necessary.

No applicant shall be required to furnish any information in such application with regard to: any act of waywardness or delinquency or any offense committed before the applicant reached the age of seventeen years; any arrest for a misdemeanor or felony which did not result in a court appearance, unless court action is pending; any complaint which was dismissed for lack of prosecution or which resulted in a finding or verdict of not guilty; or any arrest for or disposition of any of the following misdemeanors: drunkenness, simple assault, speeding, minor traffic violation, affray, or disturbance of the peace if disposition thereof occurred five years or more prior to the filing of the application.

Section 21. The administrator may establish educational requirements and alternatives thereto, in addition to the educational requirements established by statute, as prerequisites for appointment to any civil service position.

The administrator may also establish physical requirements, in addition to those established by statute and rule, as prerequisites for appointment to any civil service position; provided, however, that no applicant shall be discriminated against because he previously suffered from cancer if he is otherwise physically qualified and he signs a waiver of rights to disability benefits with respect to said cancer. The administrator may require an applicant for an original appointment to submit to physical examination prior to such appointment. The administrator may also require an applicant for a promotional appointment to submit a certificate of physical fitness signed by a physician approved by the administrator.

Any person who is unable to meet a physical requirement established by the administrator shall not be disqualified as a result of such inability from applying for and receiving an appointment to a civil service position if such person submits proof, satisfactory to the administrator, that he was injured in the performance of his duties while employed pursuant to a provisional appointment in such position, that he is unable to meet the physical requirements established by the administrator for such position solely because of such injury, and that the injury does not prevent him from performing the duties of such position. Such person shall, however, be subject to all other requirements for appointment to the position.

The administrator may limit eligibility for any examination for an original appointment to either male or female persons if the appointing authority requests such limitation in its requisition. Both male and female persons shall be presumed to be eligible for a promotional appointment to any civil service position; provided, however, that the administrator may limit such eligibility to either male or female persons if the duties and responsibilities of such position require special physical or medical standards or require custody or care of a person of a particular sex. Prior to any such limitation of appointment or promotion, the administrator shall submit in writing to the Massachusetts commission against discrimination a request for its recommendations on such proposed limitations.

Section 22. The administrator shall determine the passing requirements of examinations. In any competitive examination, an applicant shall be given credit for employment or experience in the position for which the examination is held. In any examination, credit shall be given only for training or experience which is stated in the training and experience sheet filed by the applicant at the time of the examination.

Except as otherwise provided by sections sixteen and seventeen, an applicant may request the administrator to conduct one or more of the following reviews relating to an examination: (1) a review of the marking of the applicant's answers to essay questions; (2) a review of the marking of the applicant's training and experience; (3) a review of a finding by the administrator that the applicant did not meet the entrance requirements for the

examination; provided that the administrator may deny such request in the case of a competitive examination for original appointment if, at the time such request is made, the administrator is currently accepting applications for a subsequent examination of the same type for the same position.

Such request for review of the marking of the applicant's answers to essay questions, of the marking of the applicant's training and experience, or of a finding that the applicant did not meet the entrance requirements for the examination shall be filed with the administrator no later than seventeen days after the date of mailing by the administrator of the notice to the applicant of his mark on the examination or his failure to meet the entrance requirements for the examination.

An applicant may request the administrator to conduct a review of whether an examination taken by such applicant was a fair test of the applicant's fitness actually to perform the primary or dominant duties of the position for which the examination was held, provided that such request shall be filed with the administrator no later than seven days after the date of such examination.

The administrator shall determine the form of a request for review. Each such request shall state the specific allegations on which it is based and the books or other publications relied upon to support the allegations. References to books or other publications shall include the title, author, edition, chapter and page number. Such reference shall also be accompanied by a complete quotation of that portion of the book or other publication which is being relied upon by the applicant. The administrator may require applicants to submit copies of such books or publications, or portions thereof, for his review.

Section 23. Within six weeks after receipt of a request pursuant to section twenty-two, the administrator shall, subject to the provisions of this section, conduct such review, render a decision, and send a copy of such decision to the applicant. If the administrator finds that an error was made in the marking of the applicant's answer to an essay question, or in the marking of the applicant's training and experience, or in the finding that the applicant did not meet the entrance requirements for the examination, the administrator shall make any necessary adjustment to correct such error.

The administrator may refuse to conduct a review pursuant to this section where the grade of the applicant in any subject of the written examination is less than fifty per cent or the applicant has failed to file the request for review within the required time or in the required form. In conducting a review pursuant to this section, the administrator shall give no credit for training or experience unless the training or experience was fully stated in the training and experience sheet filed by the applicant at the time of the examination.

Section 24. An applicant may appeal to the commission from a decision of the administrator made pursuant to section twenty-three no later than seventeen days after the date of mailing of such decision. An applicant may not appeal findings of the administrator relative to the grading of answers to written, oral, or practical questions in a competitive examination, except findings relative to the grading of answers to essay questions. The

commission shall determine the form of the petition for appeal; provided that the petition shall include a brief statement of the allegations presented to the administrator for review. After acceptance of such an appeal, the commission shall conduct a hearing, render a decision, and send a copy of such decision to the applicant and the administrator.

The commission shall refuse to accept any petition for appeal unless the request for review, which was the basis for such petition, was filed in the required time and form and unless a decision on such request for review has been rendered by the administrator. In deciding an appeal pursuant to this section, the commission shall not allow credit for training or experience unless such training or experience was fully stated in the training and experience sheet filed by the applicant at the time of the examination.

Section 25. The administrator shall establish, maintain and revise lists of persons who are eligible for appointment to positions in the official service. The names of such persons shall be arranged on each such list, subject to the provisions of section twenty-six, where applicable, in the order of their marks on the examination based upon which the list is established. Each such list shall be established or revised as soon as such marks are determined by the administrator, except that if such determination is made by the use of a written examination, the establishment or revision of the list shall be completed no later than six months after the date of such examination. The administrator shall make all eligible lists available for public inspection. All persons who have taken an examination shall be notified of the results thereof not later than sixty days after the date of such examination.

If an examination is held for a position and the results are determined during the period of eligibility on a list for such position of persons who have taken a previous examination of the same type, the names of all persons who passed such examinations shall be consolidated in a single list. Eligibility of a person for placement on, and the standing of such person on, an eligible list for any position shall be determined by the results of the last examination taken by such person for such position.

Persons on an eligible list shall be eligible for certification from such list for a period not to exceed two years unless one of the following exceptions applies: (1) such eligibility is extended by law because such persons are in the military or naval service; (2) the administrator is temporarily enjoined by a court order from certifying names from an eligible list, in which case eligibility of persons on such list shall be extended for a period equal to the duration of such order; (3) the administrator determines that the public convenience requires an extension of eligibility, in which case eligibility of all persons on such list shall be extended until such time as a new eligible list is established for the same position for which the original list was established; or (4) the administrator reestablishes an expired eligible list pursuant to the provisions of the following paragraph.

The administrator shall reestablish the eligibility of all persons on an eligible list for a position in a departmental unit in order to fill a vacancy in such position which occurs as a result of a death or retirement if such persons were eligible to be certified

for appointment to such position at the time such vacancy occurred and requisition to fill such vacancy is made not later than six months after such death or retirement.

Following the certification of names to an appointing authority, such appointing authority shall submit a written notice to the administrator indicating, with respect to each person whose name was certified, whether such person appeared to be interviewed, declined to accept employment, or expressed his willingness to accept employment, and whether or not such person has been selected for appointment. Failure to submit such notice on or prior to the date of expiration of the eligibility of a person on the list from which such names were certified shall nullify an appointment of such person.

The name of a person which was placed on an eligible list as the result of an examination for original appointment shall be removed from such list if the person fails to respond to a notice of certification or refuses to accept permanent or temporary employment after having previously expressed willingness to accept such employment, provided that the administrator may permit the name of such person to remain on the eligible list if such person submits to the administrator, during the period of his eligibility on such list, a satisfactory explanation of such refusal or failure to respond, and provided, further, that any person whose name is certified three times from an eligible list and who refuses, in each instance, to accept employment which he had previously expressed willingness to accept shall be ineligible to have his name certified again from such list for such employment.

Section 26. The names of persons who pass examinations for original appointment to any position in the official service shall be placed on eligible lists in the following order: (1) disabled veterans, in the order of their respective standings; (2) veterans in the order of their respective standings; (3) widows or widowed mothers of veterans who were killed in action or died from a service connected disability incurred in wartime service, in the order of their respective standings; (4) all others, in the order of their respective standings. Upon receipt of a requisition, names shall be certified from such lists according to the method of certification prescribed by the rules.

The spouse or single parent of a veteran who was killed in action or died from a service connected disability incurred in wartime service, upon presenting proof from official sources of such facts, satisfactory to the administrator, and proof that such spouse or parent has not remarried, shall be entitled to the preference provided for in this section.

The administrator may require any disabled veteran to present a certificate of a physician, approved by the administrator, that his disability is not such as to incapacitate him from the performance of the duties of the position for which he is eligible. The cost of a physical examination of such veteran for the purpose of obtaining such certificate shall be borne by the commonwealth.

A person who has received a congressional medal of honor may apply to the administrator for appointment to or employment in a civil service position without examination. In such application he shall state under penalties of perjury the facts required by the rules. Age, loss of limb or other disability which does not, in fact, incapacitate shall not disqualify him for appointment or

employment under this section. Appointing officers may make requisition for the names of any or all such persons and appoint or employ any of them. A person who has received a distinguished service cross or navy cross may, upon the recommendation of the administrator and with the approval of the commission, be appointed under the same conditions provided in this paragraph for a person who has received a medal of honor.

An appointing authority shall appoint a veteran in making a provisional appointment under section twelve, unless such appointing authority shall have obtained from the administrator a list of all veterans who, within the twelve months next preceding, have filed applications for the kind of work called for by such provisional appointment, shall have mailed a notice of the position vacancy to each of such veterans and shall have determined that none of such veterans is qualified for or is willing to accept the appointment.

A disabled veteran shall be retained in employment in preference to all other persons, including veterans.

Section 27. Except as provided otherwise by section fifteen, if the administrator certifies from an eligible list the names of three persons who are eligible for and willing to accept appointment, the appointing authority, pursuant to the civil service law and rules, may appoint only from among such persons. If such eligible list contains the names of less than three persons who are willing to accept appointment, the appointing authority may appoint from among those persons or may request authorization to make a provisional appointment pursuant to sections twelve, thirteen and fourteen.

If an appointing authority makes an original or promotional appointment from a certification of any person other than the person whose name appears highest, and the person whose name is highest is willing to accept such appointment, the appointing authority shall immediately file with the administrator a written statement of his reasons for appointing the person whose name was not highest. Such an appointment of a person whose name was not highest shall be effective only when such statement of reasons has been received by the administrator. The administrator shall make such statement available for public inspection at the office of the division.

Section 28. Except as provided in the last paragraph of this section, the names of persons who apply for employment in the labor service of the commonwealth and of the cities and towns shall be registered and placed, in the order of the dates on which they file their applications, on the registers for the titles for which they apply and qualify. The name of any such person shall remain on such register for not more than five years, subject to a renewal of application pursuant to this section. Such person shall continue to be eligible for appointment from any such register and shall maintain his place on such register if he renews his application during the six months immediately prior to or during the six months immediately following the expiration of his five year period of eligibility. Such continuing eligibility shall have a duration of not more than five years after the date of expiration of the original five year period. A renewal filed later than six months after such expiration date will not be

accepted, and the applicant who filed such late renewal will be required to file a new application and will be placed on the register as of the new date of registration.

During his period of eligibility, any such person may add titles for which he qualifies, in addition to those for which he originally applied, to his application for employment in the labor service. Eligibility for appointment to such additional titles shall continue for the remainder of the period of eligibility for the titles for which application was originally made.

An appointing authority may include in a requisition for laborers a statement that the work to be performed requires young and vigorous persons. The administrator, after investigating such statement and being satisfied that it is true, may establish an age limit and certify only those persons whose age is within such limit.

The names of veterans who apply for employment in the labor service shall be placed on the registers for the titles for which they qualify ahead of the names of all other persons. The names of spouse or surviving parent of veterans who were killed in action or died from service connected disability, incurred in wartime service, who present proof from official sources of such facts, satisfactory to the administrator, and who have not remarried, shall be placed on the registers for the titles in the labor service for which they apply and qualify above the names of all other applicants but below the names of veterans.

Section 29. An appointing authority shall, prior to any request to the administrator for approval of a promotional appointment of a permanent employee in the labor service to a higher title in such service; or for approval of a change in employment of a permanent employee within such service from one position to a temporary or permanent position which is not higher but which has requirements for appointment which are substantially dissimilar to those of the position from which the change is being made, post a promotional bulletin. Such bulletin shall be posted for a period of at least five working days where it can be seen by all employees eligible for such promotional appointment or change in employment. Any such request shall contain a statement that the posting requirements have been satisfied, indicating the date and location of the posting.

The promotional bulletin shall contain the following information about the position which is to be filled: the salary and location, any special qualifications or licenses which are required for performing the duties of the position, whether the position is permanent or temporary, if the position is temporary, the probable duration of the employment therein, and the last date to apply for the position. Such promotional bulletin shall be mailed to any employee who, during the entire period of posting, is on sick or military leave, on vacation or off the payroll.

Within fourteen days after approval by the administrator of a promotional appointment in the labor service, the appointing authority shall post in all areas under its control where five or more civil service employees start their tour of duty, the following information about the person who has been promoted: name, permanent title, position to which the promotional appointment has been made and the date from which length of service was

measured for purposes of determining seniority.

Section 30. Pursuant to the provisions of this section, an appointing authority, upon submission of a requisition, may make a promotional appointment within a departmental unit of a permanent employee in the labor service to a position in the lowest title, as determined by the administrator, in the official service in such departmental unit upon certification from an eligible list established as the result of a competitive examination. Except as otherwise provided in this section, eligibility to take such examination shall extend only to civil service employees in such departmental unit who have been employed in such unit after certification and in a permanent status for at least one year next preceding the date of the examination. The administrator may restrict such eligibility to any title or titles in the labor service of such departmental unit if he determines that the number of employees in such title or titles is sufficient for the holding of a competitive examination, and he may, in his discretion, extend such eligibility to any title or titles in the official service in such departmental unit.

A permanent civil service employee in the labor service may be promotionally appointed within a departmental unit, with the approval of the administrator, to a position in the lowest title, as determined by the administrator, in the official service of such unit provided that such employee has been employed in such unit after certification and in a permanent status for at least one year, is the first, second, or third ranking employee in length of service in the unit who is willing to accept the promotional appointment, and shall demonstrate, by the passing of an examination prescribed by the administrator, that he possesses the qualifications and abilities necessary to perform the duties of the position. The determination as to which employees are willing to accept such appointment or promotion shall be made after the posting of a promotional bulletin in accordance with the provisions of section twenty-nine; provided, that for the purposes of making said determination eligible employees in the official service in said departmental unit shall be entitled to respond to the bulletin, and those who do respond shall be considered in making the determination.

The provisions of this section may, upon the request of the appointing authority and at the discretion of the administrator, be applied to a departmental unit in which only titles in the official service are subject to the provisions of the civil service law and rules. In such case, eligibility to take a competitive examination pursuant to this section shall extend to employees in the departmental unit in titles approved by the administrator who have been employed therein on a full-time basis for at least one year next preceding the date of examination, notwithstanding the fact that they have been employed in positions which are not subject to the provisions of this chapter, and such employees may be appointed upon certification from the list established as the result of such examination. The length of service of any employee who is initially appointed to a civil service position pursuant to the provisions of this paragraph shall, for purposes of computing seniority under section thirty-three, be deemed to begin on the date of his first employment as a permanent employee in such position.

Section 31. An appointing authority may, without submitting a requisition to the administrator and without complying with other provisions of the civil service law and rules incident to the normal appointment process, make an emergency appointment to any civil service position other than laborer for a total of not more than thirty working days during a sixty day period. Such appointment shall be made only when the circumstances requiring it could not have been foreseen and when the public business would be seriously impeded by the time lapse incident to the normal appointment process. Upon making such an appointment, the appointing authority shall immediately notify the administrator in writing, in such form and detail as the administrator may require, of the reason for the appointment and the expected duration of the employment thereunder. No renewal of such emergency appointment shall be made without the consent of the administrator.

An emergency appointment may, upon written request of the appointing authority and with the consent of the administrator, be renewed for an additional thirty working days. The administrator shall not consent to more than one such renewal of the appointment unless the position is in a department, institution or hospital carrying out functions connected with the public safety or public health and the public service would suffer if a second renewal were not granted, in which case the administrator may consent to a second renewal. No person shall receive more than one such appointment or one such appointment and renewal, as the case may be, in any twelve month period, except as otherwise provided in this section.

Section 32. An appointing authority may make an emergency appointment to the position of laborer without submitting a requisition to the administrator and without complying with the other provisions of the civil service law and rules; provided, however, that the circumstances requiring such appointment could not have been foreseen and the public business would be seriously impeded by the time lapse incident to the normal appointment process.

Employment pursuant to such an appointment shall not continue for more than a total of thirty working days during the sixty calendar days following such appointment, provided that the appointing authority, with the consent of the administrator, may renew such appointment for an additional thirty working days or, at its discretion and without such consent, for not more than an additional fifteen working days. In the event of such renewal for not more than fifteen working days, no further emergency appointment shall be given such laborer within twelve months from the date that he began employment under such thirty-day appointment.

In no event shall a person who is given such an emergency appointment as a laborer be permitted more than a total of sixty working days of emergency employment within any twelve month period, in any civil service position, including that of a laborer.

Upon making such an appointment or any extension thereof, the appointing authority shall notify the administrator in writing of the reason for the appointment or extension and the anticipated duration of such emergency.

Section 33. For the purposes of this chapter, seniority of a civil service employee shall mean his ranking based on length of service, computed as provided in this section. Length of service shall be computed from the first date of full-time employment as a permanent employee, including the required probationary period, in the departmental unit, regardless of title, unless such service has been interrupted by an absence from the payroll of more than six months, in which case length of service shall be computed from the date of restoration to the payroll; but upon continuous service following such an absence for a period of twice the length of the absence, length of service shall be computed from the date obtained by adding the period of such absence from the payroll to the date of original employment; provided, however, that the continuity of service of such employee shall be deemed not to have been interrupted if such absence was the result of (1) military service, illness, educational leave, abolition of position or lay-off because of lack of work or money, or (2) injuries received in the performance of duty for which compensation was paid pursuant to chapter one hundred and fifty-two, provided that the employee notifies the appointing authority, in writing, not later than six months after the final payment of compensation aforesaid that he is ready, willing, and able to do his former work and files with said appointing authority a certificate of a registered physician that he is able to perform the duties of his position in an efficient manner, and is restored to the payroll.

If, as a result of a reinstatement made pursuant to section forty-six, a person is restored to employment in a departmental unit other than that in which he formerly held full-time employment as a permanent employee, his length of service shall be computed from the date of his first employment under such reinstatement, but upon continuous service in such unit for three years or twice the length of his absence from the payroll, whichever is greater, his length of service shall be computed as though such earlier employment had been in the departmental unit to which he has been reinstated.

If the employment of such full-time employee is changed through an original or promotional appointment or transfer from one departmental unit of the commonwealth to another under the same appointing authority, or from one departmental unit to another within the same department in a city or town, the length of service of such employee in the unit to which the appointment or transfer is made shall be computed from the date which was used to compute his length of service immediately prior to such appointment or transfer. If the employment of such full-time employee is changed through an original or promotional appointment from one departmental unit of the commonwealth to another not under the same appointing authority, from one departmental unit to another not within the same department in a city or town, from one city or town to another, from a city or town to the commonwealth, or from the commonwealth to a city or town, the length of service of such employee shall be computed from the date of such change of employment, but if the employee completes one year of service in the new employment, from the date which was used to compute the employee's length of service immediately prior to the change of employment.

If the employment of such full-time employee is changed by transfer from one departmental unit of the commonwealth to another not under the same appointing authority, from one departmental unit to another not within the same department in a city or town, from one city or town to another, from a city or town to the commonwealth, or from the commonwealth to a city or town, the length of service of such employee shall be computed in the following manner: (1) if the transfer was made upon the request of the employee, the length of service shall be computed from the date of such transfer, but if the employee completes three years of service in the new employment, from the date which was used to compute the employee's length of service immediately prior to the transfer; (2) if the transfer was not upon the request of the employee, the length of service shall be computed from the date which was used to compute the employee's length of service immediately prior to the transfer.

The length of service of a permanent employee appointed on less than a full-time basis shall be computed from the date of such appointment, without regard to absences from the payroll which were not voluntary on the part of such employee. Regardless of actual length of service, permanent employees appointed on less than a full-time basis shall, for purposes of determining seniority, rank below all full-time permanent employees.

Section 34. Following his original appointment to a civil service position as a permanent full-time employee, a person shall actually perform the duties of such position on a full-time basis for a probationary period of six months before he shall be considered a full-time tenured employee, except as otherwise provided by sections sixty-one and sixty-five, by other law, or by civil service rule.

Following his original appointment as a permanent employee to a less than full-time civil service position, including a reserve, intermittent, call, recurrent, or part-time position, a person shall serve a probationary period of six months immediately following such appointment, which shall include the actual performance of the duties of such position for not less than thirty working days or the equivalent thereof during such period, before he shall be considered a less than full-time tenured employee, provided that if such person has not performed such duties for such thirty working days or the equivalent thereof, his probationary period shall be extended for an additional twelve months, at the end of which time such person, if his employment has not been terminated in accordance with the provisions of this section, shall be deemed to be a tenured employee.

Each appointing authority employing persons as permanent employees in less than full-time civil service positions shall, insofar as possible, provide such persons equal opportunity for work.

If the conduct or capacity of a person serving a probationary period or the character or quality of the work performed by him is not satisfactory to the appointing authority, he may, at any time after such person has served thirty days and prior to the end of such probationary period, give such person a written notice to that effect, stating in detail the particulars wherein his

conduct or capacity or the character or quality of his work is not satisfactory, whereupon his service shall terminate. The appointing authority shall at the same time send a copy of such notice to the administrator. In default of such notice, such person shall be deemed to be a tenured employee upon the termination of such period.

If a full-time civil service employee is unable to work because of illness during the serving of his probationary period, the appointing authority may postpone the serving of such period, provided that such employee has served an amount of time adequate to satisfy the appointing authority that his services should be retained and provided, further, that such employee shall, upon resuming employment, be required to perform service equal to a full probationary period.

If a person at the time of his appointment or during the serving of his probationary period is not actually employed because of educational leave, he shall not be regarded as a tenured employee until he has served a full probationary period or the remainder thereof, as the case may be, following the termination of said educational leave and his commencing of or return to employment.

The probationary period of an employee shall not be deemed to be interrupted by his temporary appointment pursuant to section six to a position in a higher title in the same departmental unit, by his temporary promotional appointment pursuant to section seven, or by his provisional promotion pursuant to section fifteen.

Section 35. Subject to the provisions of section forty-one governing the transfer of persons who have served as tenured employees since prior to October fourteen, nineteen hundred and sixty-eight, a tenured employee may be transferred to a similar position in the same or in another departmental unit after request in writing for approval of such transfer made to the administrator by the appointing authority or authorities for such unit or units and with the approval of the administrator, provided such request includes reasons which, in the opinion of the administrator, are sound and sufficient to show that the transfer will be for the public good and will not impose unreasonable hardship on such employee. A position shall not be considered similar if it has a title higher than that of the position from which the transfer is to be made or if the requirements for appointment to such positions are substantially different.

Such transfer may be permanent or temporary, as the appointing authority or authorities shall determine, with the consent of the administrator, and, if temporary, shall be for such period of time as the appointing authority or authorities shall determine, with the consent of the administrator. A temporary transfer shall not affect the date from which length of service is computed for purposes of determining the seniority of the person transferred; nor shall such transfer be deemed to interrupt the period of service in the position from which such person is transferred where such period of service is required for eligibility for any promotion under the civil service law and rules.

Without the consent of the administrator but otherwise subject to the requirements of the two preceding paragraphs, a transfer from a civil service position within a department, as defined by

section one of chapter twenty-nine, within any of the executive offices established by chapters six A and seven, to another similar position within the same department may be made with the written consent of the secretary having charge of such executive office upon submission of notice of such transfer to the administrator in such form as he shall prescribe, and subject to the provisions of the civil service law and rules; provided, however, that the duration of any temporary transfer, whether to a temporary position or to a permanent position, shall be subject to the approval of the administrator. If at any time the administrator shall determine that any transfer so consented to by such secretary has been made in violation of any such provision, the administrator shall terminate such transfer.

A person who is aggrieved by a transfer, other than an emergency transfer or assignment, made pursuant to this section but who is not subject to the provisions of section forty-one with respect to such transfer, may appeal to the commission pursuant to the provisions of section forty-three and shall be entitled to a hearing and a decision by the commission in the same manner as if such appeal were taken from a decision of the appointing authority made, after hearing, under the provisions of section forty-one.

An appointing authority for a departmental unit may make an emergency transfer or emergency assignment of any employee where the public safety or health would be seriously impaired by delay in the performance of essential duties.

Any permanent employee in a departmental unit may apply in writing to his appointing authority for transfer to a similar position within such unit, or may apply in writing to the appointing authorities for such unit and for any other departmental unit for transfer to a similar position in such other departmental unit. With the written consent of such appointing authority or authorities, as the case may be, and with the written consent of the administrator, such person may be so transferred.

Section 36. A person who has been employed in the official service as a permanent employee for at least one year may be transferred to a position in the labor service under the direction of the same appointing authority upon approval of the administrator. Such approval shall be granted only upon written request of the appointing authority. Such request shall be accompanied by statements from the appointing authority substantiating that such person is qualified to perform the duties of the position in the labor service and that the appointing authority has posted, in the departmental unit in which such position exists, the promotional bulletin provided for in section twenty-nine and has determined that such person is the most qualified of those employees who are willing to accept such position.

The provisions of this section may apply to a transfer to a position the duties of which are partially those of a position in the labor service and partially those of a position in the official service, and may apply notwithstanding that the person for whose transfer the request for approval is made is not eligible for certification from any register for appointment to such position in such departmental unit.

A secretary having charge of an executive office established

by chapters six A or seven may, without such request for approval, authorize the transfer of such an employee from the official service within a department, as defined by section one of chapter twenty-nine, within such executive office, to a position in the labor service in such department; provided that notice of such transfer, together with the statements of the appointing authority described in the first paragraph of this section, shall be filed with the administrator prior to the effective date of such transfer; and provided, further, that such transfer shall be subject to the provisions of the civil service law and rules. If at any time the administrator shall determine that any such transfer so authorized by any such secretary shall have been made in violation of any such provisions, the administrator shall terminate such transfer.

Section 37. An appointing authority may grant a permanent employee a leave of absence or an extension of a leave of absence; provided that any grant for a period longer than fourteen days shall be given only upon written request filed with the appointing authority by such person, or by another authorized to request such leave on his behalf, and shall be in writing. The written request shall include a detailed statement of the reason for the requested leave and, if the absence is caused by illness, shall be accompanied by substantiating proof of such illness. A copy of the written grant shall be kept on file by the appointing authority, who shall, upon request, forward a copy thereof to the commission or administrator. No leave of absence for a period longer than three months, except one granted because of illness as evidenced by the certificate of a physician approved by the administrator, shall be granted pursuant to this paragraph without the prior approval of the administrator.

Any person elected to a state office or elected by the people to the office of mayor who is a permanent employee in a civil service position or is employed in a position in any public authority which is supported in whole or in part by public money shall, upon his written request made to the appointing authority, be granted a leave of absence without pay from his civil service position or from his position in such public authority for all or such portion of the term for which he was elected as he may at any time, or from time to time, designate, and shall not, as a result of such election, be suspended or discharged or suffer any loss of rights under the civil service law and rules.

Any person elected to a state office following appointment to a civil service position as a permanent employee who has not completed the statutory probationary period in such position shall, during such probationary period, upon his written request made to the appointing authority, be granted a leave of absence without pay from such position for all or for such portion of the term for which he was elected as he may designate within one month of his election to said office, and shall not, as a result of such election, be suspended or discharged or suffer any loss of rights under the civil service law and rules; provided that such person shall return to such position within one month of completion of the term or terms for which he was elected and that upon such return he shall complete the remaining portion of such probationary period. During such period such person shall be ineligible to take any promotional examination.

Any person who has been granted a leave of absence or an extension thereof pursuant to this section shall be reinstated at the end of the period for which the leave was granted and may be reinstated earlier. If the appointing authority, upon demand of such person, shall fail to reinstate him to his civil service position, such person may request a hearing before the administrator. The administrator shall proceed forthwith to hold such a hearing and to render his decision.

If a person shall fail to return to his civil service position at or before completion of the period for which a leave of absence has been granted under any provision of this section, the appointing authority shall, within fourteen days after the completion of such period, give such person a written notice setting forth the pertinent facts of the case and informing him that his employment in such position is considered to be terminated, whereupon the employment of such person in such position shall terminate. The appointing authority shall file with the administrator a copy of such notice which shall state the date on which the employment of such person should be recorded as having terminated. The provisions of sections forty-one through forty-five shall not apply to a termination made under this paragraph. Nothing in this section shall be deemed to prevent the subsequent reinstatement of such person pursuant to section forty-six.

Section 38. Upon reporting an unauthorized absence to the administrator pursuant to section sixty-eight, an appointing authority shall send by registered mail a statement to the person named in the report, informing him that (1) he is considered to have permanently and voluntarily separated himself from the employ of such appointing authority and (2) he may within ten days after the mailing of such statement request a hearing before the appointing authority. A copy of such statement shall be attached to such report to the administrator.

The appointing authority may restore such person to the position formerly occupied by him or may grant a leave of absence pursuant to section thirty-seven if such person, within fourteen days after the mailing of such statement, files with the appointing authority a written request for such leave, including in such request an explanation of the absence which is satisfactory to the appointing authority. The appointing authority shall immediately notify the administrator in writing of any such restoration or the granting of any such leave.

If an appointing authority fails to grant such person a leave of absence pursuant to the provisions of the preceding paragraph or, after a request for a hearing pursuant to the provisions of this section, fails to restore such person to the position formerly occupied by him, such person may request a review by the administrator. The administrator shall conduct such review, provided that it shall be limited to a determination of whether such person failed to give proper notice of the absence to the appointing authority and whether the failure to give such notice was reasonable under the circumstances.

No person who has been reported as being on unauthorized absence under this section shall have recourse under sections forty-one through forty-five with respect to his separation from employment on account of such absence.

For the purposes of this section, unauthorized absence shall mean an absence from work for a period of more than fourteen days for which no notice has been given to the appointing authority by the employee or by a person authorized to do so, and which may not be charged to vacation or sick leave, or for which no leave was granted pursuant to the provisions of section thirty-seven.

Section 39. If permanent employees in positions having the same title in a departmental unit are to be separated from such positions because of lack of work or lack of money or abolition of positions, they shall, except as hereinafter provided, be separated from employment according to their seniority in such unit and shall be reinstated in the same unit and in the same positions or positions similar to those formerly held by them according to such seniority, so that employees senior in length of service, computed in accordance with section thirty-three, shall be retained the longest and reinstated first. Employees separated from positions under this section shall be reinstated prior to the appointment of any other applicants to fill such positions or similar positions, provided that the right to such reinstatement shall lapse at the end of the five-year period following the date of such separation.

Any action by an appointing authority to separate a tenured employee from employment for the reasons of lack of work or lack of money or abolition of positions shall be taken in accordance with the provisions of section forty-one. Any such employee who has received written notice of an intent to separate him from employment for such reasons may, as an alternative to such separation, file with his appointing authority, within seven days of receipt of such notice, a written consent to his being demoted to a position in the next lower title or titles in succession in the official service or to the next lower title or titles in the labor service, as the case may be, if in such next lower title or titles there is an employee junior to him in length of service. As soon as sufficient work or funds are available, any employee so demoted shall be restored, according to seniority in the unit, to the title in which he was formerly employed.

Nothing in this section shall impair the preference provided for disabled veterans by section twenty-six.

Section 40. If a permanent employee shall become separated from his position because of lack of work or lack of money or abolition of his position, his name shall be placed by the administrator on a reemployment list, or if a permanent employee resigns for reasons of illness his name shall be placed on such list upon his request made in writing to the administrator within two years from the date of such resignation.

The names of persons shall be set forth on the reemployment list in the order of their seniority, so that the names of persons senior in length of service at the time of their separation from employment, computed in accordance with section thirty-three, shall be highest. The name of a person placed on such reemployment list shall remain thereon until such person is appointed as a permanent employee after certification from such list or is reinstated, but in no event for more than two years. The administrator, upon receipt of a requisition, shall certify names

from such reemployment list prior to certifying names from any other list or register if, in his judgment, he determines that the position which is the subject of the requisition may be filled from such reemployment list.

If the position of a permanent employee is abolished as the result of the transfer of the functions of such position to another department, division, board or commission, such employee may elect to have his name placed on the reemployment list or to be transferred, subject to the approval of the administrator, to a similar position in such department, division, board or commission without loss of seniority, retirement or other rights, notwithstanding the provisions of section thirty-three.

Section 41. Except for just cause and except in accordance with the provisions of this paragraph, a tenured employee shall not be discharged, removed, suspended for a period of more than five days, laid off, transferred from his position without his written consent if he has served as a tenured employee since prior to October fourteen, nineteen hundred and sixty-eight, lowered in rank or compensation without his written consent, nor his position be abolished. Before such action is taken, such employee shall be given a written notice by the appointing authority, which shall include the action contemplated, the specific reason or reasons for such action and a copy of sections forty-one through forty-five, and shall be given a full hearing concerning such reason or reasons before the appointing authority or a hearing officer designated by the appointing authority. The appointing authority shall provide such employee a written notice of the time and place of such hearing at least three days prior to the holding thereof, except that if the action contemplated is the separation of such employee from employment because of lack of work, lack of money, or abolition of position the appointing authority shall provide such employee with such notice at least seven days prior to the holding of the hearing and shall also include with such notice a copy of sections thirty-nine and forty. If such 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 the completion of the hearing if the appointing authority presided, the appointing authority shall give to such employee a written notice of his decision, which shall state fully and specifically the reasons therefor. Any employee suspended pursuant to this paragraph shall automatically be reinstated at the end of the first period for which he was suspended. In the case of a second or subsequent suspension of such employee for a period of more than five days, reinstatement shall be subject to the approval of the administrator, and the notice of contemplated action given to such employee shall so state. If such approval is withheld or denied, such employee may appeal to the commission as provided in paragraph (b) of section two.

A civil service employee may be suspended for just cause for a period of five days or less without a hearing prior to such suspension. Such suspension may be imposed only by the appointing authority or by a subordinate to whom the appointing authority has delegated authority to impose such suspensions, or by a

chief of police or officer performing similar duties regardless of title, or by a subordinate to whom such chief or officer has delegated such authority. Within twenty-four hours after imposing a suspension under this paragraph, the person authorized to impose the suspension shall provide the person suspended with a copy of sections forty-one through forty-five and with a written notice stating the specific reason or reasons for the suspension and informing him that he may, within forty-eight hours after the receipt of such notice, file a written request for a hearing before the appointing authority on the question of whether there was just cause for the suspension. If such request is filed, he shall be given a hearing before the appointing authority or a hearing officer designated by the appointing authority within five days after receipt by the appointing authority of such request. Whenever such hearing is given, the appointing authority shall give the person suspended a written notice of his decision within seven days after the hearing. A person whose suspension under this paragraph is decided, after hearing, to have been without just cause shall be deemed not to have been suspended, and he shall be entitled to compensation for the period for which he was suspended. A person suspended under this paragraph shall automatically be reinstated at the end of such suspension. An appointing authority shall not be barred from taking action pursuant to the first paragraph of this section for the same specific reason or reasons for which a suspension was made under this paragraph.

If a person employed under a provisional appointment for not less than nine months is discharged as a result of allegations relative to his personal character or work performance and if the reason for such discharge is to become part of his employment record, he shall be entitled, upon his request in writing, to an informal hearing before his appointing authority or a designee thereof within ten days of such request. If the appointing authority, after hearing, finds that the discharge was justified, the discharge shall be affirmed, and the appointing authority may direct that the reasons for such discharge become part of such person's employment record. Otherwise, the appointing authority shall reverse such discharge, and the allegations against such person shall be stricken from such record. The decision of the appointing authority shall be final, and notification thereof shall be made in writing to such person and other parties concerned within ten days following such hearing.

Any hearing pursuant to this section shall be public if either party to the hearing files a written request that it be public. The person who requested the hearing shall be allowed to answer, personally or by counsel, any of the charges which have been made against him.

If it is the decision of the appointing authority, after hearing, that there was just cause for an action taken against a person pursuant to the first or second paragraphs of this section, such person may appeal to the commission as provided in section forty-three.

Saturdays, Sundays and legal holidays shall not be counted in the computation of any period of time specified in this section.

Notice of any action taken under this section shall be forwarded forthwith by the appointing authority to the personnel administrator.

Section 42. Any person who alleges that an appointing authority has failed to follow the requirements of section forty-one in taking action which has affected his employment or compensation may file a complaint with the commission within ten days, exclusive of Saturdays, Sundays, and legal holidays, after said action has been taken, setting forth specifically in what manner the appointing authority has failed to follow such requirements. If the commission finds that the appointing authority has failed to follow said requirements and that the rights of said person have been prejudiced thereby, the commission shall order the appointing authority to restore said person to his employment immediately without loss of compensation or other rights.

A person who files a complaint under this section may at the same time request a hearing as to whether there was just cause for the action of the appointing authority in the same manner as if he were a person aggrieved by a decision of an appointing authority made pursuant to all the requirements of section forty-one. If said complaint is denied, such hearing shall be conducted and a decision rendered as provided by section forty-three.

The supreme judicial court or the superior court shall have jurisdiction over any civil action for the reinstatement of any person alleged to have been illegally discharged, removed, suspended, laid off, transferred, lowered in rank or compensation, or whose civil service position is alleged to have been illegally abolished. Such civil action shall be filed within six months next following such alleged illegal act, unless the court upon a showing of cause extends such filing time.

Section 43. If a person aggrieved by a decision of an appointing authority made pursuant to section forty-one shall, within ten days after receiving written notice of such decision, so request in writing to the commission, he shall be given a hearing before a member of the commission or some disinterested person designated by the chairman of the commission. Said hearing shall be commenced in not less than three nor more than ten days after the filing of such request and shall be completed within thirty days after such filing unless, in either case, both parties shall otherwise agree in a writing filed with the commission, or unless the member or hearing officer determines, in his discretion, that a continuance is necessary or advisable. Upon completion of the hearing, the member or hearing officer shall file forthwith a report of his findings with the commission. Within thirty days after the filing of such report, the commission shall render a written decision and send notice thereof to all parties concerned.

The commission shall affirm the action of the appointing authority if it finds that such action was justified. Otherwise it shall reverse such action, and the person concerned shall be returned to his position without loss of compensation or other rights. The commission may also modify any penalty imposed by the appointing authority.

Any hearing pursuant to this section shall be public if either party so requests in writing. The person who requested the hearing shall be allowed to answer, personally or by counsel, any of the charges which have been made against him.

The decision of the commission made pursuant to this section shall be subject to judicial review as provided in section forty-four.

Saturdays, Sundays and legal holidays shall not be counted in the computation of any period of time specified in this section.

Section 44. Within thirty days after receiving notice of the decision of the commission following a hearing requested by him pursuant to section forty-two or section forty-three, a person may, if he is aggrieved by such decision, file a petition to review the commission's decision in the municipal court of the city of Boston or in the district court for the judicial district wherein such person resides. A copy of the petition shall, within the same thirty days, be served personally or by registered mail upon the commission and the appointing authority. Service on the commission shall be sufficient if service is made on any member thereof or on the secretary to the commission.

Such petition shall be addressed to the court and shall name as respondents the chairman and members of the commission and the appointing authority. It shall include a concise statement of the facts upon which jurisdiction and venue are based and which show that the petitioner is aggrieved, shall specify which of the grounds listed in the sixth paragraph of this section constitute the basis for such petition, and shall demand the relief to which the petitioner believes he is entitled.

The commission shall cause an appearance to be entered on its behalf within thirty days after service upon it of the copy of the petition for review. At the time of the hearing on the petition, the commission shall file with the court (a) the original or a certified copy of the record of the entire proceedings which are being reviewed, accompanied by a certification over the signature of the secretary to the commission that the same is true and complete, or (b) such portions of such record as the commission and the parties may stipulate, or (c) a statement of the case agreed to by the commission and the parties. The court may assess the expense of preparing the record as part of the costs in the case. The court may, as it deems desirable, require or permit corrections or additions to the record.

The court shall limit its review to such record, portions of the record, or statement except (a) the court may take testimony regarding alleged procedural irregularities before the commission which do not appear on the record, and (b) upon application, the court may order that additional evidence be taken before the commission, under such conditions as the court deems proper, in cases where it is demonstrated to the satisfaction of the court (1) that the additional evidence is material to the issues in the case and (2) that there was good reason for the failure to present it during the hearing before the commission. The commission, by reason of such additional evidence, may modify its findings and decision and shall file with the reviewing court, to become part of the record, such additional evidence and any modified or new findings or decision.

If a petitioner alleges that his seniority rights have been or may be violated by any action or decision which is sought to be reviewed pursuant to this section, the court may, upon application of any party in the proceedings made at any time before a final decision on the petition, and upon proper notice, order that any person whose seniority rights are alleged or appear to be junior to those of the petitioner be made a respondent in the proceedings

and shall thereupon determine the rights of the respective parties therein.

The court may affirm the decision of the commission if it finds that such decision was justified or may remand the matter for further proceedings before the commission. The court may set aside and reverse the decision of the commission if it finds that such decision (a) violates constitutional provisions; or (b) exceeds the statutory authority or jurisdiction of the commission; or (c) is based upon an error of law; or (d) was made pursuant to unlawful procedure; or (e) is unsupported by substantial evidence; or (f) is arbitrary or capricious, an abuse of discretion, or otherwise not in accordance with law; provided that the court shall base such finding on consideration of the record of the entire proceedings of the commission, or such portions of the record as may be stipulated by the parties, or a statement of the case as agreed to by the petitioner and the respondents. If the court reverses the decision of the commission, the petitioner shall be reinstated in his position without loss of compensation.

The decision of the court shall be final and conclusive upon the parties, and a copy of such decision shall be forwarded forthwith by the clerk of the court to the petitioner and to all respondents in the proceedings.

Section 45. A tenured employee who has incurred expense in defending himself against an unwarranted discharge, removal, suspension, laying off, transfer, lowering in rank or compensation, or abolition of his position and who has engaged an attorney for such defense shall be reimbursed for such expense, but not to exceed two hundred dollars for attorney fees for each of the following: (1) a hearing by the appointing authority; (2) a hearing pursuant to section forty-two or forty-three; (3) a judicial review pursuant to section forty-four; and not to exceed one hundred dollars for each of the following: (1) summons of witnesses; (2) cost of stenographic transcript; (3) any other necessary expense incurred in such defense.

Any person seeking such reimbursement shall file with his appointing authority a written application therefor within thirty days after final disposition of his case. The appointing authority shall, within thirty days after receipt of such application, pay such reimbursement from the same source as that from which the salary of the person seeking the reimbursement is paid, but only upon receipt of satisfactory proof that such expenses were actually incurred for the purposes set forth in this section.

Saturdays, Sundays, and legal holidays shall not be counted in the computation of any time period specified in this section.

Section 46. A permanent employee who becomes separated from his position may, with the approval of the administrator, be reinstated in the same or in another departmental unit in a position having the same title or a lower title in the same series, provided that the appointing authority submits to the administrator a written request for such approval which shall contain the reasons why such reinstatement would be in the public interest. No such request shall be approved if the person whose reinstatement is sought has been separated from such position for over five years and there is a suitable eligible list containing the names of two or more persons available for appointment or promo-

tion to such position. If the administrator fails to approve the reinstatement of such person within thirty days after such request, the appointing authority or such person may make a written request for a hearing before the administrator, who shall hold such hearing forthwith and render his decision. Nothing herein shall affect the rights of persons to reinstatement under section thirty-nine.

The administrator shall reinstate any employee of a city or town who has been separated from a civil service position through retirement pursuant to the provisions of any law if such retirement is invalidated and the retirement allowance discontinued because the proceedings relative to such retirement were illegal or defective; and such employee applies to the administrator for reinstatement within one year after the last payment of such retirement allowance. The administrator shall reinstate such person, without loss of compensation, in the same position or in a position with the same title as that formerly held by him.

Section 47. Upon application by a blind person to take an examination for any position the duties of which he may properly perform, the administrator, upon written request of such person, shall make such provisions as will enable such person to take such examination.

Notwithstanding any other provision of this chapter, an appointing authority may, after giving written notice to the administrator, make a temporary appointment of a mentally retarded person to a civil service position, provided that the appointing authority shall secure and maintain on file a certificate from the Massachusetts rehabilitation commission that such person is mentally retarded and that such commission approves such employment of such person. The appointing authority shall also maintain a record of the following:

- (1) the specific title and duties to be assigned to such mentally retarded person and the title of his immediate supervisor;
- (2) a certificate from the Massachusetts rehabilitation commission that the retarded person: (a) can satisfactorily perform the duties of the position, (b) is qualified to do the work without hazard to himself or to others, and (c) is socially competent to maintain himself in a work environment;
- (3) a statement that it will fully utilize the services of the Massachusetts rehabilitation commission for assistance to the employee's immediate supervisor in the training and supervision of the employee and for post-placement counseling of the employee;
- (4) a statement that it will not terminate the mentally retarded person's employment without prior notification to the Massachusetts rehabilitation commission.

The appointing authority may require any such mentally retarded person to undergo such tests as, in its opinion, will measure the fitness of such person to properly perform the duties of the position.

Upon commencement of employment pursuant to this section, such mentally retarded person shall be deemed to be employed on a temporary basis in such position. The appointing authority shall notify the administrator when such mentally retarded person has been continuously employed in a year-round temporary position for a period of three years, whereupon such position

shall be deemed to be a permanent position, and such person shall be deemed to be a tenured employee therein. The administrator shall give appropriate notice thereof, by title and position number, with respect to each such position in the service of the commonwealth to the budget director, the comptroller, the house and senate committees on ways and means, and the appointing authority.

Section 48. All offices and positions in the service of the commonwealth or of any district or authority established by general or special law shall be subject to the civil service law and rules unless expressly exempted by this chapter or other law.

Offices and positions in the service of cities and towns shall be subject to the civil service law and rules as provided by sections fifty-one, fifty-two, and fifty-three.

The following shall be exempt from the civil service law and rules, unless expressly made subject thereto by statute:

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

Clerical employees in the registries of probate of all counties.

Counsels, attorneys-at-law, including attorneys designated as counsel or counsellors-at-law, city solicitors, assistant city solicitors, town counsels and assistant town counsels.

Directors of divisions authorized by law in the departments of the commonwealth.

Director of health, welfare and retirement trust funds board.

Election officials, including registrars of voters.

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

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

Industrial relations adjusters within the board of conciliation and arbitration in the department of labor and industries.

Judges and officers and employees of the judicial branch.

Laborers and chauffeurs employed in the state department of public works between October thirty-first and April fifteenth for the removal of snow from and the sanding of the highways and airports of the commonwealth and work incidental thereto, provided that such employment in each case does not exceed a total of ninety days within that period and that regular employees are not available to perform such work; and such temporary employees in such department as required during and following a disaster or period of extreme danger when and as authorized by the governor, but not to exceed ninety days. Preference shall be given to veterans in making appointments and employing persons under the provisions of this paragraph.

Legislative counsel in cities or towns.

Legislators and officers and employees of the legislative branch.

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

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

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

Officers, secretaries and employees of the office of the governor and executive council, lieutenant governor, state secretary, state treasurer, state auditor, and attorney general, and employees of the commissioner of banks.

Officers whose appointment or election is by a city council or subject to its confirmation.

Parking meter supervisors, except as provided in sections fifty-one and fifty-two.

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

Police and fire commissioners and chief marshals or chiefs of police and of fire departments, except as provided in sections fifty-one and fifty-two.

Professional librarians and subprofessional librarians whose duties require that they have certificates issued by the board of library commissioners, and pages employed in libraries on a part-time or intermittent basis who are day or evening high school or day or evening college students.

Public school ice skating rink managers.

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

Seasonal positions.

Shellfish constables or deputy shellfish constables.

Student interns employed by municipal police departments while attending degree granting institutions of higher learning, and one staff assistant employed by each department for each one hundred thousand residents or portion thereof, not to exceed five.

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

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

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

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

Such other officers and employees as are by law exempt from the civil service law and rules.

Section 49. The administrator shall cooperate with degree-granting institutions of higher education which offer programs designed to enable students enrolled therein to be employed in positions appropriate to their major academic interests. The employment by a city or town of any such student in any such position shall not be subject to the civil service law and rules if (1) the institution notifies the administrator in writing that such student is enrolled therein under such a program and (2) such employment is for a stated and limited time.

An appointing authority, in its discretion, may make an appointment either subject to or exempt from the civil service law and rules to any of the following positions in the service of the commonwealth: adjutant; assistant adjutant; director of business services and director of engineering services at the soldiers' home in Massachusetts; business manager; regional business manager; steward; and treasurer. No person employed in any such position following an appointment thereto exempt from the civil service law and rules shall be regarded as a tenured employee therein. If a tenured employee in a departmental unit under the supervision and control of such appointing authority accepts such an exempt appointment, he shall be notified in writing by the appointing authority that his civil service status will terminate upon the effective date of such appointment.

Each officer, board and commission appointed by the governor, with the advice and consent of the council, having supervision and control of an executive or administrative department, board or commission of a municipality, may appoint and remove a person to serve as its confidential secretary. Such confidential secretary shall receive such compensation as shall be fixed by said officer, board or commission, and his appointment and employment shall be exempt from the application of the civil service law and rules.

Section 50. No person habitually using intoxicating liquors to excess shall be appointed to or employed or retained in any civil service position, nor shall any person be appointed to or employed in any such position within one year after his conviction of any crime except that the appointing authority may, in its discretion, appoint or employ within such one-year period a person convicted of any of the following offenses: a violation of any provision of chapter ninety relating to motor vehicles which constitutes a misdemeanor or, any other offense for which the sole punishment imposed was (a) a fine of not more than one hundred dollars, (b) a sentence of imprisonment in a jail or house of correction for less than six months, with or without such fine, or (c) a sentence to any other penal institution under which the actual time served was less than six months, with or without such fine. Violations of statutes, ordinances, rules or regulations regulating the parking of motor vehicles shall not constitute offenses for purposes of this section.

Section 51. All positions in all cities shall be subject to the civil service law and rules except as provided by section forty-eight or other law and except that, in cities with less than one hundred thousand residents, positions which would fall within the labor service shall not be so subject unless the city council votes to accept the applicability of the civil service law and rules to the labor service.

Notwithstanding the provisions of section forty-eight, the following offices and positions in cities shall be subject to the civil service law and rules: (1) the position of parking meter supervisor in cities whose city councils vote to accept the applicability of civil service law and rules to such position; (2) the office or offices of chief of police or chief of fire department, or the officer performing similar duties, whatever his title, in cities which vote pursuant to the provisions of sections fifty-four and fifty-five to accept the applicability of the civil service law and

rules to such office or offices; (3) any municipal office to which the civil service law and rules are made applicable pursuant to section fifty-three; and (4) any office or position to which the civil service law and rules were applicable immediately preceding the effective date of this chapter.

Section 52. The following offices and positions in towns shall be subject to the civil service law and rules:

- (1) Inspectors of plumbing.
- (2) Sealers and deputy sealers of weights and measures and inspectors and deputy inspectors of weights and measures, whether they are heads of departments or not, in towns of over ten thousand inhabitants.
- (3) Offices and positions allocable to the official service in any town of more than five thousand inhabitants which votes pursuant to the provisions of sections fifty-four and fifty-five to accept the applicability of the civil service law and rules to such service.
- (4) Positions allocable to the labor service in any town of more than five thousand inhabitants which votes pursuant to the provisions of sections fifty-four and fifty-five to accept the applicability of the civil service law and rules to such service.
- (5) Any municipal office to which the civil service law and rules are made applicable pursuant to section fifty-three.
- (6) Any office or position to which the civil service law and rules were applicable immediately preceding the effective date of this chapter.

The civil service law and rules shall also be applicable to any of the following in a town which accepts such applicability pursuant to the provisions of sections fifty-four and fifty-five:

- (a) The chief of police, or the officer performing similar duties, whatever the title of his office, in any town.
- (b) The chief of the fire department, or the officer performing similar duties, whatever the title of his office in any town.
- (c) The police force, the fire force and the call fire force in any town.
- (d) Parking meter supervisor in any town.
- (e) Janitors of school buildings in a town with more than five thousand inhabitants.
- (f) Supervisors of attendance in a town with more than five thousand inhabitants.
- (g) Clerical positions in the school department of a town with more than five thousand inhabitants.
- (h) Sealers and deputy sealers of weights and measures or inspectors and deputy inspectors of weights and measures, whether they are heads of departments or not, in a town with more than five thousand but not more than ten thousand inhabitants.

Section 53. (a) All non-academic positions in the service of a regional school district or of a regional vocational school district shall be subject to the civil service law and rules if the school committee of such district votes to accept the applicability of said law and rules to said positions. .

(b) Notwithstanding the provisions of section forty-eight or other law, a city or town may accept, in accordance with the provisions of sections fifty-four and fifty-five, the applicability

of the civil service law and rules to any office of such city or town if the incumbent of such office shall have served therein continuously for not less than ten years in the case of a city, or for not less than five years in the case of a town, immediately prior to the filing of a petition pursuant to section fifty-four if such petition bears the approval in writing of such incumbent at the time of said filing. The provisions of this section shall not apply to an office filled by popular vote or the office of city solicitor, assistant city solicitor, secretary to the mayor, clerk to the board of selectmen, town counsel, assistant town counsel, legislative counsel, registrar of voters or election commissioner or other officer performing similar duties, or public school teacher.

A question or questions under this clause shall be printed on the official ballot to be used at a regular municipal election, in substantially the following form:-

QUESTION 1 (Part 1) Shall the city (or town) vote to accept the applicability of the civil service law and rules to the office of (title of office)? Yes ... No ...

(Part 2) If it is voted to accept the applicability of the civil service law and rules to the office of (title of office), shall the city (or town) vote to provide for the continuance in said office of (name of incumbent), the present incumbent thereof, after passing a qualifying examination? Yes ... No ...

There shall be a separately numbered question for each office to which the acceptance of the applicability of the civil service law and rules is sought under this clause. If more than one such question is to be submitted to the voters of a city or town at any election, such questions shall be printed on the official ballot in alphabetical order according to the surnames of the incumbents of the several offices to which such questions relate.

The civil service law and rules shall be applicable to the office specified in Part 1 of each such question in answer to which the majority of the voters voting thereon vote in the affirmative. If Part 2 of such question is so answered in the affirmative the incumbent of such office at the time of filing such petition shall, if still the incumbent thereof, be subjected by the administrator to a qualifying examination for such office, and if he passes said examination, he shall be deemed to be permanently appointed thereto and to be tenured therein without being required to serve any probationary period. If such incumbent does not pass such qualifying examination, or if a majority of the voters voting on said Part 2 of such question do not vote thereon in the affirmative, such incumbent may continue to serve in said office for the remainder of the term, if any, for which he was appointed, but the civil service law and rules shall not be applicable to such incumbent. The status of any such incumbent shall not be subject to section fifty-six.

Nothing in this clause shall prevent a city or town from acting under section fifty-four.

Section 54. If five per cent or five thousand of the registered voters in a city file with the city clerk a petition requesting that the question of accepting the applicability of the civil service law and rules to either or both of the offices specified in clause (2) of section fifty-one or to any city office as provided in clause (b)

of section fifty-three be placed on the official ballot, the clerk shall, if he finds such petition to be in order, place such question on the official ballot for the next regular city election occurring more than sixty days after the filing of such petition.

If five per cent or one thousand of the registered voters in a town authorized under section fifty-two to accept the applicability of the civil service law and rules to the official service or to the labor service, or to both services, or to any one or more of the positions or forces specified in clauses (a) through (h) of said section file with the town clerk a petition requesting that the question of accepting such applicability to either or both of such services, or to any one or more of such positions or forces, be placed on the official ballot, the clerk shall, if he finds such petition to be in order, place such question on the official ballot for the next regular town election occurring more than thirty days after the filing of such petition.

If five per cent of the registered voters in any town file with the town clerk a petition requesting that the question of accepting the applicability of the civil service law and rules to a town office as provided in clause (b) of section fifty-three be placed on the official ballot, the clerk shall, if he finds such petition to be in order, place such question on the official ballot for the next regular town election occurring more than thirty days after the filing of such petition.

Section 55. Each person who signs a petition for the placing of a question on the official ballot at a regular municipal election pursuant to the provisions of section fifty-four shall state thereon his name and his place of residence on January first preceding, giving the street and number, if any, or if he became an inhabitant of such city or town after said January first, the place where he first resided thereafter. Signatures to such petition need not all be on one paper, provided that all papers pertaining to any one office or position shall, when filed with the city or town clerk under the provisions of this section, be fastened together and filed as one instrument with the endorsement thereon of the names of three persons designated as filing the same.

All such papers pertaining to any one office or position shall be submitted to the registrars of voters of such city or town not later than five o'clock in the afternoon of the seventh day preceding the last day prior to the election when such petition may be filed under section fifty-four, for the purpose of their certifying on such petition the names of persons signing the same who are registered voters. The registrars of voters shall, within five days after such submission, ascertain by what number of registered voters such petition has been signed, shall make and certify a statement of their determination in detail, setting forth such number and whether or not such petition has been signed by the number of registered voters required under the provisions of section fifty-four, and shall attach such statement to such petition.

If such a petition, bearing the number of signatures of registered voters required by section fifty-four, as shown by the statement attached thereto of the registrars of voters, is filed with the city or town clerk seasonably for submission to the voters at the next regular municipal election as provided in said

section, and the clerk finds that the same is in order, he shall, if said law and rules are not already applicable to the office or position named in the petition, cause the question or questions contained therein to be printed on the official ballot for such election.

Written objections to the validity or sufficiency of any petition which has been filed with the city or town clerk under the provisions of the preceding paragraph or of the signatures on such petition may be filed with the city or town clerk not later than forty-eight hours after the last day prior to said election when such petition may be filed under section fifty-four, and such objections shall be considered by the appropriate board referred to in section twelve of chapter fifty-three. In the consideration of objections under this section such board shall have and exercise all the powers given to it by any provision of law relative to objections to nominations. The notice provided by said section twelve shall be sent to the persons filing the petition and to each officer affected thereby. Said board shall make its decision within four days after the expiration of the time for filing such objections and forthwith give notice thereof to the city or town clerk.

The provisions of section sixteen of chapter fifty-three relative to the preservation of nomination papers shall apply to petitions filed with a city or town clerk under this section.

Section 56. Whenever any office or position exempt from the civil service law and rules is made subject thereto, whether by the provisions of this chapter or by any other statute, or by rule, or by acceptance by a city or town of the provisions of this chapter or of any other statute, the appointing authority shall forthwith submit to the administrator a list of the incumbents of each such office or position. Such list shall state, for each person named, his duties, his record of service with dates of employment, his compensation, and any other information which the administrator may require. The appointing authority shall post a copy of such list in a public place for a period of thirty days.

After the end of said period of posting, the administrator shall classify by title the office or position of each person named on said list and shall determine the date from which length of service of such person shall be computed, in conformity with the provisions of section thirty-three, so far as practicable. The administrator shall notify each person on said list of his civil service title, such date, and such other information as the administrator deems pertinent. Within fourteen days after the mailing of said notification, any person who alleges that his rights have been affected may request the administrator to review the correctness of the list, of his civil service title, and of the date proposed to be used to compute his length of service for the purpose of determining seniority. The administrator or his authorized representative shall forthwith hold a hearing and hear all parties concerned. After said hearing, the administrator shall make such changes as he deems proper in the civil service title of such person and in the date to be used to compute his length of service. After such date is determined as provided herein, it shall continue to be used, subject to the provisions of section thirty-three.

The status of the incumbents of any such offices or positions shall be determined as follows, except as otherwise expressly provided in this chapter or other law:

1. The employment of any person employed on a temporary basis and of any employee who has been employed in the office or position for less than six months immediately prior to the date that the office or position became a civil service position may continue on a temporary basis for a period of not more than one year from such date, but the civil service law and rules shall not otherwise be applicable to said person or employee.

2. An incumbent of any position allocable to the labor service who has been employed continuously for six months or more but less than two years immediately prior to the date that such position became a civil service position shall be deemed to be a tenured employee after serving a probationary period.

3. An incumbent of any position allocable to the labor service who has been employed continuously for two years or more immediately prior to the date that such position became a civil service position shall be deemed to be a tenured employee without serving any probationary period.

4. An incumbent of any office or position allocable to the official service who has been employed continuously for six months or more but less than two years immediately prior to the date on which such office or position became a civil service position shall be subjected to a qualifying examination prescribed by the administrator, and, if he passes, shall be deemed to be a tenured employee after serving a probationary period.

5. An incumbent of any office or position allocable to the official service who has been employed continuously for two years or more immediately prior to the date on which such office or position became a civil service position shall be subjected to a qualifying examination prescribed by the administrator, and, if he passes, shall be deemed to be a tenured employee without serving any probationary period.

Any such incumbent of any office or position allocable to the official service who fails to pass such qualifying examination may be continued by the appointing authority in such office or position for the remainder of the term, if any, for which he was appointed, but the provisions of the civil service law and rules shall not otherwise be applicable to such incumbent.

Where a permanent officer or employee in any departmental unit had formerly occupied in the same departmental unit a non-civil service office or position which is subsequently made a civil service position by statute, or by rule, or by acceptance by a city or town of provisions of this chapter or any other statute, the date which shall be used in computing length of service of such officer or employee for purposes of determining seniority shall be the earliest date of continuous employment which has not been interrupted by an absence from the payroll other than an absence specified in clauses (1) and (2) of the first paragraph of section thirty-three. However, when an incumbent acquires by statute permanent civil service status in a position which, previous to the effective date of such statute, had become a civil service position, the date from which his length of service shall be computed shall be the effective date of such statute, unless otherwise specifically provided therein.

Whenever a school district is established under the provisions of general or special law to which the provisions of this chapter do not apply and said district is to include a school or schools of a city, town or school district to which, prior to said establishment, the provisions of this chapter were applicable, any civil service employee in such a school shall, if he so requests, be transferred to such newly established school district. An employee so transferred shall retain his rights under sections forty-one through forty-five and his rights to transfer held by him immediately prior to such transfer, provided that such rights shall be retained only while he is serving in the same capacity or position held on the effective date of the transfer to such newly established school district. Nothing in this paragraph shall prevent the reassignment or transfer of an employee to another school which is to continue in a school system to which the civil service law and rules are applicable, if such reassignment or transfer can be made in lieu of a transfer to such newly established school district.

Notwithstanding any other provisions of this section, when a city or town, acting other than in accordance with the provisions of clause (b) of section fifty-three, accepts the applicability of the civil service law and rules to the office of chief of police, or officer performing similar duties, however entitled, or to the office of chief of the fire department, or officer performing similar duties, however entitled, any incumbent of such office who, immediately prior to the filing of the petition relative thereto, shall have served in such office continuously for not less than five years in the case of a city, or for not less than three years in the case of a town, shall be subjected to a qualifying examination prescribed by the administrator, and if he passes, shall be deemed to be a tenured employee without serving any probationary period. Any such incumbent who fails to pass the qualifying examination may be continued by the appointing authority in such office for the remainder of the term, if any, for which he was appointed, but the civil service law and rules shall not otherwise be applicable to such incumbent.

Section 57. Every year-round temporary position in the labor service of a city where such service is subject to the civil service law and rules shall be deemed to be a permanent position if compensation for service in such temporary position has been paid for a continuous period of two years. Certification to fill such a position shall first be made of persons with experience in such position in the departmental unit. A person employed as a temporary employee in a labor service position for a period of at least two years who receives an appointment as a permanent employee to such position in the same departmental unit shall be deemed to be a tenured employee within the meaning of section thirty-four without serving a probationary period. This paragraph shall take effect upon its acceptance by vote of the city council.

A permanent intermittent junior building custodian in the school department of a city or town who, after the certification of his name on three separate occasions, refuses to accept appointment as a permanent full-time junior building custodian in such school department shall not be eligible for further certification

and shall cease to be a permanent intermittent junior building custodian. The appointing authority shall send to the administrator and to such permanent intermittent junior building custodian a notice of termination of the service of such permanent intermittent junior building custodian. Such notice shall set forth the occasion of each refusal and the date of termination of service of such permanent intermittent junior building custodian. This paragraph shall take effect in a city upon its acceptance by vote of its city council, subject to the provisions of its charter, in a town upon its acceptance by vote of the inhabitants of the town at an annual town meeting, or, if such custodians are appointed in a city or town by the school committee thereof, upon its acceptance by such committee.

No person shall be certified by the administrator for appointment to the position of inspector of wires in a city or town unless he has been issued "Certificate A" or "Certificate B" pursuant to section three of chapter one hundred and forty-one.

Section 58. No person shall be ineligible for appointment and no person shall be denied employment as a firefighter or as a police officer in a city or town because of failure to attain a minimum height unless the administrator, in response to the written request of the appointing authority that no person under a specified height be certified for appointment to such position in said city or town, has established a minimum height requirement for the position. Such request shall include the findings of a validation study demonstrating the necessity for a minimum height for said position in said city or town, and such other evidence as the administrator may require.

A person shall be ineligible to become an applicant for an examination for original appointment to the position of fire fighter or the position of police officer in a city or town if he will not have reached his nineteenth birthday or will have reached his thirty-second birthday on or before the final date for the filing of applications for such examination, as stated in the examination notice.

No applicant for examination for original appointment to the police force or fire force of a city or town shall be required by rule or otherwise to be a resident of such city or town at the time of filing application for such examination; provided, however, that notwithstanding the provisions of any general or special law to the contrary, any person who receives an appointment to the police force or fire force of a city or town shall within nine months after his appointment establish his residence within such city or town or at any other place in the commonwealth that is within ten miles of the perimeter of such city or town. If any person who has resided in a city or town for one year immediately prior to the date of examination for original appointment to the police force or fire force of said city or town has the same standing on the eligible list established as the result of such examination as another person who has not so resided in said city or town, the administrator, when certifying names to the appointing authority for the police force or the fire force of said city or town, shall place the name of the person who has so resided ahead of the name of the person who has not so resided; provided, that upon written request of the appointing authority

to the administrator, the administrator shall, when certifying names from said eligible list for original appointment to the police force or fire force of a city or town, place the names of all persons who have resided in said city or town for one year immediately prior to the date of examination ahead of the name of any person who has not so resided.

As a prerequisite to appointment to the position of regular police officer in a city, or in a town where the civil service law and rules are applicable to such position, a person shall have graduated from high school, or received a high school graduation equivalency certificate from the department of education, or served for three years or more in the armed forces of the United States, having last left such armed forces under honorable conditions.

Upon the written request of an appointing authority that educational requirements be established as prerequisites for appointment to its fire force, the administrator may establish such requirements.

Section 59. Original and promotional appointments in police and fire forces of cities and of such towns where such forces are within the official service, including appointments to the position of chief or similar position where the civil service law and rules are applicable to such position, shall be made only after competitive examination except as otherwise provided by section sixty and by sections thirty-six and thirty-six A of chapter forty-eight.

An examination for a promotional appointment to any title in a police or fire force shall be open only to permanent employees in the next lower title in such force, except that if the number of such employees, or the number of applicants for the examination, or the number of applicants presenting themselves for examination is less than four, the examination shall be opened to permanent employees in the next lower titles in succession in such force until either four such employees have applied and have presented themselves for examination or until the examination is open to all permanent employees in lower titles in such force; provided, that no such examination shall be open to any person who has not been employed in such force for at least one year after certification in the lower title or titles to which the examination is open, and provided, further, that no such examination for the first title above the lowest title in the police or fire force of a city or town with a population in excess of fifty thousand shall be open to any person who has not been employed in such force in such lowest title for at least three years after certification.

Persons referred to in this section as being permanent employees in the lowest or lower title shall include only full-time members of the regular force and shall not include members of the reserve or intermittent police or fire force or members of the call fire force unless the appointing authority certifies to the administrator that the number of permanent full-time members of the regular force is insufficient to allow adequate competition in an examination and the administrator determines that the circumstances warrant opening the examination to permanent members of the reserve, intermittent or call force, as the case may be. Upon the request of the appointing authority, the administrator may include service

actually performed while a permanent member of a reserve, intermittent, or call force in computing length of service required for admission to an examination for promotional appointment to the first title above the lowest title. The appointing authority shall submit with such request payroll records proving that such service was actually performed. For purposes of this section, two hundred and fifty days, or the equivalent thereof, of such service shall be equivalent to one year of service on a full-time basis in such regular force.

All promotional appointments to fill positions in regular police or fire forces shall be made on a full-time basis. No such promotional appointments shall be made on a permanent intermittent basis. No examination shall be required for promotional appointments of call men within any call fire force to which the civil service law and rules are applicable.

An eligible list established as a result of any examination shall not be used for an original or promotional appointment to any position in a police or fire force unless the announcement of such examination identified such position as one to be filled from such list. Notwithstanding the provisions of any law or rule to the contrary, a member of a regular police force or fire force who has served as such for twenty-five years and who passes an examination for promotional appointment in such force shall have preference in promotion equal to that provided to veterans under the civil service rules.

Section 60. In any city or town having an intermittent or reserve police or fire force to which the civil service law and rules are applicable, original appointments to the lowest title in the regular police or fire force shall be made from among the permanent members of such intermittent or reserve police or fire force, as the case may be, whose names are certified by the administrator to the appointing authority. Names of such members shall be listed on the certification in the order of their civil service appointments to such intermittent or reserve police or fire force, or, if such order is not ascertainable, in the order of place of such members on the eligible list from which certifications of their names for appointments to the intermittent or reserve force were made; provided, that in a city or town having both an intermittent police force and a reserve police force, or an intermittent fire force and a reserve fire force, permanent members of such intermittent police force or such intermittent fire force shall, for the purposes of certification and appointment to the regular police force or the regular fire force pursuant to this section, be deemed to be members of the reserve police force or the reserve fire force of such city or town.

No person who has passed his fiftieth birthday shall be appointed pursuant to this section to the regular police or fire force. A member of an intermittent or reserve police or fire force who, after being duly certified on three occasions, refuses employment on a permanent basis in the regular police or fire force shall not be eligible for further certification for appointment thereto and, notwithstanding the provisions of sections forty-one, forty-three and forty-four or any other law, shall cease to be a member of such intermittent or reserve police or fire force, provided that the refusal of any such member to accept appointment to the

regular force made while he was serving in the armed forces of the United States shall not be included among the refusals referred to in this paragraph. The appointing authority shall send to the administrator a notice of termination of service of any such member which occurs pursuant to this paragraph. Such notice shall set forth the occasion of each refusal and the date of termination of service of such member. The administrator shall deny any request of a member of an intermittent or reserve police or fire force that he not be certified in any instance for appointment to the regular force.

The provisions of this section shall not be deemed to prevent the appointment to the regular fire force of a city or town of a call fire fighter under the provisions of any general or special law.

Section 61. Following his original appointment as a permanent full-time police officer or fire fighter in a city, or in a town where the civil service law and rules are applicable to such position, a person shall actually perform the duties of such position on a full-time basis for a probationary period of twelve months before he shall be considered a full-time tenured employee in such position, except as otherwise provided by civil service rule. The administrator, with the approval of the commission, may establish procedures to ensure the evaluation by appointing authorities, prior to the end of such probationary period, of the performance of persons appointed as regular police officers or fire fighters.

Section 62. Punishment duty shall not be imposed without just cause upon any police officer or fire fighter subject to this chapter. A police officer or fire fighter upon whom punishment duty is imposed shall, within twenty-four hours of the imposition of such punishment duty, be given a copy of this section and of sections forty-one through forty-five, together with a written notice stating the specific reason for the imposition of such punishment duty and the duration thereof and informing him that he may, within forty-eight hours of receipt of such notice, request in writing a hearing by the appointing authority. If he so requests he shall be given such a hearing within five days of receipt of such request by the appointing authority. A copy of the notice of imposition of punishment duty shall be forwarded forthwith to the administrator. Whenever such hearing is given, the appointing authority shall give such police officer or fire fighter a written notice of his finding within two days after the hearing. If, after such hearing, the appointing authority finds no just cause exists for the imposition of punishment duty, such punishment duty shall be deemed not to have been imposed; if, after such hearing, the appointing authority finds that just cause does exist for the imposition of punishment duty, such police officer or fire fighter may appeal to the commission as provided in section forty-three, and he or the appointing authority shall be entitled to judicial review of the action taken by the commission as provided in section forty-four. The provisions of section forty-three shall apply to all hearings under this section. Notice of any action taken by the appointing authority under this paragraph shall be forwarded forthwith to the administrator. Any hearing pursuant to this section shall be public if either

party concerned so requests in writing. At any such hearing, the person upon whom punishment duty was imposed shall be allowed, either personally or by counsel, to answer the charges against him. In the computation of any period of time limited by this section, Saturdays, Sundays and holidays shall be excluded.

Section 63. An appointing authority may employ a paraplegic in a civil service position within the police or fire department of any city or town, without submitting a requisition, if, in its opinion, the duties of the position may be performed by such paraplegic. Prior to such employment, the appointing authority shall secure and maintain on file a certificate from the attending physician of such person that such person is a paraplegic.

The appointing authority shall also maintain a record of the following:

(1) the title and duties to be assigned to the paraplegic who is to be employed, and the title of his immediate supervisor; and

(2) a certificate from a physician that the paraplegic can satisfactorily perform the duties of the position, is qualified to do the work without hazard to himself or to others and is socially competent to maintain himself in a work environment.

The appointing authority may require any paraplegic proposed for appointment pursuant to this section to undergo such tests as, in its opinion, will measure the fitness of such paraplegic to perform the duties of the position.

Upon the commencement of such employment, such paraplegic shall be deemed to be appointed to the position pursuant to the civil service law and rules and shall continue in such position subject to the provisions of such law and rules.

For purposes of this section, a paraplegic shall mean a person (1) with paraplegia, or (2) with other handicapping conditions which preclude the use of the lower limbs, or (3) without lower limbs.

Section 64. No person shall be ineligible for appointment and no person shall be denied employment as a police officer in the metropolitan district police force, the Massachusetts bay transportation authority police force, or the capitol police force because of failure to attain a minimum height unless the administrator, in response to the written request of the appointing authority that no person under a specified height be certified for appointment to such position in said force, has established a minimum height requirement for the position. Such request shall include the findings of a validation study demonstrating the necessity for a minimum height for said position in said force, and such other evidence as the administrator may require.

A person shall be ineligible to become an applicant for an examination for original appointment to the position of police officer in the metropolitan district police force, the Massachusetts bay transportation authority police force or the capitol police force if he will not have reached his nineteenth birthday or will have reached his thirty-second birthday on or before the final date for the filing of applications for such examination, as stated in the examination notice.

As a prerequisite to appointment to the position of police officer in the metropolitan district police force or the Massachusetts

bay transportation authority police force, or the capitol police force, or for appointment as a correction officer, a person shall have graduated from high school, or received a high school graduation equivalency certificate from the department of education, or served for three years or more in the armed forces of the United States, having last left such armed forces under honorable conditions.

Section 65. Original and promotional appointments in the metropolitan district police force and the capitol police force shall be made only after competitive examination.

An examination for a promotional appointment for any title in any such force shall be open only to permanent employees in the next lower title in such force, except that if the number of such employees, or the number of applicants for the examination, or the number of applicants presenting themselves for examination is less than four, the examination shall be opened to permanent employees in the next lower titles in succession in such force until either four such employees have applied and presented themselves for examination or until the examination is open to all permanent employees in lower titles in such force; provided, that no such examination shall be open to any person who has not been employed as a permanent employee for at least one year in such force in the lower title or titles to which the examination is open, and provided, further, that no such examination for the first title above the lowest title in such force shall be open to any person who has not been employed as a permanent employee in such force for at least three years in such lowest title.

All promotional appointments to fill positions in such forces shall be made on a full-time basis. No such promotional appointments shall be made on a permanent intermittent basis.

An eligible list established as a result of any examination shall not be used for an original or promotional appointment to any position in any force pursuant to this section unless the announcement of such examination identified such position as one to be filled from such list.

Notwithstanding the provisions of any law or rule to the contrary, a member of any such force who has served as such for twenty-five years and who passes an examination for promotional appointment in such force shall have preference in promotion equal to that provided to veterans under the civil service rules.

Following his original appointment as a permanent full-time police officer in the metropolitan district police force, the Massachusetts bay transportation authority police force, or the capitol police force, a person shall actually perform the duties of such position on a full-time basis for a probationary period of twelve months before he shall be considered a full-time tenured employee in such position. The administrator, with the approval of the commission, may establish procedures to ensure the evaluation by appointing authorities, prior to the end of such probationary period, of the performance of persons appointed as police officers in such force.

Section 66. The administrator shall certify persons to fill positions in the labor service of the department of public works of the commonwealth according to districts established by such

department. Districts so established shall not be changed unless written notice of such change, including a statement of the reasons therefor, is sent to the administrator at least six months prior to the effective date of the change.

All departmental promotional examinations in such department shall be open to all eligible employees of the department as determined by the administrator, regardless of where they are employed in such department. Notwithstanding the provisions of section thirty-three, in the case of a promotion pursuant to section eight, the length of service of an employee of such department shall be computed without regard to the component or components of such department where such service was performed.

All promotions in the official service of the division of employment security in the department of labor and industries shall be made pursuant to section eight or section ten.

Section 67. Each appointing authority shall submit to the administrator, on or before March first of each year, a list of civil service employees in its department as of January second of the same year. Such list shall be in such form as is required by the administrator, shall be made under the penalties of perjury, shall specify the series and title of the position of each such employee and the seniority of such employee as determined pursuant to section thirty-three.

Each such appointing authority shall sign such list and post it forthwith in all areas under its control where five or more civil service employees begin their tour of duty. Such list shall be so posted immediately after it is submitted to the administrator so that it may be inspected during a reasonable period before May first of the year it is submitted. The date of posting such list shall appear on the list which shall remain posted for one year after such date of posting.

When used with respect to employees in the labor service of the department of public works, the word "department" as used in this section shall mean the districts established by such department in which such employees serve.

The superior court may enforce this section and said section thirty-three upon petition by one or more taxable inhabitants of a city or town or upon suit by the attorney general.

Any appointing officer who neglects or wilfully refuses to post a copy of such list shall be punished by a fine of not more than one hundred dollars.

Section 68. Each appointing authority shall report in writing forthwith to the administrator of any appointment or employment, promotion, demotion, transfer, change in duties or pay, reinstatement, change in name, discharge, suspension, lay-off, abolition of position, absence for more than a month because of illness or injury, unauthorized absence, leave of absence because of military service, leave of absence for more than a month, termination of temporary employment, resignation, retirement, pension or death of any person within the official or labor service. Such report shall contain the record of service of such person and shall be in such form and detail as may be required by the administrator.

Section 69. Every appointing authority shall file, within seven days after the receipt of a written request from the commission

or the administrator, a report containing the names of all persons who have been appointed or employed by such authority, and have received pay or rendered bills for services or labor performed during the calendar month immediately preceding the date of submission of such request. Such report shall be filed with the administrator or the commission, as the case may be, and with the state auditor, in the case of the state, and with the auditor or officer responsible for auditing the accounts of such appointing authority, in the case of a city or town.

Such report shall be in a form prescribed by the commission or administrator, as the case may be, shall be made under penalties of perjury and shall contain the following information: (1) the full name of the person appointed or employed or who rendered a bill for services or labor; (2) a brief description of the nature of the position of such person and of the services or labor which such person has actually performed during such month; (3) for a state position, the title of the position of such person as stated in the payrolls of the appointing authority and for a position in a city or town, the title of the position authorized by the division, or otherwise, the title authorized by the appointing authority; (4) the regular salary or wage of the position; (5) the date of employment; and (6) all payments of any kind made to the appointee during said month. Such appointing authority shall not be required to file more than one such report in any month. The reports filed with the state auditor, the commission and the administrator shall be open to public inspection.

The supreme judicial court, by mandamus or other appropriate remedy in law or equity, may compel any such appointing authority to comply with this section upon suit or petition of the commission or administrator.

Any appointing authority who wilfully refuses to comply with this section shall be punished by a fine of not less than twenty-five nor more than one hundred dollars.

Section 70. The commission and the administrator shall maintain on file a record of their proceedings. Such records shall be open to public inspection pursuant to the rules of the commission. An appointing authority may inspect applications and references in connection with a certification of names; such applications and references shall be preserved for a period of two years and may then be destroyed. The question and answer sheets of examination papers, other than essay questions and answers, shall not be open for inspection and may be destroyed as determined by the administrator. The papers used by an applicant in an examination may be destroyed as determined by the administrator, except that they shall be preserved while a request for a review of a marking or finding in relation to such examination or an appeal from the decision of the administrator after such review is acceptable or pending pursuant to sections twenty-two, twenty-three and twenty-four.

Subject to the provisions of this paragraph, an applicant's examination papers may be inspected only by such applicant or his designated representative upon presentation of a written authorization from the applicant. Such inspection may take place only while a request by such applicant for a review of a marking or finding in relation to such examination or an appeal from the

decision of the administrator after such review is acceptable or pending pursuant to sections twenty-two, twenty-three and twenty-four. No inspection of any examination papers may be made in connection with a request for a review of whether the examination was a fair test of the applicant's fitness to actually perform the primary or dominant duties of the position for which the examination was held, made under section twenty-two, or of examination papers to which sections twenty-two and twenty-three do not apply.

No question shall be copied except one on which the applicant received less than full credit in the marking of the examination. In such case, both the question and answer may be copied.

Section 71. The administrator shall prepare and maintain in his office rosters of all civil service positions in the service of the commonwealth and in the cities and towns, and of all persons who are legally employed, whether on a temporary or a permanent basis, in such positions. Each appointing authority shall be given a copy of such roster for its departmental unit.

The administrator shall file a copy of each such roster with the comptroller for positions in the service of the commonwealth, and shall file copies of such rosters for positions in each city and town with the treasurer or other officer responsible for paying the salary or compensation of persons in the service of such city or town and with the auditor or other officer of such city or town who is responsible for authorizing the drawing, signing or issuing of warrants for such payments.

Whenever a person is employed in or appointed to a civil service position, the administrator shall note on the proper roster or append to such roster a record of such appointment or employment and shall give notice of such appointment or employment to each officer with whom a copy of such roster is required to be filed by this section. Such officer shall make a corresponding note of such appointment or employment on the proper roster or append such a note to such roster.

Each appointing authority, in addition to reporting to the administrator pursuant to section sixty-eight, shall give notice to each officer with whom a copy of a roster is required to be filed by this section of each change in status of an employee in a civil service position where such change occurs because of a suspension, discharge, resignation, or any other separation from the official or labor service. Such officer shall make a note of such change of status on the proper roster or shall append such a note to such roster.

The state treasurer, city or town treasurer, or other disbursing officer of the commonwealth or of a city or town with civil service positions shall not pay any salary or compensation for service rendered in any civil service position whether such payment is made by payroll or bill, or in any other manner, to any person whose name does not appear on the appropriate roster, as amended from time to time, as the person in such position. The comptroller for the commonwealth, and the auditor or other accounting officer of each such city or town, shall not authorize the drawing, signing or issuing of a warrant for such payment until the legality of the employment or appointment of such person is duly established. The state treasurer or other disbursing officer may

accept, as evidence of such legality, the certification of the comptroller that the name of such person appears on the appropriate roster where such person is employed in a civil service position in the service of the commonwealth.

Any officer who wilfully violates any provision of this section shall be punished by a fine of not less than twenty-five nor more than one hundred dollars.

Section 72. The commission or the administrator may investigate all or part of the official and labor services, the work, duties and compensation of the persons employed in such services, the number of persons employed in such services and the titles, ratings and methods of promotion in such services. The commission or the administrator may report the results of any such investigation to the governor or the general court.

The commission or administrator, upon the request of an appointing authority, shall inquire into the efficiency and conduct of any employee in a civil service position who was appointed by such appointing authority. The commission or the administrator may also conduct such an inquiry at any time without such request by an appointing authority. After conducting an inquiry pursuant to this paragraph, the commission or administrator may recommend to the appointing authority that such employee be removed or may make other appropriate recommendations.

The commission or the administrator or any authorized representatives of either, may summon witnesses, administer oaths and take testimony for any hearing, investigation or inquiry conducted pursuant to the civil service law and rules. Fees for such witnesses shall be the same as for witnesses before the courts in civil actions and shall be paid from the appropriation for incidental expenses.

A subpoena may be issued at the request of a complainant, respondent, or any other party to any proceeding before the commission under such rules as the commission shall establish. In the case of a subpoena issued by such request, the cost of service and of the fees of the witnesses shall be borne by the party who made the request and such fees shall also be the same as for witnesses before the superior court in civil actions.

Section 73. If, in the opinion of the administrator, a person is appointed or employed in a civil service position in violation of the civil service law and rules, the commission or the administrator shall mail a written notice of such violation to such person and to the appointing authority. The commission or the administrator shall then file a written notice of such violation with the treasurer, auditor or other officer whose duty it is to pay the salary or compensation of such person or to authorize the drawing, signing or issuing of any warrant for such payment.

The payment of any salary or compensation to such person shall cease at the expiration of one week after the filing of such written notice with such treasurer, auditor or other officer. No such treasurer, auditor or other officer shall pay any salary or compensation to such person, or draw, sign or issue, or authorize the drawing, signing or issuing of any warrant for such payment, until the legality of the appointment or employment is duly established.

Any person found by the administrator to be illegally appointed or employed may file a petition for a writ of mandamus in the supreme judicial court to compel the administrator to authorize such appointment or employment and the payment of compensation or salary.

At any time after the filing of such petition, the court may order that the compensation accruing to such person for services actually rendered shall be paid to him until further order of the court, if the court is of the opinion that there is a reasonable doubt whether the appointment or employment of such person is in violation of the civil service law and rules.

Section 74. No person shall wilfully or corruptly alter any examination paper of any applicant, or wilfully or corruptly substitute any other paper for such examination paper, for the purpose of either improving or injuring the prospects or chances for appointment, employment or promotion of such applicant or of any other person. Any person who violates or conspires to violate any provision of this paragraph shall be punished by a fine of not more than one thousand dollars or imprisonment for not more than one year, or both.

No person, by himself or in cooperation with one or more persons, shall wilfully or corruptly defeat, deceive or obstruct any person with respect to his right, pursuant to the civil service law and rules, of examination, registration, certification, appointment, promotion or reinstatement; or wilfully or corruptly make a false mark, grade, estimate or report on the examination or proper standing of any person examined pursuant to the civil service law and rules; or wilfully or corruptly make any false representation concerning the same or concerning the person examined; or wilfully or corruptly furnish to anyone special or secret information for the purpose of either improving or injuring the prospects or chances of appointment, employment or promotion of any person examined, registered or certified or to be examined, registered or certified. No person shall impersonate any other person or permit or aid in any manner any other person to impersonate him in connection with any examination, registration or application or request to be examined or registered or in connection with any certification, appointment or promotion.

No person making an appointment to any civil service position shall receive or consider a recommendation of an applicant for such appointment given by any member of the general court, alderman, or councilman, except as to the character or residence of the applicant.

Any person who has been elected to public office by popular vote or by the aldermen or city council of a city or the selectmen of a town shall not be eligible to be designated as a representative of civil service.

Any person who wilfully or negligently violates or conspires to violate any of the provisions of the civil service law and rules, or who knowingly makes an appointment or employs any person in violation of such law and rules, or who refuses or neglects to comply with any provision of such civil service law and rules, shall be punished by a fine of not more than one thousand dollars or imprisonment for not more than one year, or both,

unless a different penalty is specifically provided in this chapter.

Section 75. No person shall deny or interfere with the right of civil service employees employed by any city or town to petition, individually or collectively, the city or town government or any member thereof, to furnish information to the mayor, city or town manager, city council, or board of aldermen or selectmen or to appear before any committee of such council or boards, or deny or interfere with the right of any civil service employees to petition, individually or collectively, the general court or any member thereof, to furnish information to either branch of the general court, or to appear before any of its committees. This section shall not be construed to authorize an employee who is not on leave to be absent from his employment without permission during regular working hours.

Section 76. Notwithstanding any provision of law to the contrary no individual, other than in an emergency as heretofore set forth in this section, shall be appointed, transferred, excepting a transfer to a position with substantially identical authority, duties and responsibility, or promoted to any office or position which is subject to the federal standards for a merit system of personnel administration unless the administrator has certified such individual meets the minimum qualifications conformable with applicable federal requirements, which minimum qualifications he is hereby authorized and directed to establish for each such office or position.

Section 77. The administrator may take any necessary and appropriate action to enforce the civil service law and rules.

SECTION 12. The paragraph defining "Veteran" in section 1 of chapter 32 of the General Laws, as most recently amended by section 2 of chapter 688 of the acts of 1954, is hereby further amended by striking out clause (b) and inserting in place thereof the following clause:-

(b) meets all the requirements of said clause Forty-third except that instead of performing wartime service as so defined he has been awarded one of the campaign badges enumerated in the definition of "Veteran" in section one of chapter thirty-one; or.

SECTION 13. Subdivision (1) of section 18 of said chapter 32, as most recently amended by section 8 of chapter 667 of the acts of 1947, is hereby further amended by striking out the fourth sentence and inserting in place thereof the following sentence:- Upon the receipt of such latter notice by the head of his department, such employee or member shall be suspended from service without compensation and such suspension shall remain in force until such required statement or record is so filed; provided, that in the case of any employee or member subject to the provisions of chapter thirty-one, the pertinent provisions of sections forty-one to forty-five, inclusive, thereof shall apply.

SECTION 14. The first paragraph of section 58A of said chapter 32, as most recently amended by section 4 of chapter 207 of the acts of 1973, is hereby further amended by striking out, in line 5, the word "twenty-one" and inserting in place

thereof the word:- one.

SECTION 15. The sixth paragraph of section 65C of said chapter 32, as appearing in section 3 of chapter 1211 of the acts of 1973, is hereby amended by striking out, in line 7, the word "twenty-one" and inserting in place thereof the word:- one.

SECTION 16. Chapter 32 of the General Laws is hereby amended by striking out section 90, as amended by section 4 of chapter 439 of the acts of 1936, and by inserting in place thereof the following section:-

Section 90. No provision of sections forty-one to forty-five, inclusive, of chapter thirty-one, or of section three of chapter two hundred and forty-two of the acts of nineteen hundred and twenty-three, shall apply in cities or towns in the case of members of police or fire departments whose services are terminated by retirement on pension or otherwise by reason of having attained age seventy.

SECTION 17. The second paragraph of section 19A of chapter 33 of the General Laws, as amended by section 25 of chapter 1230 of the acts of 1973, is hereby further amended by striking out the fourth sentence and inserting in place thereof the following sentence:- He shall have the same power as the secretaries having charge of the executive offices established by chapters six A and seven to review and act upon budgetary and other financial matters concerning said agencies in accordance with sections two C, three, three A, four, nine B, twenty-seven A, twenty-seven B, twenty-nine and twenty-nine A of chapter twenty-nine; sections twenty-four C, twenty-five B, thirty-six and paragraph (5A) of section forty-six of chapter thirty; and sections twelve to fifteen, inclusive, and thirty-five and thirty-six of chapter thirty-one.

SECTION 18. Section 99J of chapter 41 of the General Laws, as appearing in chapter 878 of the acts of 1969, is hereby amended by striking out the fifth sentence and inserting in place thereof the following sentence:- If a majority of towns in said district shall vote to accept the provisions of chapter thirty-one, at annual elections held therein, with respect to such district, by the method provided in section fifty-four of said chapter, the provisions of said chapter shall apply to said district.

SECTION 19. Section 99K of said chapter 41, as so appearing, is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

If such revocation is favored by a majority of the voters voting thereon, the acceptance of this law by such town shall be revoked and this law shall become null and void in said town beginning one year after such vote; provided, however, if any such town while a member of the district voted to accept the provisions of chapter thirty-one with respect to said district, the provisions of said chapter thirty-one shall remain in effect in said town and any person transferred to said town from the district as a result of such revocation shall be transferred without impairment of civil service status, seniority, retirement and other rights, without interruption of his service within the

meaning of said chapter thirty-one and without reduction in his compensation and salary grade, notwithstanding any change in his title or duties made as a result of such transfer.

SECTION 20. The second paragraph of section 108A of said chapter 41, inserted by section 2 of chapter 12 of the acts of 1969, is hereby amended by striking out the first sentence and by inserting in place thereof the following sentence:- In any city or town for which a classification plan has been established in accordance with the provisions of paragraph (b) of section five of said chapter thirty-one, the city or town affected thereby shall, within one year after receiving notice from the administrator of the effective date of such classification plan or of said amendment or change, establish, amend or change, as the case may be, a compensation plan with a minimum and maximum salary for each group of positions.

SECTION 21. Section 108C of said chapter 41, inserted by section 2 of chapter 295 of the acts of 1954, is hereby amended by striking out, in line 5, the word "two A" and inserting in place thereof the word:- five.

SECTION 22. Section 108D of said chapter 41, as amended by chapter 260 of the acts of 1960, is hereby further amended by striking out the first sentence and inserting in place thereof the following sentence:- Notwithstanding the provisions of section thirty-three A of chapter forty-four and any other general or special law to the contrary, the minimum annual compensation of each permanent fire fighter in the fire department of any city or town, except one who by virtue of section sixty-one of chapter thirty-one is not regarded as a tenured employee, shall be not less than fifty-five hundred dollars.

SECTION 23. Section 108F of said chapter 41, inserted by chapter 520 of the acts of 1962, is hereby amended by striking out the first sentence and by inserting in place thereof the following sentence:- Notwithstanding the provisions of any general or special law to the contrary, the minimum annual compensation of each fire fighter, permanently employed, in the fire department of any city or town which accepts the provisions of this section, except a fire fighter who, by virtue of section sixty-one of chapter thirty-one is not regarded as a tenured employee, shall be not less than the following:.

SECTION 24. Said chapter 41 is hereby amended by striking out section 111C, as most recently amended by chapter 267 of the acts of 1974, and inserting in place thereof the following section:-

Section 111C. Any employee of a city or town who is a veteran, as defined in section one of chapter thirty-one, may, when authorized by the mayor or selectmen, attend, without loss of pay, the funeral or memorial services of a veteran, as so defined, or of any person dying under other than dishonorable circumstances while serving in the army, navy, coast guard, marine corps or air force of the United States in time of war or insurrection.

SECTION 25. Section 112A of said chapter 41, as inserted by chapter 276 of the acts of 1947, is hereby amended by striking

out the first sentence and by inserting in place thereof the following sentence:- A veteran, as defined in section one of chapter thirty-one, who holds in the service of a city which accepts this section by vote of its city council, subject to the provisions of its charter, or of a town which accepts the same by vote of its inhabitants at a town meeting, an office or position not classified under said chapter thirty-one, other than an elective office, an appointive office for a fixed term or the offices of city solicitor, assistant city solicitor, secretary to the mayor, clerk of the board of selectmen, town counsel, assistant town counsel, legislative counsel, registrars of voters or other officers performing similar duties, or public school teachers, and has held such office or position for not less than five years, shall not be involuntarily separated from such office or position except subject to and in accordance with the provisions of sections forty-one to forty-five, inclusive, of said chapter thirty-one to the same extent as if said office or position were classified under said chapter.

SECTION 26. The fifth sentence of section 127 of said chapter 41, as appearing in chapter 170 of the acts of 1973, is hereby amended by striking out, in line 6, the words "section forty-three" and inserting in place thereof the words:- sections forty-one to forty-five, inclusive,.

SECTION 27. The seventh paragraph of section 34 of chapter 53 of the General Laws is hereby amended by striking out the fifth sentence, inserted by section 9 of chapter 927 of the acts of 1977, and inserting in place thereof the following sentence:- The statement shall clearly indicate that he is a former incumbent thereof if such is the case and, if he is an elected incumbent of an office for which he seeks renomination, that he is a candidate for such renomination; and if he is a veteran, as defined in section one of chapter thirty-one, the word "veteran" may be included in the eight word statement.

SECTION 28. The first paragraph of section 45 of said chapter 53, as most recently amended by section 14 of said chapter 927, is hereby further amended by striking out the third sentence and inserting in place thereof the following sentence:- If he is a veteran, as defined in section one of chapter thirty-one, the word "veteran" may be included in the eight word statement.

SECTION 29. The second paragraph of section 70D of said chapter 53, as appearing in section 15 of chapter 600 of the acts of 1975, is hereby amended by striking out, in line 7, the word "twenty-one" and by inserting in place thereof the following word:- one.

SECTION 30. Section 43A of chapter 56 of the General Laws, inserted by chapter 104 of the acts of 1951, is hereby amended by striking out, in lines 1 and 2, the word "twenty-one" and by inserting in place thereof the following word:- one.

SECTION 31. Section 7 of chapter 69 of the General Laws, as most recently amended by section 9 of chapter 572 of the acts of 1965, is hereby further amended by striking out, in lines 14 to 16, inclusive, the words "veterans, as such term is defined in

section twenty-one of chapter thirty-one, who come within the class referred to as disabled veterans in section twenty-three of said" and inserting in place thereof the words:- disabled veterans, as defined in section one of.

SECTION 32. Section 33 of chapter 94 of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by striking out the third sentence and by inserting in place thereof the following sentence:- Such inspectors may be removed in cities in the manner provided in sections forty-one to forty-five, inclusive, of chapter thirty-one, and in towns at any time, by the appointing board.

SECTION 33. The third paragraph of section 12 of chapter 121B of the General Laws, as appearing in section 1 of chapter 751 of the acts of 1969, is hereby amended by striking out, in line 2, the words "section fifty-one of".

SECTION 34. The fifth paragraph of section 29 of said chapter 121B, as so appearing, is hereby amended by striking out, in line 6, the words "forty-three and forty-five" and inserting in place thereof the words:- forty-one to forty-five, inclusive,.

SECTION 35. The first sentence of the second paragraph of section 52 of said chapter 121B, as so appearing, is hereby amended by striking out, in line 1, the word "twenty-one" and by inserting in place thereof the following word:- one.

SECTION 36. Said first sentence of said second paragraph of said section 52, as so appearing, is hereby further amended by striking out, in lines 6, and 7, the words "forty-three and forty-five" and inserting in place thereof the words:- forty-one to forty-five, inclusive.

SECTION 37. The third paragraph of said section 52 of said chapter, as so appearing, is hereby amended by striking out, in line 8, the words "forty-three and forty-five" and inserting in place thereof the words:- forty-one to forty-five, inclusive,.

SECTION 38. Section 44 of chapter 149 of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- No veteran, as defined in section one of chapter thirty-one, in the service of the commonwealth or of any county, city or town therein, or of the metropolitan district commission, except policemen and firemen and members of the department of public safety doing police duty, shall be required to perform any service on Memorial Day.

SECTION 39. Section 8 of chapter 150E of the General Laws, as appearing in section 2 of chapter 1078 of the acts of 1973, is hereby amended by striking out, in line 15, the words "forty-three and forty-six G" and inserting in place thereof the words:- thirty-nine and forty-one to forty-five, inclusive,.

SECTION 40. Section 29 of chapter 217 of the General Laws, as amended by chapter 539 of the acts of 1958, is hereby further amended by striking out the first sentence and inserting in place thereof the following sentence:- The register for Middlesex county may, with the approval of the judges of probate for said

county, appoint a clerk who may administer such oaths required in probate proceedings as are not prescribed by law to be administered by the judge or register, and shall perform such clerical and other duties as may be required by the register, with the approval of the judges, and he may be removed by the register with the consent and approval of the judges in the manner provided by sections forty-one to forty-five, inclusive, of chapter thirty-one.

SECTION 41. Chapter 200 of the acts of 1976 is hereby amended by striking out section 1 and inserting in place thereof the following section:-

Section 1. The first and second paragraphs of section twenty-six of chapter thirty-one of the General Laws are hereby suspended until final judgment has been entered in the case of Helen B. Feeney v. Commonwealth of Massachusetts which was brought in the United States District Court.

SECTION 42. Said chapter 200 is hereby further amended by striking out section 3 and inserting in place thereof the following section:-

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 the first and second paragraphs of section twenty-six 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 paragraphs are constitutional.

SECTION 43. Nothing in chapter thirty-one of the General Laws, as appearing in section eleven of this act, shall be construed to affect, impair, or abridge the status or rights of any person existing under any provision of chapter thirty-one of the General Laws as in effect immediately prior to the effective date of this act, or existing under any decision or rule of the civil service commission made pursuant to said chapter as then in effect, or existing under any judgment or decision of any court made pursuant to said chapter as then in effect.

SECTION 44. No provision of this act shall affect any application, requisition, examination announcement or poster, the holding or marking of any examination, the establishment or existence of any eligible list, any certification of names, any appointment or promotion, any rule or the making thereof, any appeal, hearing or other proceeding or any other action taken or matter pending pursuant to the provisions of chapter thirty-one as in effect immediately prior to the effective date of this act.

SECTION 45. This act shall take effect on January first, nineteen hundred and seventy-nine.

Approved July 12, 1978

Chap. 394. AN ACT MAKING APPROPRIATIONS FOR THE FISCAL YEAR NINETEEN HUNDRED AND SEVENTY-NINE FOR THE MAINTENANCE OF ESSEX 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-nine.

ESSEX COUNTY.

<u>Item</u>	<u>Subtotal</u>	<u>Total</u>
1. For interest on county debt.....		\$628,580 84
2. For reduction of county debt.....		440,594 81
3. For county commissioners, salaries and expenses.....		158,519 59
1. Personal services	\$152,419 59	
2. Contractual services	4,050 00	
3. Supplies and materials	1,400 00	
4. Current charges and obligations	650 00	
4. For transportation and expenses of county and acting commissioners.....		1,200 00
5. For clerk of courts, salaries and expenses.....		403,031 24
1. Personal services	377,941 24	
2. Contractual services	17,000 00	
3. Supplies and materials	7,000 00	
4. Current charges and obligations	1,090 00	
6. For county treasurer, salaries and expenses.....		92,646 35
1. Personal services	87,311 35	
2. Contractual services	1,000 00	
3. Supplies and materials	2,800 00	
4. Current charges and obligations	1,535 00	
7. For sheriff, salary and expenses.....		37,190 40
1. Personal services	33,780 40	
2. Contractual services	2,550 00	
3. Supplies and materials	560 00	
4. Current charges and obligations	300 00	
8. For registry of deeds, salaries and expenses		
Southern District.....		610,255 19
1. Personal services	595,955 19	
2. Contractual services	6,025 00	
3. Supplies and materials	7,000 00	
4. Current charges and obligations	1,275 00	
Northern District.....		294,145 77
1. Personal services	264,315 77	
2. Contractual services	23,900 00	
3. Supplies and materials	3,500 00	
4. Current charges and obligations	2,430 00	
8a. For registry of probate, salaries and expenses.....		9,681 00
2. Contractual services	700 00	
3. Supplies and materials	7,000 00	
4. Current charges and obligations	1,981 00	
9. For law library, salaries and expenses		
Salem.....		38,755 35
1. Personal services	18,505 35	
2. Contractual services	175 00	
3. Supplies and materials	75 00	
4. Current charges and obligations	20,000 00	
Lawrence.....		37,810 08
1. Personal services	15,305 08	
2. Contractual services	2,145 00	

<u>Item</u>	<u>Subtotal</u>	<u>Total</u>
3. Supplies and materials	140 00	
4. Current charges and obligations	20,200 00	
5. Equipment	20 00	
10. For highways, including state highways, bridges and land damages.....		232,040 62
1. Personal services	223,490 62	
2. Contractual services	3,215 00	
3. Supplies and materials	4,165 00	
4. Current charges and obligations	1,170 00	
12. For superior court costs.....		1,252,770 28
1. Personal services	433,940 28	
2. Contractual services	810,500 00	
3. Supplies and materials	6,000 00	
4. Current charges and obligations	2,250 00	
5. Equipment	80 00	
13. For civil expenses in probate court.....		83,466 10
1. Personal services	50,986 10	
2. Contractual services	27,700 00	
3. Supplies and materials	4,250 00	
4. Current charges and obligations	530 00	
14. For district courts, salaries and expenses		
First District Court of Essex.....		607,610 26
1. Personal services	558,749 26	
2. Contractual services	30,360 00	
3. Supplies and materials	12,700 00	
4. Current charges and obligations	5,801 00	
Second District Court of Essex.....		202,685 62
1. Personal services	194,405 62	
2. Contractual services	4,500 00	
3. Supplies and materials	2,700 00	
4. Current charges and obligations	1,080 00	
Third District Court of Essex.....		83,452 90
1. Personal services	77,453 90	
2. Contractual services	1,665 00	
3. Supplies and materials	885 00	
4. Current charges and obligations	3,364 00	
5. Equipment	85 00	
Central District Court of Northern Essex.....		485,496 48
1. Personal services	456,771 48	
2. Contractual services	18,875 00	
3. Supplies and materials	6,375 00	
4. Current charges and obligations	3,475 00	
District Court of Eastern Essex.....		300,552 25
1. Personal services	284,801 25	
2. Contractual services	8,780 00	
3. Supplies and materials	5,425 00	
4. Current charges and obligations	1,546 00	
District Court of Lawrence.....		579,774 86
1. Personal services	544,574 86	
2. Contractual services	24,550 00	
3. Supplies and materials	6,850 00	
4. Current charges and obligations	1,550 00	
5. Equipment	2,250 00	
District Court of Southern Essex.....		594,566 91
1. Personal services	563,456 91	
2. Contractual services	18,450 00	
3. Supplies and materials	8,900 00	
4. Current charges and obligations	3,160 00	
5. Equipment	600 00	
District Court of Newburyport.....		202,379 65
1. Personal services	186,385 65	
2. Contractual services	4,200 00	
3. Supplies and materials	3,400 00	
4. Current charges and obligations	8,345 00	

<u>Item</u>	<u>Subtotal</u>	<u>Total</u>
5. Equipment	49 00	
District Court of Peabody.....		\$409,670 06
1. Personal services	390,837 06	
2. Contractual services	11,700 00	
3. Supplies and materials	5,290 00	
4. Current charges and obligations	1,843 00	
District Court - Juvenile Division.....		198,353 76
1. Personal services	190,978 76	
2. Contractual services	6,800 00	
3. Supplies and materials	300 00	
4. Current charges and obligations	275 00	
District Court - Legal counsel for indigent defendants.....		180,200 00
1. Personal services	160,200 00	
2. Contractual services	20,000 00	
District Court - Criminal justice planning.....		3,028 00
15. For medical examiners and commitments of of insane.....		67,425 00
16. For jail and house of correction, maintenance and operation Lawrence.....		783,211 01
1. Personal services	542,223 01	
2. Contractual services	68,685 00	
3. Supplies and materials	150,325 00	
4. Current charges and obligations	6,600 00	
5. Equipment	12,878 00	
6. All other	2,500 00	
Salem.....		1,004,710 74
1. Personal services	781,632 79	
2. Contractual services	61,445 00	
3. Supplies and materials	150,123 00	
4. Current charges and obligations	5,345 00	
5. Equipment	5,664 95	
6. All other	500 00	
16a. For correctional alternatives center.....		213,293 90
1. Personal services	136,493 90	
2. Contractual services	20,425 00	
3. Supplies and materials	51,825 00	
4. Current charges and obligations	3,100 00	
6. All other	1,450 00	
18. For court houses and registry buildings, maintenance and operation.....		989,526 00
1. Personal services	648,615 00	
2. Contractual services	196,980 00	
3. Supplies and materials	90,792 00	
4. Current charges and obligations	51,830 00	
5. Equipment	1,309 00	
20. For agricultural school or county cooperative extension service.....		2,764,885 66
1. Personal services	2,150,188 66	
2. Contractual services	185,338 00	
3. Supplies and materials	288,225 00	
4. Current charges and obligations	108,256 00	
5. Equipment	12,877 00	
6. All other	20,001 00	
24. For noncontributory pensions.....		373,087 95
25. For contributory retirement system and supervisory expenses.....		1,057,851 42
26. For miscellaneous and contingent expenses.....		185,039 69
27. For unpaid bills of previous years.....		138,500 00
28. For reserve fund.....		80,000 00

<u>Item</u>	<u>Subtotal</u>	<u>Total</u>
28a. For reserve for salary increases.....		1,423,000 00
28b. For reserve for children's protective services.....		10,000 00
28e. For reserve for child care.....		10,000 00
29. For advertising recreational, industrial and agricultural advantages of the county.....		150,000 00
31. For radio system for fire protection or police radio system.....		3,120 00
32. For forest development.....		4,076 67
34. For conservation district.....		15,000 00
35. For county planning.....		47,640 62
37. For human services.....		7,050 00
39. For group insurance.....		830,000 00
45. For central purchasing department.....		<u>478,028 05</u>
Total amount of appropriations.....		\$18,803,905 08
Less estimated amount available for reduction of county tax.....		<u>3,421,125 00</u>
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.....		\$15,382,780 08

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.

<u>Item</u>		
2. For reduction of county debt.....		\$980,000 00

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

Approved July 12, 1978

Chap. 395. AN ACT REQUIRING THE REPORTING OF REYES SYNDROME BY PERSONS EXAMINING OR TREATING SUCH DISEASE.

Be it enacted, etc., as follows:

Chapter 111 of the General Laws is hereby amended by inserting after section 110A the following section:-

Section 110B. A physician, intern, physician assistant, a public health nurse, or another person who professionally examines or treats a child with reyes syndrome shall report such examination or treatment to the department of public health in accordance with the rules and regulations of the department. Such report shall be made on forms prescribed by the commissioner and shall be submitted as soon as possible after such examination or treatment.

The department shall, subject to appropriation, maintain comprehensive records of all reports submitted pursuant to this section. Such reports shall be confidential and shall be released by the department only upon written request of the subject of such report, or his guardian, executor, attorney, or other person designated by said subject in writing. Such reports and records or information contained therein, may also be released by the department to persons authorized by the commissioner to conduct research studies or to other persons, but no report or record shall be released which allows identification of the subjects of said re-

ports or records. Whoever violates this section shall be punished by a fine of not more than one hundred dollars.

Approved July 12, 1978

Chap. 396. AN ACT INCREASING THE PENALTY FOR CONTINUING VIOLATIONS OF CERTAIN FIRE PREVENTION PROVISIONS.

Be it enacted, etc., as follows:

Chapter 148 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. Except as otherwise provided, any person violating any provision of this chapter shall be liable to a fine of fifty dollars, or, in case of a continuing offence after notice of such violation, to a fine of not more than fifty dollars for every day during which the violation continues.

Approved July 12, 1978

Chap. 397. AN ACT ESTABLISHING A TRAFFIC COMMISSION IN THE CITY OF SOMERVILLE.

Be it enacted, etc., as follows:

SECTION 1. There is hereby established in the city of Somerville, hereinafter referred to as the city, a traffic commission, consisting of the commissioner of public works, the chief of police or his designee, the chief engineer of the fire department or his designee, the chairman of the committee on traffic and parking of the board of aldermen and one member of the general public of the city appointed by the mayor and confirmed by the board of aldermen. The member appointed by the mayor shall serve for a term coterminous with the mayor, or until the qualification of a successor.

SECTION 2. The commissioner of public works shall be chairman of the traffic commission. The members of the traffic commission shall receive no compensation for their services as commissioners, but shall be reimbursed by the city for any expenses actually and necessarily incurred in the performance of their duties.

Meetings of the traffic commission shall be held on the third Tuesday of each month unless sooner necessitated for reasons of public safety, welfare or convenience, in which case a meeting may be called on motion of the chairman. Notice of meetings shall be posted according to the provisions of section twenty-three B of chapter thirty-nine of the General Laws and shall be sent to all commission members, the mayor, the board of aldermen and the planning director. All of said persons may attend commission meetings and present their views, but only commission members may vote.

Upon recommendation of the traffic commission the mayor, with the approval of the board of aldermen, shall have the authority to create the position of director of traffic and parking and subordinate staff positions including parking control officers. The mayor shall, with the approval of the board of aldermen, make appointments to such positions and shall fix their compensation.

The traffic director shall be a traffic engineer, possessing the qualifications required for associate or full membership in the Institute of Traffic Engineers and his position shall not be subject to chapter thirty-one of the General Laws. He may be removed for cause after a public hearing, upon a four-fifths vote of the entire board of aldermen.

SECTION 2A. There is hereby established in the city of Somerville a board of traffic and parking, hereinafter referred to as the traffic board, consisting of three persons to be appointed as follows:- one by the mayor for a term of one year, one by majority vote of the board of aldermen for a term of two years and one by vote of the first two members for a term of three years; provided, however, that if, after thirty days from the appointment of the first two members the third member has not been agreed to, such member shall be appointed by the mayor, subject to confirmation by the board of aldermen. Upon the expiration of the term of a member, his successor shall be appointed for a term of three years. Members shall be eligible for reappointment. No person holding public office in said city shall be eligible for appointment. A member shall not receive any compensation for his services, but shall be reimbursed for all reasonable expenses incurred by him in carrying out his duties. The chairman of the traffic board shall be chosen by and from its membership.

The traffic board shall carry out the functions prescribed in clause (b) of section three and, in addition, shall be available to the traffic commission for advice and consultation with respect to all of its activities.

SECTION 3. The traffic commission shall have exclusive authority, except as otherwise provided in this act, to take any and all of the following actions, if it determines that such actions serve the public safety, welfare or convenience. Subject to the provisions of section two of chapter eighty-five of the General Laws:-

(a) The traffic commission may adopt, alter or repeal rules and regulations, not inconsistent with general law as modified by this act, relative to vehicular and pedestrian traffic in the streets of the 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 the city, including rules and regulations designating any way or part thereof under such control as a through way under and subject to the provisions of section nine of chapter eighty-nine of the General Laws. Any rule or regulation adopted under this clause, 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 the 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 rule or regulation, 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, 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. The traffic commission may, with the approval of the mayor and board of aldermen, 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. All other violations of regulations adopted under the provisions of this act, except as otherwise provided by statute, shall be subject to fines not to exceed fifty dollars for each offense as set forth in the regulations.

No adoption, alteration or repeal of a regulation shall take effect until public notice of the proposed action has been given, except with respect to such special rules or regulations as are declared by the traffic commission to be urgently required for the public safety or welfare or such as are of a temporary nature and are to be effective for a period of not more than three weeks. Public notice shall be given by publication in full of the proposed adoption, alteration or repeal not less than once in each of three successive weeks in one or more newspapers published or distributed in the city. The public notice shall include a statement of the effective date of the proposed action, which shall not be less than twenty-one days following the first of the three newspaper publications.

(b) Upon the filing of petitions with the traffic board by not less than fifty registered voters of the city, relative to any rule or regulation proposed to be adopted, altered or repealed, and not yet in effect, the proposed action shall be suspended, and the traffic board shall hold a public hearing thereon within two weeks of the date the petitions were filed, and shall by majority vote approve or disapprove the proposed action within two weeks following the public hearing. Upon the filing of petitions with the traffic board by not less than fifty registered voters of the city, relative to any rule or regulation which has been adopted, altered or repealed for a period of at least thirty days, the traffic board shall hold a public hearing thereon within two weeks of the date the petitions were filed and shall, following such hearing, determine by majority vote whether to void the adoption, alteration or repeal of the rule or regulation.

(c) The traffic commission may erect, make and maintain, or cause to be erected, made and maintained, traffic signs, signals, markings and other devices for the control of traffic and parking in the city and for informing and warning the public as to rules and regulations adopted under this act, subject, however, to section two of chapter eighty-five and to sections eight and nine of chapter eighty-nine of the General Laws.

(d) The traffic commission may recommend to the board of aldermen the alteration, construction, erection, installation and maintenance of street lights.

(e) The traffic commission, with the approval of the mayor, may retain the services of qualified consultants when such retention is deemed necessary or advisable.

(f) The traffic commission may promulgate regulations that provide that any sergeant or officer of higher rank in the police

department may cause to be removed to some convenient place by towing by an independent contractor any vehicle except a vehicle owned by the commonwealth or a political subdivision thereof or by the United States or an instrumentality thereof or registered by a member of a foreign diplomatic corps or by a foreign consular officer who is not a citizen of the United States and bearing distinctive number plate otherwise conspicuously marked as so owned or registered, and except a vehicle owned by a disabled veteran or a handicapped person and bearing a distinctive number plate, which is parked or standing on any part of any street, way, highway, road or parkway if in the calendar year in which such vehicle is so removed and in the preceding calendar year, five or more notices, in the aggregate, have been affixed to said vehicle, as provided in section twenty C of chapter ninety of the General Laws, and remain unpaid and the cost of such removal and of storage charges resulting therefrom, in accordance with the traffic regulations then in effect, shall be imposed upon the owner of such vehicle. Any such vehicle so removed shall be held until all charges imposed for such removal and storage following the same have been paid and due notice has been received that the fines provided in such notices affixed to said vehicle have been paid or security for the payment thereof has been deposited. The police department shall promptly mail written notice to the registered owner of any such vehicle so removed, directed to the address furnished by the registry of motor vehicles or comparable agency of the state in which said vehicle is registered, stating the date on which such vehicle was removed, the location to which such vehicle has been removed, and a statement that such vehicle shall be released by the police on the payment of all fines, storage and towing charges due. Any such vehicle so removed shall be deemed to have been abandoned and may be disposed of in accordance with section twenty-two C of said chapter ninety if, within thirty days of the mailing of the notice to the registered owner as provided for herein, said owner has not paid all charges imposed for such removal and storage following the same and the fines provided in such notices affixed to said vehicle or security for the payment thereof has been deposited.

Nothing in this act shall be construed to authorize the traffic commission to adopt, alter or repeal any rule or regulation excluding the trackless trolley vehicles or buses of a street railway or bus company from any way or part thereof in which said company has a location; or to modify or limit any power or authority of the metropolitan district commission or the departments of public works or public utilities of the commonwealth; or to modify or limit any power or authority of the mayor, board of aldermen or of any board or head of a department with reference to the issuance of licenses or permits for the opening, using or occupying of streets and sidewalks for reasons not relating to traffic.

SECTION 4. The planning director, the chief of police, the chief engineer of the fire department, the commissioner of public works, the city engineer, the city electrician and city solicitor shall be available to the traffic commission to advise on matters relating to their respective departments and shall be responsible for putting into effect the rules and regulations adopted by the traffic commission in so far as such rules and regulations relate

to their respective departments. The traffic commission shall cooperate with the planning board and with such public carriers as may be authorized and licensed to render service within the city, on matters relating to traffic planning, and shall cooperate with the planning board on all matters that may relate to the need for, location, construction, erection and maintenance of public parking facilities or of private parking facilities for public use within the city. When it is necessary to coordinate with federal, state or other local agencies on matters of traffic movement and traffic planning, the traffic commission may serve as liaison for the city.

SECTION 5. All existing orders, ordinances, rules and regulations relating to the control of vehicular traffic, including those relating to the parking of vehicles on any streets, ways, highways, roads and parkways, under the control of the city, shall remain in full force and effect until superseded by rules and regulations adopted by the traffic commission pursuant to clause (a) of section three, and the adoption thereof shall not effect any act done, any right accrued, any penalty incurred or any suit, prosecution or proceeding pending at the time of such adoption.

SECTION 6. At any time after the expiration of two years from the date of acceptance of this act, such acceptance may be revoked by a two-thirds vote of the board of aldermen, subject to a referendum which shall be held at the municipal election next succeeding such vote. Upon such revocation, all existing rules and regulations shall remain in full force and effect until superseded by orders, ordinances, rules or regulations adopted in accordance with the provisions of law then applicable to said city, and neither such revocation nor adoption of superseding orders, ordinances, rules or regulations shall affect any act done, any right accrued, any penalty incurred or any suit, prosecution or proceeding pending, prior to revocation or adoption.

SECTION 7. This act shall take effect upon its acceptance by the city of Somerville.

Approved July 12, 1978

Chap. 398. AN ACT MAKING APPROPRIATIONS FOR THE FISCAL YEAR NINETEEN HUNDRED AND SEVENTY-NINE FOR THE MAINTENANCE OF WORCESTER 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-nine.

WORCESTER COUNTY.

<u>Item</u>	<u>Subtotal</u>	<u>Total</u>
1. For interest on county debt.....		\$381,503 10
2. For reduction of county debt.....		1,595,000 00

<u>Item</u>	<u>Subtotal</u>	<u>Total</u>
3. For county commissioners, salaries and expenses.....		101,514 79
1. Personal services	\$94,064 79	
2. Contractual services	2,500 00	
3. Supplies and materials	1,275 00	
4. Current charges and obligations	3,500 00	
5. Equipment	175 00	
4. For transportation and expenses of county and acting commissioners.....		4,775 00
5. For clerk of courts, salary and expenses.....		558,336 35
1. Personal services	533,301 35	
2. Contractual services	10,000 00	
3. Supplies and materials	7,300 00	
4. Current charges and obligations	4,860 00	
5. Equipment	2,875 00	
6. For county treasurer, salaries and expenses.....		185,322 45
1. Personal services	160,452 45	
2. Contractual services	6,650 00	
3. Supplies and materials	2,500 00	
4. Current charges and obligations	15,720 00	
7. For sheriff, salary and expenses.....		28,450 00
1. Personal services	23,740 00	
2. Contractual services	1,300 00	
3. Supplies and materials	2,460 00	
4. Current charges and obligations	950 00	
8. For registry of deeds, salaries and expenses		
Worcester.....		739,860 60
1. Personal services	555,557 60	
2. Contractual services	92,450 00	
3. Supplies and materials	39,600 00	
4. Current charges and obligations	27,960 00	
5. Equipment	24,293 00	
Northern District.....		124,437 70
1. Personal services	106,312 70	
2. Contractual services	9,870 00	
3. Supplies and materials	5,400 00	
4. Current charges and obligations	2,755 00	
5. Equipment	100 00	
8a. ⁵ For registry of probate, salaries and expenses.....		95,539 50
1. Personal services	6,000 00	
2. Contractual services	23,280 00	
3. Supplies and materials	17,570 00	
4. Current charges and obligations	31,620 00	
5. Equipment	17,069 50	
9. For law library, salaries and expenses		
Worcester.....		85,572 55
1. Personal services	38,413 55	
2. Contractual services	3,085 00	
3. Supplies and materials	1,600 00	
4. Current charges and obligations	42,050 00	
5. Equipment	424 00	
Fitchburg.....		23,802 38
1. Personal services	11,260 40	
2. Contractual services	355 00	
3. Supplies and materials	115 00	
4. Current charges and obligations	11,650 00	
5. Equipment	421 98	
10. For highways, including state highways, bridges and land damages.....		572,033 39
1. Personal services	543,543 39	
2. Contractual services	4,225 00	
3. Supplies and materials	11,965 00	
4. Current charges and obligations	5,400 00	
5. Equipment	6,900 00	
12. For superior court costs.....		1,420,899 49
1. Personal services	744,120 49	

<u>Item</u>	<u>Subtotal</u>	<u>Total</u>
2. Contractual services	619,060 00	
3. Supplies and materials	14,975 00	
4. Current charges and obligations	25,950 00	
5. Equipment	4,091 00	
6. All other	12,703 00	
13. For civil expenses in probate court.....		66,387 15
1. Personal services	47,740 15	
2. Contractual services	12,425 00	
3. Supplies and materials	1,950 00	
4. Current charges and obligations	2,450 00	
5. Equipment	1,822 00	
14. For district courts, salaries and expenses		
Central District Court of Worcester.....		1,146,048 96
1. Personal services	1,060,601 46	
2. Contractual services	46,075 00	
3. Supplies and materials	26,635 00	
4. Current charges and obligations	6,770 00	
5. Equipment	5,967 50	
District Court of Fitchburg.....		360,835 19
1. Personal services	326,195 19	
2. Contractual services	13,965 00	
3. Supplies and materials	10,450 00	
4. Current charges and obligations	8,050 00	
5. Equipment	2,175 00	
District Court of Leominster.....		182,993 16
1. Personal services	160,483 16	
2. Contractual services	9,510 00	
3. Supplies and materials	7,100 00	
4. Current charges and obligations	4,520 00	
5. Equipment	1,380 00	
District Court of Winchendon.....		121,170 68
1. Personal services	104,695 68	
2. Contractual services	3,900 00	
3. Supplies and materials	1,900 00	
4. Current charges and obligations	8,125 00	
5. Equipment	2,550 00	
First District Court of Northern Worcester.....		444,266 58
1. Personal services	405,566 58	
2. Contractual services	20,690 00	
3. Supplies and materials	7,400 00	
4. Current charges and obligations	9,010 00	
5. Equipment	1,600 00	
First District Court of Eastern Worcester.....		461,843 55
1. Personal services	420,215 95	
2. Contractual services	22,787 60	
3. Supplies and materials	13,400 00	
4. Current charges and obligations	3,225 00	
5. Equipment	2,215 00	
Second District Court of Eastern Worcester.....		238,159 08
1. Personal services	214,816 08	
2. Contractual services	11,450 00	
3. Supplies and materials	7,900 00	
4. Current charges and obligations	3,016 00	
5. Equipment	977 00	
First District Court of Southern Worcester.....		384,710 51
1. Personal services	355,092 51	
2. Contractual services	16,125 00	
3. Supplies and materials	8,900 00	
4. Current charges and obligations	1,640 00	
5. Equipment	2,953 00	
Second District Court of Southern Worcester.....		224,568 98
1. Personal services	211,097 98	
2. Contractual services	7,560 00	
3. Supplies and materials	3,250 00	
4. Current charges and obligations	1,241 00	
5. Equipment	1,420 00	

<u>Item</u>	<u>Subtotal</u>	<u>Total</u>
Third District Court of Southern Worcester.....		256,814 73
1. Personal services	222,859 73	
2. Contractual services	14,950 00	
3. Supplies and materials	11,875 00	
4. Current charges and obligations	5,180 00	
5. Equipment	1,950 00	
District Court of Western Worcester.....		158,915 30
1. Personal services	129,610 30	
2. Contractual services	4,450 00	
3. Supplies and materials	4,325 00	
4. Current charges and obligations	18,180 00	
5. Equipment	2,350 00	
Worcester Juvenile Court.....		489,326 69
1. Personal services	410,511 69	
2. Contractual services	25,200 00	
3. Supplies and materials	4,100 00	
4. Current charges and obligations	49,377 50	
5. Equipment	137 50	
District Court - Northern Juvenile District.....		175,046 99
1. Personal services	161,536 99	
2. Contractual services	10,900 00	
3. Supplies and materials	1,900 00	
4. Current charges and obligations	160 00	
5. Equipment	550 00	
District Court - Southern Juvenile District.....		167,226 60
1. Personal services	156,226 60	
2. Contractual services	9,500 00	
3. Supplies and materials	1,500 00	
District Court - legal services for indigent defendants.....		200,000 00
15. For medical examiners and commitments of insane.....		64,500 00
16. For jail and house of correction, maintenance and operation.....		2,338,600 70
1. Personal services	1,541,170 70	
2. Contractual services	271,600 00	
3. Supplies and materials	435,700 00	
4. Current charges and obligations	27,150 00	
5. Equipment	60,980 00	
6. All other	2,000 00	
18. For court houses and registry buildings, maintenance and operation.....		1,048,115 73
1. Personal services	616,844 26	
2. Contractual services	279,991 08	
3. Supplies and materials	115,972 89	
4. Current charges and obligations	7,235 00	
5. Equipment	2,312 50	
6. All other	25,760 00	
18a. For bindery department.....		29,644 00
20. For agricultural school or county cooperative extension service.....		293,746 87
1. Personal services	261,354 87	
2. Contractual services	19,935 00	
3. Supplies and materials	10,000 00	
4. Current charges and obligations	2,000 00	
5. Equipment	457 00	
26. For miscellaneous and contingent expenses.....		341,571 32
27. For unpaid bills of previous years.....		300,000 00
28. For reserve fund.....		125,000 00
28a. For reserve for salary increases.....		1,335,000 00
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
Total amount of appropriations.....		<u>\$16,958,040 07</u>
Less estimated amount available for reduction of county tax.....		<u>1,929,555 00</u>

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..... \$15,028,485 07

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.

<u>Item</u>		
24.	For noncontributory pensions.....	\$442,000 00
25.	For contributory retirement system and supervisory expenses.....	943,560 40
39.	For group insurance.....	627,500 00
	Total.....	\$2,013,060 40

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

Approved July 12, 1978

Chap. 399. AN ACT INCREASING THE TERM OF OFFICE OF MEMBERS OF THE SCHOOL COMMITTEE OF THE CITY OF MELROSE.

Be it enacted, etc., as follows:

SECTION 1. Chapter three hundred and sixty-three of the acts of nineteen hundred and seventy-seven is hereby repealed.

SECTION 2. Notwithstanding any general or special law to the contrary beginning with the biennial city election to be held in the year nineteen hundred and seventy-nine, all members of the school committee in the city of Melrose shall be elected for a term of four years.

SECTION 3. The state secretary shall place on the official ballot in the city of Melrose at the state biennial election to be held in the year nineteen hundred and seventy-eight the following question:- "Sh:ll an act passed by the General Court in the year nineteen hundred and seventy-eight entitled, 'An Act increasing the term of office of members of the school committee of the city of Melrose', be accepted?" If a majority of the votes in answer to said question is in the affirmative, then this act shall take full effect, but not otherwise.

Approved July 12, 1978

Chap. 400. AN ACT EXEMPTING THE OFFICE OF POLICE CHIEF OF THE TOWN OF WINTHROP FROM THE CIVIL SERVICE LAW AND RULES.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any contrary provisions of law, the office of police chief of the town of Winthrop 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 the incumbent of the office of police chief holding such status on the effective date of this act.

Approved July 12, 1978

Chap. 401. AN ACT RELATIVE TO CERTAIN EQUALIZED VALUATIONS FOR THE TOWN OF AVON.

Be it enacted, etc., as follows:

Notwithstanding the provisions of sections ten to ten C and eighteen A, of chapter fifty-eight of the General Laws or any other provision of general or special law to the contrary, the equalized valuation of the town of Avon as of January first, nineteen hundred and seventy-six, as most recently reported to the general court by the state tax commission is hereby changed to seventy-six million seven hundred and ninety-eight thousand dollars. The amount of any local reimbursement or assistance program or apportionment of any assessment or charge, where such equalized valuation may be relevant, shall be adjusted accordingly. Such adjustments shall be included in the estimates to be made by the state tax commission under section twenty-five A of chapter fifty-eight of the General Laws, for the fiscal year ending June thirtieth, nineteen hundred and eighty. Any resulting amounts payable to or charged against the town of Avon shall be so paid or charged in the fiscal year ending June thirtieth, nineteen hundred and eighty.

Approved July 12, 1978

EMERGENCY LETTER - July 13, 1978 @ 2:55 P.M.

Chap. 402. AN ACT FURTHER REGULATING THE COMPENSATION OF CERTAIN OFFICERS OF MEDICAL AND NONPROFIT HOSPITAL SERVICE CORPORATIONS.

Be it enacted, etc., as follows:

SECTION 1. Section 26 of chapter 176A of the General Laws, as amended by section 5 of chapter 432 of the acts of 1968, is hereby further amended by striking out the first sentence and inserting in place thereof the following sentence:- No corporation subject to this chapter shall pay any salary, compensation or emolument to any officer, trustee or director thereof, nor any salary, compensation or emolument amounting in any year to more than twenty thousand dollars to any person, unless such payment be first authorized by a vote of its board of directors; provided, however, that the amount of such salaries, compensation or emoluments may be adjusted by the corporation to exceed such amount to reflect any decrease or increase in the cost of living since January first, nineteen hundred and sixty-nine, as measured by the Consumer Price Index for Urban Wage Earners and Clerical Workers, United States City Average, published by the Bureau of Labor Statistics of the United States Department of Labor.

SECTION 2. Section 11 of chapter 176B of the General Laws, as amended by section 7 of said chapter 432, is hereby further amended by striking out the first sentence and inserting in place thereof the following sentence:- No medical service corporation shall pay any salary, compensation or emolument to any officer, trustee or director thereof, nor any salary, compensation or

emolument amounting in any year to more than twenty thousand dollars to any person, unless such payment be first authorized by a vote of its board of directors; provided, however, that the amount of such salaries, compensation or emoluments may be adjusted by the corporation to exceed such amount to reflect any decrease or increase in the cost of living since January first, nineteen hundred and sixty-nine, as measured by the Consumer Price Index for Urban Wage Earners and Clerical Workers, United States City Average, published by the Bureau of Labor Statistics of the United States Department of Labor.

Approved July 12, 1978

Chap. 403. AN ACT ESTABLISHING AN INCOME TAX CREDIT FOR THE EXPENSE OF COMPLYING WITH THE "LEAD PAINT LAW", SO CALLED.

Be it enacted, etc., as follows:

SECTION 1. Section 6 of chapter 62 of the General Laws is hereby amended by adding the following subsection:-

(c) any owner, occupant of a single family residential property in a building of one unit or more who removes or covers paint, plaster or other accessible materials containing dangerous levels of lead as defined in section one hundred and ninety-four of chapter one hundred and eleven, shall be allowed a credit for the cost of removing said paint from the owner occupied unit only, or five hundred dollars whichever is less. The credit shall be allowed only if evidence of inspection by the local or state public health inspector is submitted with the income tax return.

SECTION 2. The provisions of this act shall apply to income taxes for years ending December thirty-first, nineteen hundred and seventy-eight.

Approved July 12, 1978

Chap. 404. AN ACT PROVIDING TENURE FOR WILLIAM J. JOYCE IN THE OFFICE OF CITY MESSENGER OF THE CITY OF SOMERVILLE.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of chapter thirty-nine of the General Laws or of any general or special law to the contrary, William J. Joyce shall be eligible to be elected to the office of city messenger of the city of Somerville. Upon election by the board of aldermen, said William J. Joyce shall enjoy tenure in the office of city messenger during good behavior until he attains the age of seventy unless sooner incapacitated by physical or mental disability from performing the duties thereof.

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

Approved July 13, 1978

Chap. 405. AN ACT RELATIVE TO INTEREST ARBITRATION PROCEDURES BETWEEN EMPLOYEE ORGANIZATIONS AND THE DIRECTORS OF THE MASSACHUSETTS BAY TRANSPORTATION AUTHORITY.

Be it enacted, etc., as follows:

SECTION 1. Section 19 of chapter 161A of the General Laws, as appearing in section 18 of chapter 563 of the acts of 1964, is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:- Except as provided in sections nineteen C to nineteen G, inclusive, the employees of the authority shall submit all grievances and disputes pursuant to arbitration provisions in agreement existing at the time of the creation of the authority or subsequently entered into with the authority or, in the absence of such provisions, to the state board of conciliation and arbitration, or other board or body having similar powers and duties.

SECTION 2. Said chapter 161A is hereby further amended by inserting after section 19B the following five sections:-

Section 19C. Notwithstanding the provisions of sections nineteen and nineteen A, the authority or any organizations representing employees of the authority shall not be permitted to submit any dispute over the terms of a collective bargaining agreement to arbitration except in accordance with sections nineteen C through nineteen G, inclusive; provided, however, that this section shall not limit the rights of organizations representing employees of the authority to submit grievances to arbitration in accordance with the collective bargaining agreement between the parties.

Section 19D. In the event the directors and any organizations representing employees of the authority have not reached an agreement within ninety days from the date of the expiration of the agreement, either party may notify the other that it desires mediation. The parties may agree upon a person to serve as a mediator or, if unable to agree on said mediator, either party or the parties acting jointly may petition the board of conciliation and arbitration to appoint a mediator from a list of qualified persons maintained by the board.

After a reasonable period of mediation, not to exceed forty-five days from the date of appointment, said mediator shall issue a report indicating the results of his services in resolving the impasse. If at the conclusion of mediation, the mediator certifies that the impasse still exists, either party may notify the other that it desires arbitration of the matters in dispute. Within ten days of said notice, the parties shall meet to select a single neutral arbitrator. If, within fifteen days, the parties fail to select such single arbitrator, either party may forthwith petition the board of conciliation and arbitration to request a list of five arbitrators from the American Arbitration Association and said Association shall certify to the board that such arbitrators on the list it provides possess the qualifications as provided in section nineteen E. The parties shall thereupon meet to select such arbitrator by striking one name each until one name remains and that person shall serve as the neutral arbitrator. If after ten days, if one of the parties declines to strike their names, the other party shall strike two names and the board shall forthwith select the arbitrator from the remaining three names.

Section 19E. The single arbitrator, whether agreed upon by

the parties or selected by the board of conciliation and arbitration, shall be a legal resident of the commonwealth and shall be experienced in state and local finance.

Section 19F. The arbitrator shall rely primarily on the following factors in determining the basis for an award:

1. The financial ability of the authority to meet additional costs, which shall include but not be limited to:

- a. the statutory requirement of advisory board approval of the authority's fiscal budget;
- b. the financial ability of the individual communities and the commonwealth to meet additional costs;
- c. the average per capita tax burden, average annual income and sources of revenue within the commonwealth, and the effect of any arbitration award on the respective property tax rates of the cities and towns within the authority's district.

2. The overall compensation presently received by the employees, having regard not only for wages for time actually worked but also for wages for time not worked, including vacations, holidays and other excused time.

3. All benefits received by the employees, including insurance, pension, as well as the continuity and stability of employment.

4. The hazards of employment, physical, educational and mental qualifications, job training and skills involved.

5. A comparison of wages, hours, and conditions of employment of the employees involved in the arbitration proceedings with the wages, hours and conditions of employment of other employees performing similar services within the commonwealth and with other employees generally in public and private employment within the commonwealth.

6. The average consumer price for goods and services, commonly known as the cost of living.

7. Changes in any of the foregoing circumstances during the pendency of the arbitration proceedings.

8. Such other factors, not confined to the foregoing, which are normally or traditionally taken into consideration in the determination of wages, hours and conditions of employment through voluntary collective bargaining, mediation, fact-finding, arbitration or otherwise between parties, in the public service of the commonwealth.

9. The stipulation of the parties.

Section 19G. Within thirty calendar days of an award, the arbitrator shall issue a written opinion inclusive of an analysis of all statutory factors applicable to the proceedings. Any determination by the arbitrator, if supported by material and substantial evidence on the record, shall be binding upon the parties and upon the appropriate legislative or appropriating body and may be enforced at the insistence of either party or by the arbitrator in the superior court. The scope of arbitration shall be limited to wages, hours, and conditions of employment and shall not include any provisions for any cost of living adjustments which are based on changes in the Consumer Price Index after the expiration of the contract period covered by the award. In addition, any wage or salary adjustments shall be expressed in per cent or dollar amounts, and in no case shall there be any provision for salary adjustments to occur after the expiration of the contract period covered by the award.

The cost, if any, of the mediation and of arbitration proceedings exclusive of the expenses of the individual parties provided for under sections nineteen C through nineteen G shall be divided equally by the parties and shall be in accordance with a schedule of payments established by the American Arbitration Association.

SECTION 3. Notwithstanding the provisions of any special or general law to the contrary, there shall be no salary adjustment awarded to any management employees of the authority for a period of eighteen months from the effective date of this act.

SECTION 4. The provisions of this act are severable, and if any of its provisions shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions.

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

Approved July 13, 1978

Chap. 406. AN ACT PROVIDING FINANCIAL ASSISTANCE TO CITIES, TOWNS AND DISTRICTS TO PROVIDE SAFE DRINKING WATER.

Be it enacted, etc., as follows:

SECTION 1. The department of environmental quality engineering is hereby authorized and directed to expend a sum not to exceed seventy-five million dollars for the purpose of carrying out the provisions of sections one hundred and fifty-nine, one hundred and sixty and one hundred and sixty-two of chapter one hundred and eleven of the General Laws as relate to the construction of drinking water filtration plants for the treatment of public water supplies; provided, however, that said construction grant shall not exceed fifty per cent of the total cost of said construction project; and provided further, that said construction grants shall be made available to cities and towns for municipally owned water supply systems excluding those provided by the metropolitan district commission.

SECTION 2. In addition to any federal funds received, the treasurer may borrow from time to time on credit of the commonwealth such sums of money as may be necessary for the purpose and may issue and renew, as hereinafter provided, notes of the commonwealth therefor, bearing interest payable at such times and at such rates as the state treasurer shall fix. Said notes 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 the provisions of Section 3 Article LXII of the Amendments to the Constitution of the Commonwealth; but the final maturity of such notes shall be not later than June the thirtieth, nineteen hundred and eighty-four.

Construction grants may be made upon the approval by the department of a plan submitted in accordance with criteria used by the department in determining the priority of projects for assistance; provided, however, that no grant made by the department shall exceed fifty per cent of the total construction cost of any project deemed eligible by the department; and provided further, that a priority shall be granted for a project in a city, town or water district where the department of environmental

quality engineering has mandated or ordered such city, town or water district to improve the quality of its public water supply by boiling.

Upon receipt by any city or town of federal funds granted expressly for the purpose of constructing a drinking water filtration plant for the treatment of public water supply, such city or town receiving assistance under this act shall reimburse the commonwealth for such assistance the amount by which such federal funds exceed forty per cent of said construction costs.

SECTION 3. To meet a portion of the expenditures necessary in carrying out the provisions of section one of this act, or to refinance notes issued as provided in section two of this act, the state treasurer shall, upon request of the commissioner of the department of environmental quality engineering and with the approval of the governor, issue and sell at public or private sale bonds of the commonwealth, registered or with interest coupons attached, as the state treasurer may deem best, to an amount to be specified by the governor from time to time but not later than June thirtieth, nineteen hundred and ninety-three; provided, that in no event shall the amount of bonds authorized under this section exceed, in the aggregate, the sum of seventy-five million dollars.

All bonds so issued shall bear on their face the words, Drinking Water Facility Construction Loan, Act of 1978. Said bonds 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. Such bonds shall bear interest semiannually at such rate as the state treasurer, with the approval of the governor, shall fix. The initial maturities of such bonds shall be payable not later than one year from the date of issue thereof, and the entire issue not later than June thirtieth, two thousand and thirteen.

SECTION 4. Any city or town which after January first, nineteen hundred and seventy-three, and prior to January first, nineteen hundred and seventy-eight, had constructed or had under construction a drinking water filtration plant for the treatment of public water supplies which qualifies as an approved project as hereinbefore provided, and which project was financed in whole or in part by the proceeds of serial bonds or notes issued under any general or special law, shall be annually reimbursed by the commonwealth in an amount equal to thirty per cent of the principal payments of such serial bonds or notes maturing each year beginning January first, nineteen hundred and seventy-nine; provided, however, that if grants under any federal law on or after January first, nineteen hundred and seventy-nine, have exceeded thirty per cent of such project's construction cost, the percentage of the principal payments to be paid by the commonwealth shall be reduced by the number of percentage points by which the federal grant exceeded thirty per cent.

Chap. 407. AN ACT PROVIDING FOR THE EMERGENCY REMOVAL AND DISPOSAL OF CERTAIN HAZARDOUS WASTES IN THE CITY OF LOWELL.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide for the expeditious removal and disposal of hazardous waste materials which have accumulated at a certain site in the city of Lowell, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of public health, safety and the environment.

Be it enacted, etc., as follows:

The division of water pollution control is hereby authorized and directed to take all action it deems necessary to provide for the expeditious removal of accumulated hazardous wastes and chemicals at the site of the Silresim Chemical Corporation in the city of Lowell which the division finds to constitute a nuisance or a danger to public health and safety. The director of said division or his duly authorized representatives and contractors employed by said director are authorized to enter said site and to seize, and provide for the removal, destruction, neutralization, treatment and disposal of all chemicals, residues and by-products thereof, and contaminated real and personal property, which may be found at said site. Said director by such action as he deems necessary, including the construction of barriers and drainage systems and the sealing of surface areas, shall provide for final decommissioning of said site as a hazardous waste facility. The director shall monitor said site, and sewers and waters proximate thereto, and make such recommendations to the general court for further action as he deems necessary and advisable. For purposes of this act the director may expend such funds as may be made available by appropriation or otherwise. Any such funds shall be available until expended or until the purposes of this act have been accomplished, notwithstanding the expiration of any fiscal year. The director is hereby authorized and directed to seek and receive all funds that may be made available for such purposes from a public or private source. The director and the attorney general may, through all appropriate measures, secure from all persons responsible for the accumulation of this threat, including but not limited to originators and holders of secured interests in the Silresim Chemical Corporation, the payment or reimbursement of the costs of activities required by this act. All funds obtained in reimbursement shall be deposited to the general fund by the director.

Approved July 13, 1978

Chap. 408. AN ACT REACTIVATING A CERTAIN ELIGIBLE LIST FOR PROMOTION TO THE OFFICE OF LIEUTENANT IN THE FIRE DEPARTMENT OF THE TOWN OF WATERTOWN AND EXTENDING THE TIME WITHIN WHICH IT SHALL BE EFFECTIVE.

Be it enacted, etc., as follows:

SECTION 1. The eligible list for promotion to the office of lieutenant in the fire department of the town of Watertown which expired December nineteenth, nineteen hundred and seventy-seven,

is hereby reactivated and extended for six months from the effective date of this act.

SECTION 2. This act shall take effect upon its passage.
Approved July 13, 1978

Chap. 409. AN ACT RELATIVE TO CERTIFICATION OF NAMES FROM THE ELIGIBLE LIST FOR APPOINTMENT TO THE POLICE FORCE OR FIRE FORCE OF THE TOWNS WITHIN THE COUNTY OF DUKES COUNTY.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide for the certification of names for appointment to the police force and fire forces of the towns within the county of Dukes County, therefore it is declared to be an emergency law, necessary for the immediate preservation of the public safety.

Be it enacted, etc., as follows:

SECTION 1. Section 48A of chapter 31 of the General Laws is hereby amended by striking out the second sentence, as most recently amended by section 135 of chapter 835 of the acts of 1974, and inserting in place thereof the following sentence:- If any person has resided in a city or town for one year immediately prior to the date of such examination and has the same standing as any person who has not so resided in said city or town, the personnel administrator, when certifying names from the eligible list to the appointing authority for the police force or fire force of said city or town, shall place the name of the person who has so resided ahead of the name of the person who has not so resided, or upon written request of the appointing authority to the administrator, the administrator shall, when certifying names from the eligible list for appointment to the police force or fire force of a city or town, place the names of all persons who have resided in said city or town for one year immediately prior to the date of examination ahead of the name of any person who has not so resided; provided, that the administrator shall, when so certifying names from the eligible list for appointment to the police force or fire force of a town within the county of Dukes County, also place the names of all persons who have resided in said county for one year immediately prior to the date of examination ahead of the name of any person who has not so resided.

SECTION 2. Any list of names certified by the personnel administrator for appointment to the police force or fire force of any town within the county of Dukes County prior to the effective date of this act from which no appointment has been made is hereby declared to be null and void.

Approved July 13, 1978

Chap. 410. AN ACT PROVIDING FOR THE LEASE OF LAND, COMPRISING THAT SECTION OF THE PROPERTY AT WORCESTER STATE HOSPITAL BEING USED AS CAMP JOY TO THE CITY OF WORCESTER TO BE HELD BY SAID CITY OF WORCESTER FOR THE PURPOSE OF CONSTRUCTING A PERMANENT FACILITY FOR SAID CAMP JOY.

Be it enacted, etc., as follows:

SECTION 1. The commissioner of mental health, in the name of and on behalf of the commonwealth, is hereby authorized and directed to lease to the city of Worcester for a period of ninety-nine years with an option of renewal certain land in said town currently part of the Worcester State Hospital property being used as Camp Joy.

Said 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 constructing a permanent facility for Camp Joy only and if said land ceases to be used as such, or such facility is not constructed within five years, or if the provisions of the lease are not complied with, such lease shall terminate and said land shall revert to the commonwealth.

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

Approved July 13, 1978

Chap. 411. AN ACT FURTHER PROVIDING THAT FISCAL YEAR TAX PRORATION SHALL INCLUDE TAKINGS BY EMINENT DOMAIN AND PROPERTY MANAGEMENT BY THE DEPARTMENT OF PUBLIC WORKS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to prevent an inequitable assessment of taxes to property owners whose real property is taken by eminent domain, 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 12 of chapter 79 of the General Laws is hereby amended by striking out the third sentence, as most recently amended by section 1 of chapter 832 of the acts of 1977, and inserting in place thereof the following sentence:- Whenever the title or interest taken is such that the property will be exempt from taxation so long as it is held and used for the purpose for which it is taken, the damages for the taking shall include an amount or amounts separately determined and stated which shall be estimated to be equal to that portion of the tax assessed upon the property for the fiscal year in which it is taken which, if the tax were apportioned pro rata according to the number of days in such fiscal year, would be allocable to the days ensuing after the taking, and an additional amount equal to the tax assessed against the property for the ensuing fiscal year, if the taking is made between January first and June thirtieth inclusive.

SECTION 2. The provisions of this act shall apply to all takings by eminent domain made on or after January first, nineteen hundred and seventy-four.

Approved July 13, 1978

Chap. 412. AN ACT AUTHORIZING MUNICIPAL EMPLOYERS TO ESTABLISH SPECIAL UNEMPLOYMENT COMPENSATION FUNDS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide municipal employers with a method of complying with the unemployment security law 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:

Chapter 40 of the General Laws is hereby amended by inserting after section 5D the following section:-

Section 5E. To provide for the anticipated costs of funding reimbursements to the commonwealth for unemployment compensation benefits under the provisions of chapter one hundred and fifty-one A, any city, town or district may appropriate in any year an amount not exceeding one-tenth of one per cent of such city's or town's equalized valuation as defined in section one of chapter forty-four, to establish and maintain a special fund to be known as the unemployment compensation fund; provided, however, that no such appropriation may be made at any time when the aggregate amount in such fund equals or exceeds one per cent of such equalized valuation. Any interest shall be added to and become a part of such special fund.

The treasurer of the city, town or district shall be the custodian and administrator of such special fund, and may deposit or invest the fund in such manner as may be legal for other city, town or district funds under the laws of the commonwealth including, without limitation, the Massachusetts Municipal Depository Trust.

The treasurer shall pay from such special fund, including the income thereof, such amounts as the selectmen or other officers authorized to expend money determine to be necessary from time to time to satisfy the liability of the city, town or district, or any instrumentality thereof, in accordance with the unemployment security law of the commonwealth.

Approved July 13, 1978

Chap. 413. AN ACT AUTHORIZING A MEALS TAX EXEMPTION FOR CERTAIN ELDERLY OR HANDICAPPED PERSONS LIVING IN CERTAIN HOUSING PROJECTS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to allow immediately for a meals tax exemption for certain elderly or handicapped persons living in elderly housing 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 6 of chapter 64H of the General Laws is hereby amended by striking out paragraph (cc), added by section 47 of chapter 363A of the acts of 1977, and inserting in place thereof the following paragraph:-

(cc) meals prepared by employees thereof and served in any

hospitals, sanatorium, convalescent or nursing home, or boarding home for the aged licensed under section seventy-one of chapter one hundred and eleven or in any institution or private house licensed under section twenty-nine of chapter nineteen; meals prepared by the members thereof and served on its premises by any church or synagogue or by any church or synagogue organization to any organization of such church or synagogue the proceeds of which are to be used for religious or charitable purposes; meals furnished by any person while transporting passengers for hire by air to or from any place within the commonwealth, meals furnished to any organization in which membership is limited to persons sixty years of age or over or to elderly or handicapped persons residing in a housing project qualifying under section thirty-eight to forty, inclusive, of chapter one hundred and twenty-one B and said organization has previously filed with the commissioner, on a form approved by the commission, satisfactory proof of its eligibility hereunder; and meals furnished to students by public and private nonprofit primary and secondary schools; and, meals furnished through programs established under section one L of chapter fifteen.

Approved July 13, 1978

Chap. 414. AN ACT AUTHORIZING THE TOWN OF MAYNARD 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 Maynard 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 two hundred and fifty-five thousand, seven hundred and twenty-nine dollars, payable in not more than one year from their dates, in order to pay the federal aid anticipation notes of said town dated July twenty-second, nineteen hundred and seventy-five, in the amount of five hundred thousand dollars and federal aid anticipation notes in said town dated October sixth, nineteen hundred and seventy-five, in the amount of two hundred thousand dollars which were renewed on January twenty-second, nineteen hundred and seventy-six in the amount of seven hundred thousand dollars, and payable on January twenty-second, nineteen hundred and seventy-seven which was renewed on January twenty-second, nineteen hundred and seventy-seven and payable on July twenty-first, nineteen hundred and seventy-seven which was most recently renewed on March thirty-first, nineteen hundred and seventy-seven in the amount of two hundred and fifty-five thousand, seven hundred and twenty-nine dollars and payable on July twenty-first, nineteen hundred and seventy-seven, which was most recently renewed on July twenty-first, nineteen hundred and seventy-seven and payable July twenty-first, nineteen hundred and seventy-eight. 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 13, 1978

Chap. 415. AN ACT RELATIVE TO THE PAYMENT OF JOINT ACCOUNTS BY CREDIT UNIONS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is, in part, to make the provisions thereof effective on the same date as a related act 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. Chapter 171 of the General Laws is hereby amended by striking out section 10, as most recently amended by chapter 96 of the acts of 1978, and inserting in place thereof the following section:-

Section 10. The capital of a credit union shall be unlimited in amount and shall consist of shares and deposits. Shares shall be of a par value of five dollars each and shall be subscribed and paid for in such manner as the by-laws of the credit union shall prescribe. A credit union may also contract, on terms to be agreed upon, with a person eligible for membership in the credit union or a member of the family of such a person, for the deposit at intervals within a period of twelve months, of sums of money, to be known as club deposits, in the aggregate not in excess of four thousand dollars, and may pay interest or dividends thereon in the amount decided by its board of directors, but at no higher rate than that paid on its regular deposits or as regular dividends on shares. 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, in the aggregate, fourteen thousand dollars and, he may jointly with one or more members, hold shares or make deposits, or both to an amount not exceeding, in the aggregate, twenty-eight thousand dollars, exclusive of club deposits. 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, in the aggregate, twenty-three thousand dollars and, may jointly with one or more members, hold shares or make deposits, or both, to an amount not exceeding, in the aggregate, forty-six thousand dollars, exclusive of club deposits. 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, in the aggregate, forty thousand dollars, provided that he has no other accounts, and he may jointly with one or more members, hold shares or make deposits, or both, to an amount not exceeding, in the aggregate, eighty thousand dollars, exclusive of club deposits. The preceding limitations shall also apply to members of credit unions which are insured by the administrator of the National Credit Union Administration; provided, however, that no such

credit union shall accept deposits or payments for shares for the account or accounts of a member in excess of the amount which is insured by said administrator. The limitations on deposits and shares provided herein shall be exclusive of accumulated interest. A fraternal organization, voluntary association, partnership or corporation eligible for membership under the provisions of section five may purchase shares or have on deposit an amount equal to that permitted a member jointly with other members as provided for herein. The establishment of deposit accounts or the discontinuance thereof may be authorized by the board of directors of the credit union. A credit union may require from a member ninety days' notice of his intention to withdraw any or all of his shares and sixty days' notice of his intention to withdraw any or all of his deposits. Subject to the foregoing limitations in respect to shares and deposits and requirements relative to notice, shares may be subscribed for and deposits may be accepted in the name of one or two persons in trust for another provided the name and residence of the beneficiary is disclosed, and such shares and deposits shall be carried in the name of the shareholder or depositor as trustee or trustees. Payments may be made to the trustee, and if there are two trustees, payments may be made to both or to either or the survivor. If no other notice of existence and terms of a trust has been received in writing by the credit union, upon the death of the trustee or if there are two trustees then upon the death of both, the amount then on deposit together with the dividends thereon may be paid to the person for whom such deposit was made or to his legal representative. Withdrawals and payments made as provided in this paragraph shall fully discharge the liability of the credit union to all persons.

Shares and deposits may be received and held in the name of two or more members as joint tenants, payable to two or more members or the survivor or survivors of them, and any part or all of the shares or deposits and interest represented by joint accounts may be withdrawn, assigned or transferred by any of the individual parties. Payment to any of the parties to a joint account while all of them are living shall discharge the liability of the corporation to all members and in the event of the death of any of them the corporation shall be liable only to the survivor or survivors, and the payment to any of the survivors shall discharge the liability of the corporation to all members.

SECTION 2. Subparagraph (a) of section 10A of chapter 171 of the General Laws, as appearing in chapter 200 of the acts of 1970, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- Except as hereinafter provided in respect of dividends or interest on such shares and deposits, neither the whole nor any part of such shares or deposits may be withdrawn other than pursuant to the terms of a withdrawal notice of ninety days or more signed by such shareholder or depositor or any joint shareholder or depositor and received by such credit union.

SECTION 3. Subparagraph (b) of said section 10A of said chapter 171, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- Any ordinary, extra or additional dividend or interest

on such shares or deposits may be withdrawn pursuant to a permanent dividend or interest order signed by such shareholder or depositor or any joint shareholder or depositor and received by such credit union prior to the day upon which such dividend or interest becomes payable or pursuant to a demand made by such shareholder or depositor or any joint shareholders or depositors within one year after the day upon which such dividend or interest became payable.

SECTION 4. This act shall take effect on July twentieth, nineteen hundred and seventy-eight.

Approved July 13, 1978

Chap. 416. AN ACT AUTHORIZING THE TOWN OF WAREHAM TO PAY COURTNEY W. DE BLOIS A CERTAIN SUM OF MONEY FOR UNUSED SICK LEAVE.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any general or special law to the contrary, the town of Wareham is hereby authorized to appropriate the sum of six hundred twenty-nine dollars and eighty cents, and after such appropriation the treasurer of said town is authorized and directed to pay such sum to Courtney W. DeBlois for unused sick leave.

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

Approved July 13, 1978

Chap. 417. AN ACT AUTHORIZING THE TOWN OF BROOKLINE TO PROVIDE PARKING FOR FACULTY AND STAFF OF THE AMOS LAWRENCE SCHOOL.

Be it enacted, etc., as follows:

SECTION 1. The transportation board of the town of Brookline, established under the provisions of chapter three hundred and seventeen of the acts of nineteen hundred and seventy-four, is hereby authorized to provide parking, by special permit, for the faculty and staff of the Amos Lawrence school, along the northerly side of Francis street, from the easterly boundary of said school to the westerly boundary of the Longwood playground extension, and along the northerly side of Newell road.

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

Approved July 13, 1978

Chap. 418. AN ACT EXEMPTING THE POSITIONS OF ASSISTANT SUPERINTENDENT OF PUBLIC BUILDINGS AND ASSISTANT LIGHT DEPARTMENT MANAGER IN THE TOWN OF SHREWSBURY FROM THE PROVISIONS OF THE CIVIL SERVICE LAW.

Be it enacted, etc., as follows:

SECTION 1. The position of assistant superintendent of public buildings and the position of assistant light department manager in the town of Shrewsbury shall be exempt from the provisions

of chapter thirty-one of the General Laws.

SECTION 2. This act shall take effect upon its passage.
Approved July 13, 1978

Chap. 419. AN ACT EXEMPTING THE POSITION OF CHIEF OF POLICE IN THE TOWN OF MERRIMAC FROM THE CIVIL SERVICE LAW AND RULES.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any contrary provision of the law, the position of chief of police in the town of Merrimac 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 the chief of police in said town holding such status on the effective date of this act.

SECTION 3. This act shall take effect upon its passage.
Approved July 13, 1978

Chap. 420. AN ACT COMBINING THE OFFICES OF TOWN TREASURER AND TOWN COLLECTOR OF THE TOWN OF WILBRAHAM INTO THE OFFICE OF TOWN TREASURER AND COLLECTOR AND MAKING IT AN APPOINTIVE OFFICE.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any contrary provision of law, the offices of town treasurer and town collector of the town of Wilbraham shall be merged into one office to be known as town treasurer and collector and the powers and duties formerly exercised by the town treasurer and the town collector shall be exercised by said town treasurer and collector. Said town treasurer and collector shall be appointed by and serve at the will of the selectmen. The provisions of law relative to treasurers and to collectors of taxes shall, except insofar as the same may be inconsistent with the provisions of this act, apply to said town treasurer and collector.

SECTION 2. Notwithstanding the provisions of section one of this act, the incumbents in the offices of town treasurer and town collector upon the effective date of this act shall continue to hold said offices and to perform the duties thereof until the expiration of the terms for which they were elected, and the appointment and qualification of said town treasurer and collector.

SECTION 3. The state secretary shall cause the following question to be placed on the official ballot to be used in the town of Wilbraham at the biennial state election to be held in the year nineteen hundred and seventy-eight:- "Shall an act passed by the general court in the year nineteen hundred and seventy-eight entitled, 'An Act combining the offices of town treasurer and town collector of the town of Wilbraham into the office of town treasurer and collector and making it an appointive office', be accepted?" If a majority of the votes cast in answer to said

question is in the affirmative, then sections one and two shall thereupon take full effect, but not otherwise.

SECTION 4. Section three of this act shall take effect upon its passage.

Approved July 13, 1978

Chap. 421. AN ACT RELATIVE TO THE AUTHORITY OF THE METROPOLITAN DISTRICT COMMISSION OVER THE WATERS OF BOSTON HARBOR.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide for immediate effective law enforcement in Boston harbor, 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:

Chapter 92 of the General Laws is hereby amended by striking out section 61, as amended by section 2 of chapter 162 of the acts of 1954, and inserting in place thereof the following section:-

Section 61. The police appointed or employed by the commission, except special police officers, shall have within the metropolitan parks district, and within the towns outside said district wherein any of the property of the metropolitan water and sewerage districts is situated, within the waters of Boston harbor, including the coastline and coastal waters of the following cities and towns: Boston, Braintree, Cambridge, Chelsea, Cohasset, Everett, Hingham, Hull, Lynn, Marblehead, Milton, Nahant, Quincy, Revere, Saugus, Somerville, Swampscott, Weymouth, and Winthrop, all the powers of police officers and constables of towns of this commonwealth, except the power of serving and executing civil process, and may carry within the commonwealth such weapons as the said commission shall authorize. Such special police officers shall have all said powers, except in relation to the service of civil process and to the carrying of weapons, but only within said parks district.

Nothing in this section shall affect the existing powers and jurisdiction of the state police or the police officers of the respective cities and towns.

Approved July 13, 1978

Chap. 422. AN ACT FURTHER REGULATING THE APPROVAL OF SUBDIVISIONS BY BOARDS OR OFFICERS OF HEALTH UNDER THE SUBDIVISION CONTROL LAW.

Be it enacted, etc., as follows:

SECTION 1. Section 81U of chapter 41 of the General Laws, as most recently amended by section 2 of chapter 749 of the acts of 1972, is hereby further amended by striking out the first two paragraphs and inserting in place thereof the following two paragraphs:-

When a definitive plan of a subdivision is submitted to the planning board, as provided in section eighty-one O, a copy thereof shall also be filed with the board of health or board or

officer having like powers and duties. Such health board or officer shall, within forty-five days after the plan is so filed, report to the planning board in writing, approval or disapproval of said plan, and, in the event of disapproval, shall make specific findings as to which, if any, areas shown on such plan cannot be used for building sites without injury to the public health, and include such specific findings and the reasons therefor in such report, and where possible, shall make recommendations for the adjustments thereof. Failure of such board or officer to report shall be deemed approval by such board or officer. Such health board or officer shall send a copy of such report, if any, to the person who submitted said plan. When the definitive plan shows that no public or community sewer is to be installed to serve any lot thereon, approval by a board of health or officer shall not be treated as, nor deemed to be approval of a permit for the construction and use on any lot of an individual sewage system; and approval of a definitive plan for a subdivision by a board of health or officer shall not be treated as, nor deemed to be, an application for a permit to construct or sue an individual sewage system on any lot contained therein.

After the hearing required by section eighty-one T and after the report of said health board or officer or lapse of forty-five days without such report, the planning board shall approve, or, if such plan does not comply with the subdivision control law or the rules and regulations of the planning board or the recommendations of the health board or officer, shall modify and approve or shall disapprove such plan. In the event of disapproval, the planning board shall state in detail wherein the plan does not conform to the rules and regulations of the planning board or the recommendations of the health board or officer and shall revoke its disapproval and approve a plan which, as amended conforms to such rules and regulations or recommendations. The planning board shall file a certificate of its action with the city or town clerk, a copy of which shall be recorded by him in a book kept for the purpose, and shall send notice of such action by registered mail, postage prepaid, to the applicant at his address stated on the application.

SECTION 2. The third paragraph of said section 81U of said chapter 41, as appearing in section 1 of chapter 377 of the acts of 1958, is hereby amended by adding the following sentence:- In the event approval by the board of health or board or officer having like powers and duties is by failure to make a report, the planning board shall note on the plan that health approval is by failure to report.

Approved July 13, 1978

Chap. 423. AN ACT RELATIVE TO THE PAYMENT FOR CERTAIN LAND IN THE TOWN OF STERLING BY THE DEPARTMENT OF PUBLIC WORKS.

Be it enacted, etc., as follows:

SECTION 1. Chapter 876 of the acts of 1977 is hereby amended by striking out the penultimate paragraph and inserting in place thereof the following paragraph:-

The department is authorized and directed to pay to the town

of Sterling the fair market value of Parcels 1-9, 1-10, 4-3, 4-7-T, 4-TS-28 and 4-TS-29 in accordance with the provisions of chapter seventy-nine of the General Laws.

SECTION 2. Any payment made by the department of public works, under the provisions of said chapter eight hundred and seventy-six, prior to the passage of this act, shall be adjusted to comply with the provisions of the penultimate paragraph of said chapter eight hundred and seventy-six.

SECTION 3. The provisions of this act shall apply notwithstanding any provisions of chapter eight hundred and fifty-nine of the acts of nineteen hundred and seventy-five.

SECTION 4. This act shall take effect upon its passage.
Approved July 13, 1978

Chap. 424. AN ACT TO PROVIDE THAT CLAIMS FOR MEDICAL BENEFITS MAY BE HEARD AT A CONFERENCE.

Be it enacted, etc., as follows:

Chapter 152 of the General Laws is hereby amended by striking out section 13, as most recently amended by chapter 746 of the acts of 1974, and inserting in place thereof the following section:-

Section 13. Fees of attorneys and physicians for services adjudged compensable under this chapter shall be subject to approval of the division. The rate of payment by insurers to hospitals for care adjudged compensable under this chapter shall be established by the rate setting commission under chapter six A. If the insurer, or any physician or the employee or any attorney fails to agree as to the amount of any bill for such services, except rates to be paid for health care services, as defined in said chapter six A, which shall be reviewable under said chapter six A, either party may notify the division which shall thereupon assign the case for a conference by a member thereof, in accordance with the provisions of section eight. No insurer shall be liable for hospitalization expenses, adjudged compensable under this chapter at a rate in excess of the rate set by the rate setting commission, or in excess of the rate established for that service by the rate setting commission. Nor shall any employee be liable for services adjudged compensable under this chapter which have been paid for at the rates established by the rate setting commission; such employee, however, shall continue to be liable for services which are not adjudged compensable under this chapter.

Approved July 13, 1978

Chap. 425. AN ACT INCREASING THE FUNERAL BENEFITS FOR CERTAIN DECEASED EMPLOYEES UNDER THE WORKMEN'S COMPENSATION ACT.

Be it enacted, etc., as follows:

Chapter 152 of the General Laws is hereby amended by striking out section 33, as most recently amended by chapter 287 of the acts of 1960, and inserting in place thereof the following section:-

Section 33. In all cases, the insurer shall pay the reasonable expenses of burial not exceeding two thousand dollars.

Approved July 13, 1978

Chap. 426. AN ACT AUTHORIZING THE DEPARTMENT OF PUBLIC WELFARE TO ESTABLISH A FOSTER HOME PROGRAM FOR AGED AND DISABLED ADULTS.

Be it enacted, etc., as follows:

The department of public welfare is hereby authorized and directed to establish a foster home program for persons who, due to age or disability, are incapable of living in a home setting without the presence and assistance of another person.

Said department shall promulgate rules and regulations to implement the provisions of this act. Said rules and regulations shall establish eligibility criteria for aged and disabled residents of foster homes; eligibility criteria for foster homes, including but not limited to, the number of elderly and disabled residents, the training and other qualifications for persons providing foster home care, requirements regarding the nutritional and personal care services rendered in foster homes, and health, fire, safety and space requirements for foster homes; and requirements regarding the medical supervision of foster home residents by a hospital or clinic licensed under the provisions of chapter one hundred and eleven of the General Laws.

The department shall investigate all potential sources of federal funding for such foster home care and shall take all necessary steps to secure such funding.

The department shall at the outset of the program establish criteria to evaluate the program's cost-effectiveness and life enhancement features compared to level three long term facilities and other alternative modes of care.

On or before May thirty-first, nineteen hundred and eighty, the department shall report its findings to the clerk of the house of representatives and shall recommend to the legislature whether the program should be extended, altered or eliminated.

Approved July 13, 1978

Chap. 427. AN ACT RELATIVE TO THE POWERS OF THE WOODS HOLE, MARTHA'S VINEYARD AND NAN-TUCKET STEAMSHIP AUTHORITY.

Be it enacted, etc., as follows:

Section 15 of chapter 701 of the acts of 1960 is hereby amended by adding the following paragraph:-

The Authority may indemnify any member, officer or employee from personal expense or damages incurred, arising out of any claim, suit, demand or judgment which arose out of any act or omission of the individual, including the violation of the civil rights of any person under any federal law, if at the time of such act or omission the member, officer or employee was acting within the scope of his official duties or employment; provided, that the defense or settlement of such claim shall have been

made by counsel for the Authority, by an attorney retained for such purpose by the Authority, or by an attorney provided by an insurer obligated under the terms of a policy of insurance to defend against such claims.

Approved July 13, 1978

Chap. 428. AN ACT ESTABLISHING A MARINE FISHERIES EDUCATION AND TRAINING PROGRAM.

Be it enacted, etc., as follows:

The Massachusetts maritime academy, in conjunction with the department of fisheries, wildlife and recreational vehicles, the secretary of manpower affairs and in cooperation with the National Marine Fisheries Service, is hereby directed to establish a marine fisheries education and training program for the purpose of facilitating the further development of the commercial fishing industry in Massachusetts through education.

Such program shall identify potential manpower shortages in the fishing industry, develop and implement a training program to prepare people to fill anticipated vacancies in the fishing industry and develop and implement a marine fisheries extension program to train interested fishermen in sound business management practices.

Approved July 13, 1978

Chap. 429. AN ACT PROVIDING THAT THE REPOSSESSOR OF A MOTOR VEHICLE SHALL NOTIFY CERTAIN POLICE DEPARTMENTS WITHIN ONE HOUR OF SAID REPOSSESSION.

Be it enacted, etc., as follows:

Chapter 255B of the General Laws is hereby amended by striking out section 20C, as inserted by chapter 447 of the acts of 1976, and inserting in place thereof the following section:-

Section 20C. Any creditor obtaining possession of a motor vehicle under the provisions of this chapter shall, within one hour 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 July 13, 1978

Chap. 430. AN ACT DIRECTING THE STATE TREASURER TO PAY A CERTAIN UNPAID BILL TO MADONNA HALL OF THE TOWN OF MARLBOROUGH.

Be it enacted, etc., as follows:

The treasurer of the commonwealth is hereby authorized and directed to pay the sum of fifty-seven thousand seventy-four dollars and sixty-four cents, to Madonna Hall of the town of Marlborough, for the care of certain children referred by the division of family and children's services of the department of public welfare in the year nineteen hundred and seventy-two and nineteen hundred and seventy-three.

Approved July 13, 1978

Chap. 431. AN ACT INCREASING THE MEMBERSHIP OF THE BOARD OF DIRECTORS OF THE MEDICAL MALPRACTICE JOINT UNDERWRITING ASSOCIATION.

Be it enacted, etc., as follows:

Section 6 of chapter 362 of the acts of 1975 is hereby amended by striking out the tenth paragraph and inserting in place thereof the following paragraph:-

The association shall be governed by a board of thirteen directors, eight of whom shall be elected by cumulative voting by the members of the association, whose votes in such election shall be weighted in accordance with each member's net direct premiums written during the preceding calendar year. Four directors shall be appointed by the commissioner as representatives of the medical profession and one director shall be appointed by the commissioner as a representative of insurance producers. The eight elected directors serving on the first board shall be elected at a meeting of the members or their authorized representatives, which shall be held at a time and place designated by the commissioner. The other five directors serving on the first board shall be appointed on or before the date of such meeting.

Approved July 13, 1978

Chap. 432. AN ACT DESIGNATING WATER STREET A STATE HIGHWAY IN THE CHARLESTOWN SECTION OF THE CITY OF BOSTON.

Be it enacted, etc., as follows:

Water street, a state highway in the Charlestown section of the city of Boston, shall be designated and known as Constitution road. The department of public works shall erect suitable markers along said highway bearing such designation and its former designation in smaller letters.

Approved July 13, 1978

Chap. 433. AN ACT CLARIFYING THE PROVISIONS OF THE MASSACHUSETTS AGRICULTURAL PRESERVATION RESTRICTIONS ACT.

Be it enacted, etc., as follows:

Section 11A of chapter 132A of the General Laws, inserted by chapter 780 of the acts of 1977, is hereby amended by striking out the third sentence and inserting in place thereof the following sentence:- Title to agricultural preservation restrictions shall be held in the name of the commonwealth; provided, however, that a city or town in which such land is located which provides assistance satisfactory to the agricultural lands preservation committee, including but not limited to providing of funds or portions thereof toward the purchase of such restriction, the providing of legal services and the enforcement of the preservation restriction, shall hold title to such land jointly with the commonwealth.

Approved July 13, 1978

Chap. 434. AN ACT RELATIVE TO LICENSES FOR KEEPING, STORING OR SELLING CERTAIN EXPLOSIVES AND INFLAMMABLE MATERIALS.

Be it enacted, etc., as follows:

Section 13 of chapter 148 of the General Laws is hereby amended by inserting after the fifth paragraph, inserted by section 1 of chapter 353 of the acts of 1959, the following paragraph:-

When a fire or explosion hazard exists or is liable to exist due to the exercise of such license, the marshal or the head of the fire department, shall issue an order to the licensee to cease and desist in the exercise of such license and said marshal or said head of the fire department shall direct that reasonable measures to insure safety to the public be undertaken at the expense of the holder of such license.

Approved July 13, 1978

Chap. 435. AN ACT ESTABLISHING JULY FIRST AS THE DATE OF DETERMINATION FOR CERTAIN PROPERTY TAX EXEMPTIONS.

Be it enacted, etc., as follows:

SECTION 1. The introductory clause of section 5 of chapter 59, as appearing in section 1 of chapter 831 of the acts of 1974, is hereby amended by inserting after the word "Taxation", in line 1, the words:- and the date of determination as to age, ownership or other qualifying factors required by any clause shall be July first of each year unless another meaning is clearly apparent from the context.

SECTION 2. This act shall take effect on July first, nineteen hundred and seventy-nine and shall apply to the determination of qualifications for exemptions under chapter fifty-nine for fiscal years commencing July first, nineteen hundred and seventy-nine and thereafter.

Approved July 13, 1978

Chap. 436. AN ACT AUTHORIZING THE TOWN OF BOURNE 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 most recently amended by section 1 of chapter 38 of the acts of 1977, 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 and the town of Sandwich, both in Barnstable county; thence southwesterly by said boundary line between the towns of Bourne and Sandwich to a point where said boundary line intersects with the center line of the layout of the state highway known as Route 6-Mid-Cape Highway; thence continuing by the center line of said state highway layout of Route 6-Mid-Cape Highway, in a southerly, southeasterly, easterly, and northeasterly direction, traversing the towns of Sandwich, Barnstable, Yarmouth, and Dennis to the boundary line between the town of Dennis and the town of Harwich; thence northwesterly by said boundary line between the towns of Dennis and Harwich to the boundary line of the town of Brewster, thence northeasterly, northerly and easterly by the boundary line between the town of Brewster and the town of Harwich to the said center line of said Route 6-Mid-Cape Highway; thence continuing by the said center line of said Route 6-Mid-Cape Highway, in a northeasterly and northerly direction, traversing the towns of 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 southwesterly, 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 is hereby amended by striking out the definition of "Town", as most recently amended by section 2 of said chapter 38, and inserting in place thereof the following definition:-

"Town" - the individual regional town of Sandwich, Barnstable, Yarmouth, Dennis, Brewster or Orleans.

SECTION 3. Section 4 of said chapter 470 is hereby amended by striking out the first paragraph, as most recently amended by section 3 of said chapter 38, 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 six members, each of whom shall be a chairman of a member town historic district committee of the following towns: Sandwich, Barnstable, Yarmouth, Dennis, Brewster and Orleans.

SECTION 4. The town of Bourne 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 Harwich.

SECTION 5. This act shall be submitted for acceptance to the voters of the town of Bourne 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-eight, entitled 'An Act authorizing the town of Bourne 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 July 13, 1978

Chap. 437. AN ACT AUTHORIZING THE CITY OF CAMBRIDGE TO REIMBURSE INMAN SQUARE APARTMENTS COMPANY FOR EXCESS TAXES PAID.

Be it enacted, etc., as follows:

Notwithstanding the provisions of any general or special law to the contrary, the city of Cambridge is hereby authorized to pay eight thousand seventy-four dollars and eighty cents to Inman Square Apartments Company, a limited dividend Massachusetts partnership, for reimbursement of excess taxes paid in the years nineteen hundred and seventy-two, nineteen hundred and seventy-three, and nineteen hundred and seventy-four.

Approved July 13, 1978

Chap. 438. AN ACT DESIGNATING THE DORCHESTER BAY BRIDGE AT MORRISSEY BOULEVARD IN THE CITY OF BOSTON AS THE JOHN J. BEADES BRIDGE.

Be it enacted, etc., as follows:

The bridge at Morrissey boulevard in the city of Boston now known as the Dorchester Bay Bridge shall be known and designated as the Senator John J. Beades Bridge, in memory of Senator John J. Beades of the Dorchester section of the city of Boston, who devoted his adult life to the service of the public and in particular to the needs of the people of Dorchester. A suitable marker bearing said designation shall be attached thereto by the metropolitan district commission.

Approved July 13, 1978

Chap. 439. AN ACT PROVIDING FOR THE USE OF CERTAIN QUARTZ-HALOGEN HEADLIGHTS ON MOTOR VEHICLES.

Be it enacted, etc., as follows:

SECTION 1. Section 7 of chapter 90 of the General Laws is hereby amended by striking out the first paragraph, as most recently amended by chapter 621 of the acts of 1975, and inserting in place thereof the following paragraph:-

Every motor vehicle operated in or upon any way shall be provided with brakes adequate to control the movement of such vehicle and conforming to rules and regulations made by the registrar, and such brakes shall at all times be maintained in good working order. Every automobile shall be provided with at least two braking systems, one of which shall be the service brake system, and the other shall be the parking brake system, each with a separate means of application, each operating directly or indirectly on at least two wheels and each of which shall suffice alone to stop said automobile within a proper distance as defined in said rules and regulations; provided, that if such systems are connected, combined or have any part in common, such systems shall be so constructed that a breaking of any one element thereof will not leave the automobile without brakes acting directly or indirectly on at least two wheels; and provided, further, that a tractor having a draw-bar pull rating of ten horse power or less and capable of a maximum speed of not more than eighteen miles an hour and designed specially for use elsewhere than on the traveled part of ways may be operated thereon if equipped with a single braking system which shall suffice to stop such tractor within a proper distance as aforesaid. Every automobile equipped with an hydraulic braking system whether or not assisted by other means, which provides braking action on four or more wheels, shall be equipped with a service brake system so arranged as to provide separate systems for at least two wheels and so designed and constructed that rupture or leakage-type failure of any single pressure component of the service brake system, except structural failures of the brake master cylinder body, effectiveness indicator body, or other housing common to the divided system, will not result in complete loss of function of the vehicle brakes when force on the brake pedal is continued. "Pressure component" means any internal component of the brake master cylinder or master control unit, wheel brake cylinder, brake line, brake hose, or equivalent, except vacuum assist components. Except in the case of a school bus or fire apparatus, every motor vehicle and every tractor which is designed and used for drawing another vehicle, having an unladen weight of more than ten thousand pounds, shall be equipped with full air brakes or hydraulic brakes with vacuum power assist or air power assist. All braking systems shall be constructed and designed so as to permit modulated control of brake application and release by the operator from the normal operating position. Every trailer or semi-trailer having an unladen weight of more than ten thousand pounds shall be equipped with air or electric brakes. One braking system shall be so constructed that it can be set to hold the automobile stationary. Every motorcycle shall be provided with at least one brake adequate to stop it within a proper distance as defined as aforesaid. Every automobile used on a way by a person in giving driving instruction for compensation shall be equipped with dual brake controls whereby he may apply the brake while

the pupil is driving. Every motor vehicle so operated shall be provided with a muffler or other suitable device to prevent unnecessary noise and with a suitable bell, horn or other means of signalling, with suitable lamps, and with a lock, key or other device to prevent such vehicle from being set in motion by unauthorized persons, or otherwise contrary to the will of the owner or person in charge thereof. Every automobile operated during the period from one half an hour after sunset to one half an hour before sunrise, and during any other period when visibility is reduced by atmospheric conditions so as to render dangerous further operation without lights being displayed, shall display at least two lighted white headlamps with at least one mounted at each side of the front of the vehicle or if parked within the limits of a way at least one white or amber light on the side of the automobile nearer the center of the way, and every motorcycle so operated at least one white headlamp and every such motorcycle with a sidecar attached, in addition, one such light on the front of the sidecar, and every motor truck, trailer and commercial motor vehicle used solely as such, having a carrying capacity of three tons or over, in addition, an amber light attached to the extreme left of the front of such vehicle, so attached and adjusted as to indicate the extreme left lateral extension of the vehicle or load, which shall in all cases aforesaid be visible not less than two hundred feet in the direction toward which the vehicle is proceeding or facing; provided, that an automobile need display no light when parked within the limits of a way in a space in which unlighted parking is permitted by the rules or regulations of the board or officer having control of such way. Every motor vehicle and trailer so operated shall be equipped with two rear lights mounted one at each side of the rear of the vehicle so as to show two red lights from behind and a white light so arranged as to illuminate and not obscure the rear number plate and shall be equipped with two stop lights mounted and displayed in a like manner of a type complying with minimum standards for construction and performance as the registrar may prescribe; provided, however, that a two-wheeled motorcycle, an antique motor car and a farm tractor need be equipped with only one such rear red light and one suitable stop light in addition to the number plate illuminator; and provided, further, that a trailer having a gross weight of three thousand pounds or less which does not obscure the required lights of the towing vehicle need be equipped with only one such rear red light and one white light so arranged as to illuminate and not obscure the rear number plate. No motor vehicle so operated, except fire apparatus, ambulances, or school buses, shall display a red light in the direction which the vehicle is proceeding or facing; and no motor vehicle, except a vehicle used solely for official business by any police department of the commonwealth or its political subdivisions or any railroad police department within the commonwealth, shall display a blue light in the direction toward which the vehicle is proceeding or facing; provided, however, that the registrar by rules and regulations may permit other vehicles to display such blue lights. A fire department chaplain may display a flashing red light on his vehicle. The registrar may also make such rules and regulations governing or

prohibiting the forward display of such other lights on motor vehicles as he may deem necessary for public safety. In no event, however, shall the registrar prohibit any commercial auto parts dealer, motor vehicle repair shop or station from selling, offering for sale or installing quartz-halogen headlamps which receive a certificate of approval from the American Association of Motor Vehicles Administrators or which meet the standards of the Canadian Standard Association (CSA) nor shall any provision of this section prohibit any person from using, purchasing or installing a quartz-halogen headlamp as herein described. Every motor vehicle or trailer so operated which carries a load or object extending four feet or more beyond the cab or body of such vehicle shall display at the extreme rear end of such load or object a red light plainly visible from a distance of at least five hundred feet to the sides and rear, and shall display in place thereof a red flag or cloth not less than twelve inches square during the period when motor vehicles are not required to display lights. Every commercial motor vehicle or trailer weighing, with its load, more than twelve thousand pounds, shall, in addition to such rear light, be equipped with a red reflector of a type complying with such minimum standards for construction and performance as the registrar may prescribe, so placed at the rear of such vehicle as to reflect rays of light thrown upon such reflector from behind. No headlamp or rear lamp shall be used on any motor vehicle so operated unless such headlamp or rear lamp is of a type complying with such minimum standards for construction and performance as the registrar may prescribe. Every motor vehicle shall be equipped with at least one mirror so placed and adjusted as to afford the operator a clear, reflected view of the highway to the rear and left side of the vehicle. Every motor vehicle or trailer, excepting passenger motor vehicles, operated in or upon any way shall be equipped with suitable guards which will effectively reduce the spray or splash to the rear of mud, water or slush caused by the rear wheels thereof. Every passenger motor vehicle which is equipped with tires which extend beyond the fenders or body of such vehicle and which is operated in or upon any way shall be equipped with flaps or suitable guards to reduce such spray or splash to the rear and sides. Every motor vehicle registered in the commonwealth which is privately owned and operated and designed for the carriage of passengers and which is used primarily for pleasure or for pleasure and business, including every such vehicle furnished for hire by a rental car agency but excluding every such vehicle used for public or commercial purposes, shall be equipped with two seat safety belts for the use of occupants of the front seats. No safety belt installed in a motor vehicle in accordance with the provisions of this section or in accordance with the provisions of federal law or the rules or regulations issued by the United States Department of Transportation, shall be removed from said motor vehicle except for the purpose of repairs. Every motor vehicle registered in the commonwealth shall be equipped with a device to permit the front and rear directional signals to flash simultaneously, said device to be operated only when the vehicle is disabled or stopped in the event of emergency on or at the side of any way. Every

person operating a motorcycle or riding as a passenger on a motorcycle or in a sidecar attached to a motorcycle shall wear protective head gear conforming with such minimum standards of construction and performance as the registrar may prescribe, and no person operating a motorcycle shall permit any other person to ride as a passenger on such motorcycle or in a sidecar attached to such motorcycle unless such passenger is wearing such protective head gear. If a motorcycle is not equipped with a windshield or screen, the operator of such motorcycle shall wear eye glasses, goggles or a protective face shield when operating such vehicle. Every motor vehicle truck with dump bodies shall be equipped with an adequate audible warning system to alert the operator when the dump body is in an upright and elevated position.

SECTION 2. Said section 7 of said chapter 90 is hereby further amended by striking out the fourth paragraph, added by chapter 25 of the acts of 1974, and inserting in place thereof the following paragraph:-

No person shall sell, offer for sale or install on, or in, any motor vehicle or trailer, any component, device or substance, other than quartz-halogen lights, which does not comply with the federal motor vehicle safety standard, if any, established for such component, device or substance. Nothing in this act shall prevent the registrar from prescribing minimum standards for any component, device, or substance for which no federal motor vehicle safety standard is or has been established and no person shall sell, offer for sale or install on, or in, any motor vehicle or trailer, any such component, device or substance which does not comply with the said standards so prescribed.

Approved July 13, 1978

Chap. 440. AN ACT MANDATING THAT FIRE AND CASUALTY INSURANCE COMPANIES MAY NOT REQUIRE OF AGENTS AND BROKERS PAYMENT OF ACCOUNTS CURRENT EARLIER THAN FIFTY DAYS OF THE CLOSE OF THE MONTH IN WHICH SUCH FIRE AND CASUALTY POLICIES ARE WRITTEN OR EFFECTIVE DATE OF THE POLICY.

Be it enacted, etc., as follows:

Section 163 of chapter 175 of the General Laws, as most recently amended by section 2 of chapter 1000 of the acts of 1977, is hereby further amended by adding the following paragraph:-

No company shall require of any independent insurance agent or broker for fire or casualty insurance, or both, if said insurance agent or broker is not an employ ee of said company, payment for any policy of insurance or of accounts current earlier than fifty days of the close of the month in which such fire or casualty policies are delivered to the agent or fifty days of the close of the month in which the policy becomes effective, whichever is later.

Approved July 13, 1978

- Chap. 441. AN ACT DIRECTING THE DEPARTMENT OF PUBLIC HEALTH TO CONVEY A CERTAIN PARCEL OF LAND ON THE SITE OF THE TEWKSBURY STATE HOSPITAL TO THE TEWKSBURY SONS OF ITALY.

Be it enacted, etc., as follows:

The department of public health, for and on behalf of the commonwealth, is hereby authorized and directed to sell and convey to the Tewksbury Sons of Italy at a price to be determined by the secretary of administration by deed approved as to form by the attorney general, all the right, title and interest of the commonwealth in certain land of the Tewksbury state hospital in the town of Tewksbury; bounded and described as follows:-

Beginning at a point on the easterly line of Pinnacle Street, which point marks the southwesterly corner of the parcel herein being conveyed and being the northwesterly corner of land now or formerly of Bert Cooney;

thence easterly along the northerly line of the said Bert Cooney a distance of approximately seven hundred twenty feet (720.00) to a point marking the southeastern corner of the parcel herein being conveyed and being a point in the westerly line of land now or formerly of the New England Telephone and Telegraph company;

thence in a northerly course along land of the said New England Telephone and Telegraph company a distance of approximately eight hundred feet (800.00) to a point in the southerly line of land now or formerly of Robert E. Collins and Leona M. Collins, which point also marks the northeastern corner of the parcel herein being conveyed;

thence in a northwesterly direction along the southerly line of the said Collins property a distance of approximately two hundred fifty feet (250.00) to a point in the southerly line of Pinnacle Street;

thence along the northerly and easterly line of the said Pinnacle Street following its curvature, a distance of approximately one thousand one hundred feet (1100.00) to the place of beginning.

Said conveyance shall be subject to such conditions and restrictions as the commissioner of public health may deem advisable, including a provision that title to said land shall revert to the commonwealth if such conditions and restrictions are not complied with within a period of five years thereafter.

Approved July 13, 1978

- Chap. 442. AN ACT MAKING APPROPRIATIONS FOR THE FISCAL YEAR ENDING JUNE THE THIRTIETH, NINETEEN HUNDRED AND SEVENTY-EIGHT 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 pur-

poses 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 three hundred and sixty-three A of the acts of nineteen hundred and seventy-seven and chapter five of the acts of nineteen hundred and seventy-eight, for the fiscal year ending June the thirtieth, nineteen hundred and seventy-eight or for such period as may be specified, the sums so appropriated to be in addition to any amounts available for the purpose.

SECTION 2.

LEGISLATURE.

Sergeant-at-Arms.

0138-0010 For additional renovations and improvements to the house of representatives to be in addition to the sum appropriated in item 807401 of chapter one thousand one hundred and eighty of the acts of nineteen hundred and seventy-three..... \$400,000

Other Expenses.

0143-0000 For the legislative service bureau, prior appropriation continued \$200,000

0143-0001 For the administration of the office of legislative data processing, prior appropriation continued..... \$364,500

0165-0100 For the administration of a caucus on New England state legislatures. The caucus is authorized to receive any gifts, grants or donations, including federal funds.

0181-5000 Item 0181-5000 of section two of chapter three hundred and sixty-three A of the acts of nineteen hundred and seventyseven is hereby amended by striking out the wording and inserting in place thereof the following wording:-
For the expenses of the revolutionary bicentennial commission including the planning, design and implementation of the so-called "Citizencraft" project consisting of a series of skillbuilding workshops to train citizen volunteers representing nonprofit community organizations which are primarily involved in historical preservation, ethnic heritage, folklore, conservation, theatre, arts and tourism in the fields of financial management, program planning, resource development and public relations. In carrying out the provisions of this clause the commission may enter into such contracts or agreements as are appropriate with private parties, non-profit organizations or other public agencies, authorities or political subdivisions of the commonwealth, prior appropriation continued.

JUDICIARY.

Supreme Judicial Court.

0301-0553 For the commonwealth's share of a federal law enforcement assistance administration grant to finance the improvement of the Massachusetts courts, appropriation expires June thirtieth, nineteen hundred and seventy-nine..... \$229,872

Superior Court.

0302-0003 For court expenses..... \$10,203

Administration of District Courts.

0304-0001 For compensation and expenses in connection with the administration of district courts there shall be allowed and paid from this item certain prior year expenses..... \$27,000

Probate and Insolvency Courts.

Item

- 0305-6011 Barnstable, including not more than thirteen permanent positions
..... \$4,158
- 0305-6041 Dukes, including not more than three permanent positions.. \$694
- District Attorneys.
- 0308-0002 Northern, including not more than twenty-seven permanent positions
..... \$23,000
- Committee on Probation.
- 0309-0001 For the office of the commissioner of probation, including not more
than sixty-three permanent positions..... \$40,000

EXECUTIVE.

Lieutenant Governor.

- 0412-2002 For the salaries and expenses of a disaster recovery team; provided,
that federal funds not exceeding six hundred thousand dollars re-
ceived as reimbursement for costs incurred for said disaster re-
covery team may be expended without further appropriation; and
provided further, that the lieutenant governor shall deposit to the
General Fund from said reimbursements an amount equal to any
amount appropriated to this item plus any amount allocated to
item 0412-2001.

MILITARY DIVISION.

Adjutant General.

- 0431-0400 For compensation for accidents and injuries sustained in the perfor-
mance of military duty and for small claims for damages to private
property..... \$5,000

Civil Defense Agency.

- 0432-0001 For the service of the civil defense agency; provided, that expendi-
tures 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 forty-five permanent positions
..... \$28,000

- 0432-0002 Item 0432-0002 of section two of chapter three hundred and sixty-
three A of the acts of nineteen hundred and seventy-seven is
hereby amended by adding after the word "program" the words:-;
provided, that a certain annuity, payable under the provisions of
chapter six hundred and thirty-nine of the acts of nineteen hun-
dred and fifty as amended by chapter six hundred and eighty-
four of the acts of nineteen hundred and fifty-seven and chapter
five hundred and seventy-nine of the acts of nineteen hundred
and sixty-eight, due for the fiscal years nineteen hundred and
seventy-six and nineteen hundred and seventy-seven shall be
allowed and paid from this item..... \$3,125

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.. \$210,000
- Highway Fund 30.0%
- General Fund 70.0%

- 0611-5000 For compensation to victims of violent crimes..... \$473,000

State Board of Retirement.

- 0612-1000 For the payment of the commonwealth's share in financing the state
employees' retirement system, prior appropriation continued; pro-
vided, 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 com-
monwealth and political subdivisions thereof on account of the re-
tirement of employees are to be in addition to this item and to be
available for expenditure without further appropriation... \$540,000

	Highway Fund	15.0%	
	General Fund	84.3%	
	Inland Fisheries and Game Fund	0.2%	
	State Recreation Areas Fund	0.5%	
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..... \$145,000		
	Highway Fund	22.0%	
	General Fund	78.0%	
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..... \$52,000		
	Highway Fund	60.0%	
	MDC Parks District Fund	39.0%	
	General Fund	1.0%	
0612-8000	For retirement of certain veterans formerly in the service of the metropolitan water system..... \$14,000		
	MDC Water District Fund	100.0%	
	<u>State Lottery Commission.</u>		
0640-0000	Item 0640-0000 of section two of chapter three hundred and sixty-three A of the acts of nineteen hundred and seventy-seven is hereby amended by adding at the end thereof the following:- and further provided, that notwithstanding any provisions of the law to the contrary there shall be allowed and paid from this item the sum of one hundred thirty-two thousand six hundred sixty-five dollars and fifty-five cents for certain premiums due to the group insurance commission for the fiscal year nineteen hundred and seventy-seven.		
	<u>Debt Service.</u>		
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..... \$84,100		
	MDC Water 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..... \$195,601		
	MDC Parks District Fund	100.0%	
0699-6800	Item 0699-6800 of section two of chapter three hundred and sixty-three A of the acts of nineteen hundred and seventy-seven is hereby amended by striking out the word "reserve" and inserting in place thereof the word:- account.		
0699-6900	Item 0699-6900 of section two of chapter three hundred and sixty-three A of the acts of nineteen hundred and seventy-seven is hereby amended by striking out the word "reserve" and inserting in place thereof the word:- account.		
0699-7100	To meet the cost of expenditures already in the main incurred, as authorized by the several acts listed below, the sum of two million nine hundred seventeen thousand seven hundred and seventy-eight dollars and eighty-six cents is hereby appropriated from the General Fund; provided, that in case the state treasurer has not borrowed the sums authorized in said listed chapters on the effective date of this act the amount appropriated in this section shall reduce the authority to borrow in each of the listed chapters by the amount listed..... \$3,000,000		

		CHAPTER;ACTS	\$
Suasco Watershed	1960	699;1960	662,880.62
Suasco Watershed	1964	494;1964	299,987.89
Quaboag Watershed	1968	678;1968	83,914.54
Quaboag Watershed	1962	571;1962	261,673.25
Three Rivers - Flood Protection	1962	692;1962	8,815.83
Three Rivers - Flood Protection	1963	803;1963	849.62
Mass. Transportation Demo. & Planning	1962	716;1962	88,256.26
Broad Brook Watershed	1963	563;1963	21,995.72
New York World's Fair	1963	442;1963	794.14
State Government Center	1964	613;1964	17,882.11
State Office Building	1966	2;1966	4,310.00
M.C.I. Bridgewater	1967	836;1967	502,763.66
Governor's Mansion Improvement	1967	876;1967	17,532.60
Flood Relief	1968	684;1968	309,489.94
Washington Mountain Watershed	1968	651;1968	69,889.72
Clam River Watershed	1968	680;1968	100,000.00
Capital Outlay	1958	650;1958	17,232.54
Capital Outlay	1962	705;1962	155,156.19
Special Capital Outlay	1965	(846;1965)	120,802.99
		(132;1968)	
Special Capital Outlay	1964	398;1964	57,420.52
Special Capital Outlay	1963	522;1963	116,130.72
			<u>\$2,917,778.86</u>

- 0699-7800 Item 0699-7800 of section two of chapter three hundred and sixty-three A of the acts of nineteen hundred and seventy-seven is hereby amended by striking out the words "debt service reserve".
- 0699-7810 Item 0699-7810 of section two of chapter three hundred and sixty-three A of the acts of nineteen hundred and seventy-seven is hereby amended by striking out the words "debt service reserve".
- 0699-7900 Item 0699-7900 of section two of chapter three hundred and sixty-three A of the acts of nineteen hundred and seventy-seven is hereby amended by striking out the words "debt service reserve".
- 0699-7920 Item 0699-7920 of section two of chapter three hundred and sixty-three A of the acts of nineteen hundred and seventy-seven is hereby amended by striking out the words "debt service reserve".

DEPARTMENT OF THE ATTORNEY GENERAL.

- 0810-0021 For the expenses of administering the medicaid fraud control unit; provided, that from the total amount appropriated under this item there shall be transferred and made available for expenditure in item 1103-5010 the sum of five hundred and twenty thousand, five hundred and eighty-one dollars; and, provided further that the federal reimbursement for any expenditure for this item or the funds transferred to item 1103-5010 from this item shall not be less than ninety per cent of such expenditure, appropriation expires June thirtieth, nineteen hundred and seventy-nine \$1,469,351

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..... \$325,000
- 1100-8781 Item 1100-8781 of section three of chapter nine hundred and twenty of the acts of nineteen hundred and seventy-seven is hereby amended by adding the words:- ; provided further, notwithstanding the limitation of the provisions of section seven A of chapter eight hundred and fifty-nine of the acts of nineteen hundred and seventy-five, this amount may be expended in addition thereto.

Central Services Division.

- 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 nineteen permanent positions..... \$539,000

Other Administration and Finance.

1105-1000 For the administration of the division of employee relations, including not more than seventeen permanent positions..... \$106,000

Division of Personnel Administration.

1107-1010 For a program of reducing the civil service examination backlog, appropriation expires December thirty-first, nineteen hundred and seventy-nine..... \$425,000

Group Insurance Commission.

1120-1000 For the administration of the group insurance program, including not more than forty-two permanent positions..... \$21,750

1120-1600 For an emergency beneficiary project; provided, that the comptroller shall transfer one hundred thirty-five thousand dollars from the group insurance trust fund to the General Fund, appropriation expires June thirtieth, nineteen hundred and seventy-nine \$135,000

Massachusetts Commission Against Discrimination.

1150-5100 Item 1150-5100 of section two of chapter three hundred and sixty-three A of the acts of nineteen hundred and seventy-seven is hereby amended by inserting after the word "Laws," in line four, the following:- and provided further, that the comptroller shall write off a certain prior year advance unaccounted for in the amount of fifteen dollars, previously charged to this item.

Special Commission on Corruption.

1170-1000 For the expenses of an investigation and study by a special commission relative to corruption involved in certain state and county building contracts, as authorized by chapter five of the resolves of nineteen hundred and seventy-eight, appropriation expires December thirty-first, nineteen hundred and seventy-nine \$300,000

DEPARTMENT OF CORPORATIONS AND TAXATION.

Bureau of Local Taxation.

1233-2000 For reimbursing cities and towns for abatements granted...\$2,400,000

Miscellaneous.

1599-0066 For a certain payment authorized by chapter thirty-seven of the resolves of nineteen hundred and seventy-seven..... \$60,356

1599-0071 For the payment of a certain court judgment entered in the Suffolk superior court, docket number 22032..... \$17,230

1599-0077 For the payment of a certain judgment entered in the Suffolk superior court, docket number 649422.....\$1,511,040

1599-0078 Notwithstanding the provisions of section twenty-nine A of chapter twenty-nine of the General Laws, or any regulation promulgated pursuant thereto, certain invoices in the total amount of ten thousand seven hundred and twelve dollars for consulting services rendered between the dates of September twenty-third, nineteen hundred and seventy-seven, and March tenth, nineteen hundred and seventy-eight, may be paid from this item..... \$10,712

1599-2036 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..... \$932,500

1599-2041 For the payment of interest charges on certain utility bills incurred in prior fiscal years and during the calendar year of nineteen hundred and seventy-seven, appropriation expires June thirtieth, nineteen hundred and seventy-nine..... \$350,000

1599-2100 For a supplemental distribution to the several cities and towns under the provisions of paragraph (a) of section eighteen C of chap-

ter fifty-eight of the General Laws, to be in addition to such amounts as are available in the Local Aid Fund established under the provisions of section two D of chapter twenty-nine of the General Laws; provided that the total amount so distributed shall not exceed fifty-five million six hundred thousand dollars, nor shall the amount distributed to any city or town exceed the amount estimated by the state tax commission under the provisions of section twenty-five A of said chapter fifty-eight..... \$9,000,000

EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS

Department of Environmental Management.

2120-1215 For repairs to the power line at the Monterey forest fire observation tower, appropriation expires June thirtieth, nineteen hundred and seventy-nine..... \$45,000

Department of Environmental Quality Engineering.

Division of Water Pollution Control.

2240-0290 For the cost of state participation in Phase II of the construction of certain lateral sewers in the town of Holbrook, appropriation expires June thirtieth, nineteen hundred and seventy-nine \$75,000

2240-0700 For the abatement and removal of the hazardous waste problem at the site of the Silresim Chemical Corporation in the city of Lowell, appropriation expires June thirtieth, nineteen hundred and seventy-nine.....\$1,500,000

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 Malden river in the city of Malden; provided further, that an additional amount not exceeding one hundred fifty 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 the sum of one hundred thousand dollars shall be for dredging of mooring basin area at Port Norfolk on the Neponset river; provided further, that an additional amount not exceeding three hundred thousand dollars shall be used for the dredging of the channel section of Palmer cove at the entrance to Salem harbor; provided further, that not less than three hundred thousand dollars shall be used for other dredging and cleaning of inland waters and great ponds and for establishing within the division a program of marking and removing submerged obstructions in certain great ponds having public access ramps constructed by the commonwealth and for repairs and modernization to state piers, provided further, that an amount not exceeding forty thousand dollars shall be used for the removal of marine vegetation and dredging to improve tidal circulation in Cape Cod bay in the vicinity of Pilgrim beach in the town of Truro; provided further, that an amount not exceeding twelve thousand dollars shall be used for a study of the cause of the pollution of Indian lake in the city of Worcester; provided further, that an amount not exceeding one hundred thousand dollars shall be used for dredging the Slocum river in the town of Dartmouth in the Demarest Lloyd landing; provided further, than an amount not exceeding twelve thousand dollars shall be used for an engineering study of the feasibility of dredging McKinstry pond in the town of Oxford; provided further, that an amount not exceeding two hundred and twenty thousand dollars shall be used for the dredging of the Montiquot river in the towns of Braintree and Weymouth, and

Sabbatia lake in the city of Taunton; provided further, that an amount not exceeding three hundred thousand dollars shall be used for the dredging of Wellfleet harbor; prior appropriation continued.

2270-0590	For a feasibility study of flood control concerning Green Water brook in the town of Lee.....	\$15,000
2270-0600	For the payment of a certain court judgment entered in the Suffolk superior court, docket number 95806.....	\$35,000
	Highway Fund	100.0%
2270-1300	For certain repairs to bulkhead at Wareham, appropriation expires June thirtieth, nineteen hundred and seventy-nine.....	\$68,500
2270-1400	For replacement of retaining wall at Pico Beach in the town of Winthrop.....	\$50,000

DEPARTMENT OF THE METROPOLITAN DISTRICT COMMISSION.

Administration.

2410-1000	For general administration, including not more than sixty-two permanent positions.....	\$96,000
	Highway Fund	25.0%
	MDC Parks District Fund	25.0%
	MDC Sewerage District Fund	25.0%
	MDC Water District Fund	25.0%

Metropolitan Water System.

2420-0100	Item 2420-0100 of section two of chapter three hundred and sixty-three A of the acts of nineteen hundred and seventy-seven is hereby amended by adding at the end thereof the following: - ; provided, that the comptroller shall write off a certain prior year advance unaccounted for in the amount of seventy-five dollars, previously charged to this item.	
	MDC Water District Fund	100.0%

Metropolitan Sewerage District.

2430-9007	For certain repairs to sewerage facilities, appropriation expires June thirtieth, nineteen hundred and seventy-nine.....	\$200,000
	MDC Sewerage District Fund	100.0%

Metropolitan Parks District.

2440-0010	Item 2440-0010 of section two of chapter three hundred and sixty-three A of the acts of nineteen hundred and seventy-seven is hereby amended by adding at the end thereof the following: - ; provided, that the comptroller shall write off a certain prior year advance unaccounted for in the amount of one hundred forty-four dollars and seventy-five cents, previously charged to this item.....	\$750,000
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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%
2444-9056	For the payment of interest on a certain court judgment entered in the Suffolk superior court, docket number 621156.....	\$1,446
	MDC Parks District Fund	100.0%
2444-9057	For the payment of a certain claim as authorized by chapter twenty-nine of the resolves of nineteen hundred and seventy-seven.....	\$950
	MDC Parks District Fund	100.0%

DEPARTMENT OF FOOD AND AGRICULTURE.

Division of Animal Health.

2515-1000	For the administration of the division, including not more than twenty-four permanent positions.....	\$14,500
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2515-3000 For the reimbursement of owners of diseased cattle slaughtered, prior appropriation continued..... \$310,000

EXECUTIVE OFFICE OF HUMAN SERVICES.

Massachusetts Commission for the Blind.

4110-1020 For support of a medical assistance program for the blind, including previous fiscal years, and including not more than five permanent positions.....\$1,185,185

4110-4050 For certain payments to blind persons..... \$12,313

Soldiers' Home in Massachusetts.

4180-0100 For the maintenance of the home, including not more than six hundred and fifty-eight permanent positions..... \$47,500

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 from this item, including not more than seventy-three permanent positions..... \$54,130

4312-8751 Item 4312-8751 of section two of chapter five hundred and nineteen of the acts of nineteen hundred and seventy-four, as amended by chapter five hundred and four of the acts of nineteen hundred and seventy-six, is hereby further amended by striking out the wording and inserting in place thereof the following:-

For the construction of a new building for sexually dangerous persons, repairs and improvements to existing treatment center for sexually dangerous persons, the demolition of certain buildings, and the planning of a main kitchen and warehouse and the extension for certain utilities, to be in addition to the funds appropriated in 8072-83 of section two of chapter nine hundred and seventy-six of the acts of nineteen hundred and seventy-one; provided that the contingency allocation to this project may be determined by applying the percentage allowed under item 6004-8756 of section two of chapter five hundred and nineteen of the acts of nineteen hundred and seventy-four to the amount authorized under this item.

4313-0001 Correctional institution at Walpole, including not more than three hundred and thirty-nine permanent positions \$134,000

4314-0001 Correctional institution at Concord, including not more than two hundred and eighty-four permanent positions..... \$66,115

4314-9002 For roof repairs to Gralton hall, appropriation expires June thirtieth, nineteen hundred and seventy-nine..... \$25,000

4314-9003 For roof repairs at the farm barn, appropriation expires June thirtieth, nineteen hundred and seventy-nine..... \$39,300

4315-0001 Correctional institution at Framingham, including not more than one hundred and twenty permanent positions..... \$26,300

4316-0001 Correctional institution at Norfolk, including not more than two hundred and eighty-five permanent positions..... \$107,000

4348-0001 For a medium correctional security facility in north central Massachusetts..... \$25,000

DEPARTMENT OF PUBLIC WELFARE.

4400-1000 Item 4400-1000 of section two of chapter three hundred and sixty-three A of the acts of nineteen hundred and seventy-seven, as amended by section two of chapter seven hundred and twenty-one A of the acts of nineteen hundred and seventy-seven, is hereby further amended by adding at the end thereof the following:- and providing further, that a payment in the amount of one hundred fifty-six dollars and thirteen cents for an outstanding salary

	advance issued in a prior fiscal year may be allowed and paid from this item, and provided further, that the comptroller shall write off a certain prior year advance unaccounted for in the amount of one hundred forty-nine dollars and ninety cents, previously charged to this item, and provided further, that notwithstanding any provisions of law to the contrary certain compensation in the amount of thirty-five hundred twenty-one dollars and sixty cents earned but not paid in a prior year may be allowed and paid from this item.....	\$87,000
4400-1005	Item 4400-1005 of section two of chapter three hundred and sixty-three A of the acts of nineteen hundred and seventy-seven is hereby amended by adding after the word "expenditures" the words: - ; and provided further, that notwithstanding the provisions of section twenty-nine A of chapter twenty-nine of the General Laws, certain prior year contractual services amounting to fifteen thousand dollars may be allowed and paid from this item	\$15,000
4400-1040	For the state's share of the individual and family grant program, appropriation expires June thirtieth, nineteen hundred and seventy-nine.....	\$1,500,000
4400-1061	Item 4400-1061 of section two of chapter three hundred and sixty-three A of the acts of nineteen hundred and seventy-seven is hereby amended by adding at the end thereof the following: - provided further, that notwithstanding the provisions of section twenty-nine A of chapter twenty-nine of the General Laws, certain contractual services rendered during the period March first, nineteen hundred and seventy-five, through December thirty-first, nineteen hundred and seventy-seven, in an amount not to exceed fifty-one thousand four hundred thirty-four dollars, for which prior approval had not been given, shall be allowed and paid from this item.	
4401-1002	For expenses of prior fiscal years for a program for care and maintenance of children under the jurisdiction of the division of child and family services.....	\$313,500
4401-2002	For expenses of prior fiscal years for tuition in public schools, including transportation to and from school of children boarded by the department.....	\$50,000
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 provided from the 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 ten million dollars may be expended from this item for expenses incurred in the prior fiscal year and provided further that funds from this item shall only be expended for services provided by nursing homes, rest homes, druggists, dentists and chronic hospitals.....	\$30,000,000
4403-2103	For prior year expenses 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 this purpose shall not be less than seventy-five per cent of such expenditure.....	\$89,500
4403-2203	For prior years' expenses of 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 the expenditures.....	\$12,000
4405-2000	Item 4405-2000 of section two of chapter three hundred and sixty-	

three A of the acts of nineteen hundred and seventy-seven is hereby amended by adding at the end thereof the following:- , including the expenses of special grants to recipients residing in rest homes as provided in section seven A of chapter one hundred and eighteen A of the General Laws; and provided further, that two million dollars of the current appropriation is hereby made available for prior years' expenses.

- 4406-2032 For prior years' expenses of the general relief program.... \$500,000
 - 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 further, that purchased social services shall not be authorized at a monthly level that will cause expenditures to exceed the appropriation..... \$240,000
 - 4408-1003 For prior years' expenses of a program to provide service for 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..... \$15,000
 - 4408-2000 For a program to provide emergency needs such as those resulting from fire, flood or other disaster and burials..... \$45,000
- DEPARTMENT OF PUBLIC HEALTH.
- 4510-0700 For the administration of the medical assistance unit..... \$19,782
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; and provided further, that there shall be paid from this item a certain prior year commitment; including not more than eleven permanent positions..... \$8,400
Institute of Laboratories.
 - 4516-0100 For the administration of the institute, including not more than one hundred and sixty-eight permanent positions..... \$70,025
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; provided, that the position of assistant to the commissioner of mental health (executive in mental retardation) shall not be subject to the provisions of chapter thirty-one of the General Laws; including not more than three hundred and eleven permanent positions.
 - 5011-9003 For the purchase of fireproof mattresses and box springs, appropriation expires June thirtieth, nineteen hundred and seventy-nine \$340,000
 - 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; provided, that a prior year expenditure in the amount of twenty-five thousand two hundred and seventy-three dollars may be expended from this item for the purpose of reimbursing the committee on criminal justice for expenditures charged to grant number 76C-214-1372 of said federal program.
 - 5046-0100 For furnishings and equipment at the state schools for 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 exceptions and deviations from schedules as required by section twenty-seven A of chapter twenty-nine of the General Laws shall, for the purposes of this item, also require prior written approval of the commissioner of administration; appropri-

tion expires June thirtieth, nineteen hundred and seventy-nine
 \$3,562,000

Region One.

- 5111-0000 Item 5111-0000 of section two of chapter three hundred and sixty-three A of the acts of nineteen hundred and seventy-seven is hereby amended by striking out the wording and inserting in place thereof the following:-
 For administration; provided, that a judgment of the Suffolk superior court, docket number 17568, in the amount of one thousand six hundred and forty-six dollars shall be paid from this item; including not more than eleven permanent positions.
- 5121-0000 For mental health and retardation services, including not more than one hundred and twenty-one permanent positions..... \$16,000
- 5161-0000 Item 5161-0000 of section two of chapter three hundred and sixty-three A of the acts of nineteen hundred and seventy-seven is hereby amended by inserting after the word "families" the words:- ; provided, that, notwithstanding the provisions of section twenty-nine A of chapter twenty-nine of the General Laws, payments for certain food services rendered during the months of July, August, and September of the current year shall be paid from this item..... \$6,000
- 5181-8771 Item 5181-8771 of section two of chapter four hundred and eighty-one of the acts of nineteen hundred and seventy-six is hereby amended by striking out, in lines 1 and 2, the words "including cottage four, cottage five, nursery building one and Tadgell Nursery,".
- 5191-0000 For the maintenance of the Northampton state hospital, including not more than eight hundred and seventy-five permanent positions
 \$25,000

Region Two.

- 5293-0100 For the maintenance of the Worcester state hospital, including not more than one thousand and thirty-three permanent positions
 \$89,500
- 5294-0100 Item 5294-0100 of section two of chapter three hundred and sixty-three A of the acts of nineteen hundred and seventy-seven as amended in section two of chapter seven hundred and twenty-one A of the acts of nineteen hundred and seventy-seven is hereby further amended by inserting after the word "hospital" the words:- ; provided, that, notwithstanding any provision of the law to the contrary, there shall be allowed and paid from this item twelve thousand five hundred dollars representing a certain settlement for an employee's wages due in prior fiscal years
 \$71,281

Region Three.

- 5381-0000 For the maintenance of the Walter E. Fernald state school, including not more than one thousand one hundred and fifty permanent positions..... \$234,400
- 5381-8773 Item 5381-8773 of section two of chapter four hundred and eighty-one of the acts of nineteen hundred and seventy-six is hereby amended by striking out, in lines 1 to 3, inclusive, the words "including Belmont building, MacDougal building, Dolan building, Wheatley building, and Farrell building".

Region Four.

- 5491-0000 For the maintenance of the Danvers state hospital, including not more than eight hundred and ninety-seven permanent positions
 \$100,000

Region Five.

- 5591-0000 Item 5591-0000 of section two of chapter three hundred and sixty-three A of the acts of nineteen hundred and seventy-seven, as amended by section two of chapter seven hundred and twenty-one A of the acts of nineteen hundred and seventy-seven, is hereby

further amended by inserting after the word "hospital," the words:- provided, that a certain shortage in the patients fund account as determined by the state auditor in the amount of two thousand nine hundred and twenty dollars and fifty-two cents shall be allowed and paid from this account..... \$248,887

- 5592-0100 For the maintenance of the Westborough state hospital, including not more than nine hundred and thirty-two permanent positions \$56,000
- 5593-0100 For the maintenance of the Cushing hospital, including not more than seven hundred permanent positions..... \$101,460

Region Six.

- 5663-0100 Item 5663-0100 of section two of chapter three hundred and sixty-three A of the acts of nineteen hundred and seventy-seven, as amended in section two of chapter seven hundred and twenty-one A of the acts of nineteen hundred and seventy-seven, is hereby further amended by inserting after the word "center," the words:- provided, that a payment in the amount of one hundred and ninety-nine dollars and sixty-eight cents for outstanding salary advances issued in a prior fiscal year may be allowed and paid from this item.

- 5691-0000 For the maintenance of the Boston state hospital, including not more than seven hundred and fifty-eight permanent positions.. \$370,000

Region Seven.

- 5791-0000 For the maintenance of the Foxborough state hospital, including not more than thirty permanent positions..... \$20,000
- 5792-0100 For the maintenance of the Taunton state hospital, including not more than eight hundred and sixty-one permanent positions \$92,758

EXECUTIVE OFFICE FOR TRANSPORTATION AND CONSTRUCTION.

Massachusetts Bay Transportation Authority.

- 6005-0012 For certain debt service contract assistance to the Massachusetts Bay Transportation Authority in accordance with the provisions of section twenty-eight of chapter one hundred and sixty-one A of the General Laws..... \$2,405,000
- 6005-0100 Item 6005-0100 of section two of chapter three hundred of the acts of nineteen hundred and seventy-seven, as amended by section two of chapter three hundred and sixty-three A of the acts of nineteen hundred and seventy-seven is hereby further amended by striking out the wording and inserting in place thereof the following:-

For contracts to provide for the operation of commuter boat services to and from the city of Boston from the South Shore, including, without limitation, the operation, maintenance or rental of docks, floats, parking facilities, shelters, boat maintenance facilities, and other such facilities from November first, nineteen hundred and seventy-seven through June thirtieth, nineteen hundred and seventy-nine; provided, that in carrying out the provisions of this clause, the executive office of transportation and construction may enter into such contracts or agreements as are appropriate with the department of public works or the department of environmental affairs or with private parties, and said departments are hereby granted the power and authority to enter into any such contracts or agreements with the executive office, appropriation expires June thirtieth, nineteen hundred and seventy-nine
..... \$140,000

- 6008-9021 For the payment of a certain court judgment entered in the Suffolk superior court, docket number 677801..... \$101,810

DEPARTMENT OF PUBLIC WORKS.

Highway Activities.

- 6020-2501 For certain administrative and engineering expenses of the commission,

the office of the public works commissioner and the divisions of administrative services, telephone service in the public works building, highway engineering, highway maintenance, highway construction and the district and other highway activity offices \$172,680

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..... \$1,500

Highway Fund 100.0%

6020-2902 For the payment of a certain court judgment entered in the Middlesex superior court, docket number 775196..... \$950

Highway Fund 100.0%

6020-2903 For the payment of a certain court judgment entered in the Middlesex superior court, docket number 314177..... \$5,251

Highway Fund 100.0%

6020-2904 For the settlement of a certain claim pending in Suffolk superior court, docket number 27935..... \$30,000

6020-2911 For the payment of a certain claim in accordance with section three A of chapter twelve of the General Laws..... \$2,900

Highway Fund 100.0%

6030-7403 For the expenses of fleet management and maintenance equipment \$390,000

Highway Fund 100.0%

6033-2064 Notwithstanding the provisions of chapter twenty-nine, section twenty-nine A of the General Laws, certain invoices in the total amount of three thousand three hundred dollars for consulting services rendered between March sixth, nineteen hundred and seventy-one and May twenty-third, nineteen hundred and seventy-four may be paid from funds appropriated in chapter six hundred and sixteen of the acts of nineteen hundred and sixty-seven.

6033-9001 For reimbursement of a certain relocation cost..... \$3,300

Highway Fund 100.0%

New England Board of Higher Education.

7000-8751 Item 7000-8751 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 plans, site preparation and other preliminary work needed by the New England board of higher education or its designee to establish a regional school of veterinary medicine in the town of Grafton.

Division of Special Education.

7028-0031 Item 7028-0031 of section two of chapter three hundred and sixty-three A of the acts of nineteen hundred and seventy-seven is hereby amended by adding the words:- ; provided, that a certain prior year expense totalling seventy-eight thousand four hundred and fifteen dollars and sixty-eight cents may be paid from this item.

7028-0071 Notwithstanding any other provision of law to the contrary, for the expenses of continuing the education services of those clients of the bureau of institutional schools who shall reach the age of twenty-two on or before July twelfth, nineteen hundred and seventy-eight; provided, that such services shall become the responsibility of the department of mental health beginning July first, nineteen hundred and seventy-nine, appropriation expires June thirtieth, nineteen hundred and seventy-nine...\$1,250,000

- 7028-0302 Item 7028-0302 of section two of chapter three hundred and sixty-three A of the acts of nineteen hundred and seventy-seven is hereby amended by adding at the end thereof the following:- ; provided, that certain prior year expenses in the amount of seven hundred fifteen thousand dollars shall be allowed and paid from this item..... \$1,283,211

- 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; provided, that notwithstanding any provision of chapter seventy-one or any other general or special law to the contrary, the commonwealth's obligation shall not exceed the amount appropriated herein; provided further, that the amount appropriated herein is used solely to reduce property tax assessments for fiscal 1979 in the cities and towns which make up said regional school districts.....\$8,454,526

Board of Higher Education.

- 7070-0001 Item 7070-0001 of section two of chapter three hundred and sixty-three A of the acts of nineteen hundred and seventy-seven is hereby amended by striking out the word "twenty-seven" and inserting in place thereof the word:- thirty.

Board of Trustees of State Colleges.

- 7109-0100 State college at Bridgewater, including not more than four hundred and ninety-two permanent positions..... \$115,800
- 7113-0100 State college at North Adams, including not more than two hundred and thirty-six permanent positions..... \$88,000
- 7113-9001 For repairs and improvements to the athletic fields, appropriation expires June thirtieth, nineteen hundred and seventy-nine \$35,000
- 7114-0100 State college at Salem, including not more than five hundred and seventy-six permanent positions..... \$310,000
- 7115-0100 State college at Westfield, including not more than three hundred and forty-three permanent positions..... \$138,000
- 7115-9001 For certain emergency repairs, appropriation expires June thirtieth, nineteen hundred and seventy-nine..... \$20,000
- 7115-9101 For a site restoration project at Juniper Park Laboratory school playground, appropriation expires June thirtieth, nineteen hundred and seventy-nine..... \$120,000
- 7116-0100 State college at Worcester, including not more than three hundred and eighty-four permanent positions; provided, that all insurance settlement payments received for damages caused by a certain oil spill shall be returned to the General Fund; provided further, that, no payments shall be made hereunder unless and until there is on deposit with the state treasurer a check in the amount of said payment..... \$28,000
- 7116-9101 For roof repairs of the gymnasium at Worcester state college, appropriation expires June thirtieth, nineteen hundred and seventy-nine..... \$30,000
- 7118-0100 Massachusetts maritime academy and ship, including not more than one hundred and sixty-one permanent positions, provided all insurance payments received for certain damages to said academy's pier and moorings be returned to the General Fund..... \$59,500
- 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... \$35,000
- 7118-9101 For swimming pool roof repairs at Massachusetts maritime academy, appropriation expires June thirtieth, nineteen hundred and seventy-nine..... \$35,000
- 7118-9102 For the payment of a certain court judgment entered in the Barnstable superior court, docket number 30660..... \$13,259

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 conduct a summer school at no expense to the commonwealth, for which purpose the university may receive and expend funds derived therefrom; 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 \$325,000
- Massachusetts Board of Regional Community Colleges.
- 7501-1001 Item 7501-1001 of section two of chapter three hundred and sixty-three A of the acts of nineteen hundred and seventy-seven, as amended by chapter seven hundred and twenty-one A of the acts of nineteen hundred and seventy-seven is hereby further amended by inserting after the word "board," the words:- provided, that a payment in the amount of forty-one dollars and forty-eight cents for an outstanding salary advance issued in a prior fiscal year shall be allowed and paid from this item;
- 7502-0100 Item 7502-0100 of section two of chapter three hundred and sixty-three A of the acts of nineteen hundred and seventy-seven is hereby amended by inserting after the word "college," the words:- provided, that there shall be allowed and paid from this item two thousand seven hundred one dollars and fifty-two cents for certain salaries earned but not paid in the prior fiscal year; \$50,000
- 7503-0100 Item 7503-0100 of section two of chapter three hundred and sixty-three A of the acts of nineteen hundred and seventy-seven is hereby amended by inserting after the word "college," the words:- provided, that there shall be allowed and paid from this item six hundred one dollars and ninety-seven cents for certain salaries earned but not paid in the prior fiscal year;.
- 7504-0100 Cape Cod community college, including not more than one hundred and sixty-seven permanent positions..... \$6,000
- 7505-9101 For certain elevator repairs, appropriation expires June thirtieth, nineteen hundred and seventy-nine..... \$22,881
- 7505-9704 Item 7505-9704 of section two of chapter three hundred and sixty-three A of the acts of nineteen hundred and seventy-seven is hereby amended by striking out the wording and inserting in place thereof the following:-
For the commonwealth's contribution toward federal student loan program and federal work-study programs, appropriation expires June thirtieth, nineteen hundred and seventy-nine..... \$11,000
- 7506-0100 Holyoke community college, including not more than two hundred and sixty-nine permanent positions..... \$34,000
- 7508-0100 Item 7508-0100 of section two of chapter three hundred and sixty-three A of the acts of nineteen hundred and seventy-seven is hereby amended by adding at the end thereof the following:- ; provided, that there shall be allowed and paid from this item the sum of one thousand seven hundred and seventy-three dollars and eighty-six cents for certain salaries earned but not paid for the prior fiscal year.
- 7510-0100 Northern Essex community college, including not more than two hundred and thirty-two permanent positions..... \$85,000
- 7511-0100 North Shore community college, including not more than one hundred and ninety-nine permanent positions..... \$25,000
- 7511-8752)
- 7511-8751) Item 7511-8751 in 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, or land with buildings thereon, by purchase or by eminent domain under chapter seventy-nine of the General Laws for the development of a regional community college in a certain downtown area in Lynn or Beverly; 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 including the relocation of owners and occupants of buildings, possible demolition of buildings and for the preparation of plans for the college; and provided further, that the unexpended balances remaining in item 8070-52 in section two of chapter seven hundred and sixty-seven of the acts of nineteen hundred and sixty-nine and in item 8071-71 in section two of chapter six hundred and thirty-three of the acts of nineteen hundred and seventy and in item 8072-70 in section two of chapter nine hundred and seventy-six of the acts of nineteen hundred and seventy-one and in item 8072-71 of section two of chapter nine hundred and seventy-six of the acts of nineteen hundred and seventy-one are hereby transferred and made available for this purpose, appropriation expires June thirtieth, nineteen hundred and seventy-nine.....\$3,500,000

7514-0100 Springfield technical community college, including not more than three hundred and thirty-four permanent positions..... \$138,000

7515-8711 Item 8071-75 of section two of chapter six hundred and thirty-three of the acts of nineteen hundred and seventy, as amended by item 8071-75 of section two of chapter four hundred and thirty-nine of the acts of nineteen hundred and seventy-three, is hereby further amended by striking out the wording and inserting in place thereof the following:-

For the acquisition by eminent domain of certain land, or land with buildings thereon, for the development and construction of a regional community college in the city of Boston selected by the trustees of the board of regional community colleges; for the preparation of architectural and engineering plans; for relocation payments to affected landowners as required under applicable state and federal law including necessary expenses for surveys and legal services incidental to such acquisition, preparation of said plans and payment of said relocation benefits; provided, that no payment shall be made for such acquisition until at least one independent appraisal of the value of said property has been made by three qualified, disinterested appraisers; and provided further, that the cost of such appraisal or appraisals shall be charged to this item.

7516-0100 Middlesex community college, including not more than one hundred and twenty-eight permanent positions..... \$56,000

7518-0100 Bunker Hill community college, including not more than one hundred and seventy-five permanent positions..... \$6,000

EXECUTIVE OFFICE OF PUBLIC SAFETY.

Registry of Motor Vehicles.

8400-0001 For the administration of the registry; provided, that the positions of administrative assistant to the registrar, legislative assistants, executive secretary, assistant supervisor of public relations and executive assistant to the registrar shall not be subject to the civil service law and rules; including not more than one thousand two hundred and seventy-three permanent positions provided that notwithstanding the provisions of section twenty-nine A of chapter twenty-nine a certain current year charge in the amount of two thousand five hundred dollars may be paid..... \$6,000

Highway Fund 100.0%

8400-0023 For a certain prior year salary..... \$23,353

Highway Fund 100.0%

8400-0100 Item 8400-0100 of section two of chapter three hundred and sixty-three A of the acts of nineteen hundred and seventy-seven is hereby amended by inserting after the word "seventy-six," the words:- provided, that, notwithstanding the provisions of section eight A of chapter twenty-nine of the General Laws, a certain current year charge in the amount of fourteen thousand five hundred dollars may be allowed and paid from this item;... \$633,657

8400-9930 For the payment of a claim, authorized by chapter forty of the resolves of nineteen hundred and seventy-seven..... \$23,051
 Highway Fund 100.0%

EXECUTIVE OFFICE OF MANPOWER AFFAIRS.

9091-0300 Item 9091-0300 of section two of chapter three hundred and sixty-three A of the acts of nineteen hundred and seventy-seven is hereby amended by adding at the end thereof the following:- ; provided, further, that an amount not to exceed fifteen thousand dollars shall be expended for the promotion of Jacob's Pillow Dance Festival..... \$15,000

Labor Relations Commission.

9030-1001 Item 9030-1001 of section two of chapter three hundred and sixty-three A of the acts of nineteen hundred and seventy-seven is hereby amended by inserting after the word "commission", the words:- provided, that, notwithstanding the provision of section twenty-nine A of chapter twenty-nine of the General Laws, certain contractual services rendered during the period September to December of nineteen hundred and seventy-seven, amounting to one hundred and thirty-one dollars and twenty-three cents for which prior approval had not been given, shall be allowed and paid from this item;.

9091-3001 For the administration of the bureau, including not more than five permanent positions, appropriation expires June thirtieth, nineteen hundred and seventy-nine..... \$167,419

EXECUTIVE OFFICE OF CONSUMER AFFAIRS.

Community Antenna Television Commission.

9215-0009 For expenses incurred during the fiscal year nineteen hundred and seventy-seven..... \$15,541

DEPARTMENT OF BANKING AND INSURANCE.

9221-1000 Item 9221-1000 of section two of chapter three hundred and sixty-three A of the acts of nineteen hundred and seventy-seven is hereby amended by inserting after the word "commissioner," the words:- provided, that there shall be charged to this item a certain shortage in the amount of fifty-three dollars and forty-nine cents;.

Division of Registration.

9230-1200 Board of public accountancy, including not more than eleven permanent positions..... \$15,800

SECTION 2A. For the purpose of making available for expenditure in the fiscal year nineteen hundred and seventy-nine certain balances of appropriations which otherwise would revert on June thirtieth, nineteen hundred and seventy-eight, the unexpended balances of the items shown below are hereby reappropriated for the fiscal year nineteen hundred and seventy-nine:

- 0165-0000
- 0524-0000
- 1100-1700
- 1100-2302
- 1100-9510
- 1102-3901
- 1103-1010
- 1111-1002

1111-1003
1120-2000
1120-3000
1120-4000
1599-2012
1599-3100
1599-3500
2270-1000
2270-1100
2310-0300
2310-0310
2410-9051
2410-9061
2420-1200
2425-9001
2425-9002
2425-9003
2429-7090
2429-7140
2429-7150
2429-7160
2439-7250
2439-7270
2439-7340
2442-9011
2442-9032
2442-9034
2444-9001
2444-9013
2444-9018
2444-9020
2444-9026
2444-9028
2444-9032
2444-9008
2449-7050
2449-7120
2449-7240
2449-7270
2449-7280
2449-7330
2449-7350
2449-7355
2449-7360
2449-7390
2490-0001
4202-0025
5036-0100
5381-0001
6020-3005
6030-7403
6030-7603
6031-0131
6032-7000
6033-1007
6033-1011
6034-0001

6034-0003
6034-0011
7117-0110
7118-9002
7310-9001
8312-9007
8312-9031
8400-0029
8400-0100

SECTION 2B. For the purpose of making available for expenditure in the fiscal year nineteen hundred and seventy-nine certain balances of appropriations which otherwise would revert on June thirtieth, nineteen hundred and seventy-eight, the unexpended balances of the items shown below are hereby reappropriated for the fiscal year nineteen hundred and seventy-nine; provided, that unexpended balances in any other items of appropriation included by reference in the accounts listed below are not reappropriated:

0138-8741
1102-8632
2270-0990
2611-9022
2611-9023
2630-8701
2630-8711
2630-9060
2630-9100
2632-7200
2670-9020
2681-9011
2681-9029
3724-9002
4223-8721
4231-8711
4312-0905
4312-8713
4312-8741
4314-8721
5162-8741
5163-8741
5181-8741
5182-8691
5182-8721
5191-8741
5294-8711
5294-8741
5381-8742
5471-8721
5491-8721
5561-8721
5581-8741
5691-8741
5691-8742
5765-8721
5781-8741
6004-8694
6004-8726

6004-8727
6004-8728
6004-8742
6004-8743
6006-8731
6008-9018
6032-2021
6032-4023
6032-4030
6032-4037
6032-4038
6032-8573
6032-8671
6032-8691
6059-0000
7108-8692
7108-8741
7109-8691
7109-8711
7109-8721
7110-8714
7110-8723
7110-8724
7110-8725
7110-8741
7111-8721
7111-8722
7111-8741
7111-8742
7112-8721
7113-8712
7113-8713
7114-8693
7114-8721
7115-8703
7115-8741
7118-8703
7118-8705
7250-8671
7250-8712
7250-8713
7490-0048
7490-8684
7490-8702
7490-8706
7490-8716
7490-8721
7490-8722
7502-8741
7504-8701
7505-8741
7506-8711
7506-8721
7506-8722
7508-8721

7508-8691
 7509-8721
 7510-8671
 7510-8701
 7510-8711
 7510-8721
 7511-8701
 7511-8711
 7511-8721
 7511-8722
 7514-8701
 7514-8711
 7514-8721
 7514-8722
 7515-8711
 8400-0001

SECTION 3. The eighth clause of item 2270-8771 of section 2 of chapter 481 of the acts of 1976 is hereby amended by inserting after the word "department", in line 6, the words:- ; and provided further, that, notwithstanding the provisions of section twenty-nine A of chapter twenty-nine of the General Laws, there shall be allowed and paid from this item a sum not to exceed one hundred seventy-two thousand five hundred dollars for certain contractual services.

SECTION 4. Chapter 920 of the acts of 1977 is hereby amended by striking out section 7 and inserting in place thereof the following section:-

Section 7. To meet the cost of the expenditures authorized by section two of this act, there is hereby appropriated from the General Fund and other funds as specified therein the sum of six million three hundred and sixty-one thousand dollars, said appropriation to expire June thirtieth, nineteen hundred and eighty.

SECTION 5. Section 10 of said chapter 920 is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

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 sixty million seven hundred twenty-five thousand dollars.

SECTION 6. Section 13 of said chapter 920 is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

To meet the expenditures 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 specified by the governor

from time to time, but not exceeding, in the aggregate, the sum of four million four hundred seventy-five thousand dollars.

SECTION 6A. The metropolitan district commission is hereby authorized and directed to acquire by eminent domain a certain tract of vacant land in the Brighton section of the city of Boston known and described as #91 Riverview Road, #93 Riverview Road, #95 Riverview Road and #97 Riverview Road. Said acquisition shall be for recreational and conservation purposes. The funds for this acquisition shall accrue from item 2440-0010 but in no event shall said amount exceed five thousand dollars.

SECTION 7. For the purposes of item 2440-0012 of section two of chapter three hundred of the acts of nineteen hundred and seventy-seven, the comptroller is hereby authorized to transfer the amount of two hundred ninety-seven thousand five hundred and twelve dollars from the Highway Fund to the Metropolitan District Parks Fund.

SECTION 8. Chapter 882 of the acts of 1975 is hereby amended by striking out section 2, as most recently amended by section 3 of chapter 300 of the acts of 1977, 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, a sum of not more than nineteen thousand five hundred dollars may be expended therefrom annually without further appropriation, except that, in the fiscal year nineteen hundred and seventy-eight, the sum expended may be twenty thousand five hundred dollars.

SECTION 9. Chapter 363A of the acts of 1977 is hereby amended by striking out section 18 and inserting in place thereof the following section:-

Section 18. The surplus property agency in the department of education is hereby authorized to expend during the fiscal year nineteen hundred and seventy-eight for the purposes of the surplus property agency fund in addition to amounts available in said fund, an amount not exceeding one hundred thousand dollars; provided, however, that no expenditure or commitment shall be incurred from the amount of the aforesaid one hundred thousand dollar authorization in excess of amount approved therefrom by the commissioner of administration, at the written request of 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 10. Said chapter 363A is hereby further amended by striking out section 27 and inserting in place thereof the following section:-

Section 27. Cash disbursement from amounts appropriated from the General Fund in section two of this act shall be charged to federal funds received under the provisions of Title II, Public Law 94-369, and Public Law 92-512 as amended by Public Law 94-488 to the extent that such funds are available, subject to

the restrictions contained in said Public Law for applications of federal funds received from these sources and shall first be used for such amount as is required to prevent a deficit in the General Fund debt service and then for other items section two of this act in accordance with the requirements of said Public Law.

SECTION 11. The comptroller is hereby authorized to write off certain prior year advances unaccounted for in the total amount of nine hundred sixteen thousand one hundred and sixty-nine dollars and thirteen cents, in accordance with a detailed schedule on file with the house and senate committees on ways and means.

SECTION 12. Notwithstanding any provision of law to the contrary, nonprofit charitable corporations, partnerships or collaboratives, so called, providing mental health services in accordance with agreements entered into with the department of mental health, shall retain revenues accrued during fiscal year nineteen hundred and seventy-eight in accordance with the terms of section one of chapter one hundred and eighteen of the acts of nineteen hundred and seventy-eight.

SECTION 13. Item 2330-8771 of section 2 of chapter 481 of the acts of 1976 is hereby amended by striking out, in line 3, the words "at Scusset Beach state reservation" and inserting in place thereof the words:- in the town of Sandwich.

SECTION 14. The definition of Group 4 in paragraph (g) of subdivision (2) of section 3 of chapter 32 of the General Laws is hereby amended by inserting after the word "superintendent", in line 32, as appearing in section 2 of chapter 626 of the acts of 1974, the words:- , chief of security for the University of Massachusetts medical school.

SECTION 14A. As of June thirtieth, nineteen hundred and seventy-eight, the comptroller shall charge the surplus account of the General Fund with the amount of the deficit in the surplus account of the Highway Fund.

SECTION 14B. Section 1 of chapter 12 of the General Laws is hereby amended by striking out the second sentence, as most recently amended by section 26 of chapter 480 of the acts of 1976, and inserting in place thereof the following sentence:- The attorney general shall receive a salary equivalent to that of the chief justice of the supreme judicial court.

SECTION 15. This act shall take effect June thirtieth, nineteen hundred and seventy-eight.

I disapprove Section 14B.

I reduce Item 9091-3001 to \$50,000.

The remainder of this bill I hereby approve.

Approved July 14, 1978

Chap. 443. AN ACT EXTENDING THE EXPIRATION OF REAL ESTATE TAX LIENS IN THE TOWN OF MASHPEE.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section thirty-seven of chapter sixty of the General Laws or any other general or special law to the contrary, liens for taxes on real estate in the town of Mashpee, in force on the effective date of this act, shall terminate five years after October first of the year of assessment.

SECTION 2. This act shall cease to be operative on December thirty-first, nineteen hundred and eighty.

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

Approved July 15, 1978

Chap. 444. AN ACT FURTHER REGULATING THE ISSUANCE OF DELIVERY TICKETS IN CONNECTION WITH THE DELIVERY OF FUEL OILS.

Be it enacted, etc., as follows:

Chapter 94 of the General Laws is hereby amended by striking out section 303F and inserting in place thereof the following section:-

Section 303F. Whoever sells or delivers fuel oil in quantities of twenty gallons or over for heating or cooking purposes shall cause a delivery ticket, which shall consist of an original and at least one carbon copy thereof, to be issued. Said ticket shall be serially numbered for the purpose of identification and shall have the date of delivery as well as the names and addresses of the seller and of the purchaser legibly recorded on the ticket prior to delivery of the fuel oil. A statement of quantity of oil delivered, in terms of gallons and fractions thereof, if any, the price per gallon, the grade of fuel, and the identity of the person making such delivery, shall also appear on the ticket. One copy of the above said ticket shall be delivered to the purchaser or his agent at the time of delivery of such oil unless the purchaser initiates a request in writing that the vendor deliver such ticket to another person or location, or that the delivery of such ticket be made at another time. Another copy of the ticket shall be retained by the seller for a period of two months. The director or inspector of standards, sealer or deputy sealer, inspector or deputy inspector of weights and measures shall, at the time of delivery of fuel oil, be authorized to enter and go into or upon, without warrant, any such vehicle to inspect or examine the metering system, vehicle tank compartments and delivery tickets then in the actual possession or under the control of the person making the delivery and may seize, without warrant, any such delivery tickets suspected of constituting a deceptive or fraudulent practice. No copy or retained delivery ticket shall be destroyed but may be voided and kept on file.

On deliveries of fuel oils made through a meter the quantity determinations, of the oil delivered, shall be mechanically printed on the ticket at the time of delivery. A sales sequence number shall also be mechanically printed on the ticket by the ticket printing mechanism of the metering system, unless the printing

mechanism is of the cumulative type. The sales sequence number shall not be returnable to zero until it has reached its highest attainable number. The provisions of the preceding two sentences of this paragraph will not become effective until January first, nineteen hundred and eighty and any metering system that has been sealed prior to January first, nineteen hundred and eighty shall be exempt from these provisions if their design prohibits compliance.

Only one delivery ticket may be inserted into the ticket printing mechanism and in the case of vehicle tank meters said ticket shall not be inserted until immediately before a delivery is begun, and in no case shall a ticket be left in the printing mechanism when the vehicle is in motion while on a public street, highway, or thoroughfare. The possession of a preprinted ticket imprinted with a gallonage amount in advance of delivery shall be prima facie evidence of intent to use such ticket in violation of this section.

Deliveries of fuel oil made from vehicle tank compartments, not measured at the time of sale by a sealed metering system, shall be made only from calibrated compartments which are filled to an indicator that has been sealed by a sealer or inspector of weights and measures. The preceding sentence shall not apply to the transfer, exchange or sale of fuel oil which is being transported between bulk storage facilities or to a purchaser who initiates a request in writing that he wishes to accept a carbon copy of the bulk storage metered loading ticket.

Whoever violates any provision of this section shall be punished for the first offense by a fine of fifty dollars, for the second offense by a fine of two hundred dollars and for each subsequent offense by a fine of five hundred dollars. Whoever alters or substitutes a delivery ticket for fraudulent or deceptive purposes shall be punished by a fine of not more than one thousand dollars or by imprisonment for not more than one year or both.

Approved July 15, 1978

Chap. 445. AN ACT PERMITTING PUBLIC ENTITIES TO WITHDRAW REGISTERED LAND.

Be it enacted, etc., as follows:

SECTION 1. Section 52 of chapter 185 of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by adding the following sentence:- If all of a parcel of land which is registered under this chapter is acquired by the commonwealth or any agency, department, board, commission, or authority of the commonwealth or any political subdivision thereof or any authority of any such political subdivision, such acquisition thereof shall be a sufficient ground for withdrawal of the registered land from the provisions of this chapter and the land shall be so withdrawn upon the filing of a petition with the court by the public entity which has acquired the registered land and the approval thereof by the court.

SECTION 2. This act shall apply only to land acquired on or after the effective date of this act.

Approved July 15, 1978

Chap. 446. AN ACT REGULATING CONTRACTS OF INSURANCE AGAINST LOSSES BY FIRE AND PROVIDING FOR INCREASED COOPERATION BETWEEN INSURANCE COMPANIES AND LAW ENFORCEMENT AGENCIES IN THE INVESTIGATION OF SUCH LOSSES.

Be it enacted, etc., as follows:

SECTION 1. Chapter 148 of the General Laws is hereby amended by striking out section 32, as appearing in the Tercenary Edition, and inserting in place thereof the following section:-

Section 32. The marshal may request an insurance company to share information relative to an investigation concerning a loss due to fire of suspicious or incendiary origin, and to furnish other relevant materials, such as insurance policies, policy premium records, and history of previous claims. The marshal shall share the information so acquired with a police or fire department or other appropriate law enforcement agency requesting same.

If an insurance company has reason to suspect that a fire loss to its insured's real or personal property was caused by incendiary means, the company shall furnish the marshal with all relevant material acquired during its investigation of the fire loss, cooperate with the marshal and take such action as the marshal may reasonably request. Any other person may, by obtaining a court order, inspect records of such insurance company pertaining to the policy and the loss. Such insurance company may request access to information gathered by the marshal in an investigation into such fire loss of suspected incendiary origin.

In the absence of fraud, malice or criminal act, no insurance company, or person who furnished information on its behalf, shall be liable for damages in a civil action or subject to criminal prosecution for any conduct reasonably undertaken pursuant to the provision of this section.

A public official receiving information furnished pursuant to this section shall hold such information in confidence until such time as its disclosure is required in a criminal or civil proceeding. Any public official or employee of an insurance company may be required to testify to any information in his possession regarding the fire loss of real or personal property in any civil action in which any person seeks recovery under a policy against an insurance company for the fire loss.

SECTION 2. Chapter 175 of the General Laws is hereby amended by striking out section 98, as so appearing, and inserting in place thereof the following section:-

Section 98. Every applicant for insurance against loss or damage to a building by fire shall complete a form to be prescribed by the commissioner. The application form may vary according to the type of coverage sought. It shall require from the applicant sufficient information relative to the insured property to determine

the actual cash value and the actual ownership of the property. The application shall, insofar as it materially relates to the obligations stated in the contract, be considered a part of the contract.

The by-laws of the company shall not be considered as a warranty or a part of the contract except so far as they are incorporated in full in the policy as provided in clause Ninth of section ninety-nine.

SECTION 3. The tenth paragraph of clause Twelfth of section 99 of said chapter 175, as appearing in section 1 of chapter 478 of the acts of 1951, is hereby amended by striking out clause (b) and inserting in place thereof the following clause:-

(b) while the described premises, whether intended for occupancy by owner or tenant, are vacant or unoccupied beyond a period of sixty consecutive days for residential premises of three units or less and thirty consecutive days for all other premises;.

SECTION 4. Said section 99 of said chapter 175 is hereby further amended by inserting after clause Fifteenth, inserted by section 3 of chapter 804 of the acts of 1977, the following clause:-

Fifteenth A, Every policy which insures multi-unit residential property against loss or damage by fire shall provide additional benefits, by endorsement attached to the policy, up to a limit of seven hundred and fifty dollars, without deductible, for each rental unit to cover the actual costs of relocation of any tenant or lawful occupant displaced by fire or by damage resulting from fire. Benefits under this clause shall be paid by the insurer to the tenant or lawful occupant after taking into account benefits available under any other policy. The terms and conditions of such clause shall be approved or prescribed by the commissioner. The landlord or lessor of the property shall notify each tenant or lawful occupant in writing of the benefits payable under this clause at the beginning of the lease or tenancy period. A waiver of this provision in any lease or other rental agreement shall be void and unenforceable.

SECTION 5. Said Chapter 175 is further amended by inserting after section 101G the following section:-

Section 101H. - In all cases involving actual cash value coverage, sound value shall be synonymous with actual cash value.

SECTION 6. Clause (12) of section 3 of chapter 176D of the General Laws, as appearing in section 1 of chapter 543 of the acts of 1972, is hereby amended by inserting after the word "sections", in line 1, the word:- ninety-five.

SECTION 7. Chapter 186 of the General Laws is hereby amended by inserting after section 20, inserted by section 1 of chapter 159 of the acts of 1977, the following section:-

Section 21. The landlord or lessor of any residential property except owner-occupied dwellings of four units or fewer, shall, upon the written request of any tenant or lawful occupant or of any code or other law enforcement official disclose in writing the name of the company or companies insuring the property against loss or damage by fire and the amount of insurance provided by

each company. Whoever violates this section shall be punished by a fine of not more than one thousand dollars. A waiver of this section in any lease or other rental agreement shall be void and unenforceable.

SECTION 8. The provisions of section thirty-two of chapter one hundred and forty-eight of the General Laws, as amended by section one of this act, shall apply to fire losses occurring on and after the effective date of this act.

Approved July 15, 1978

Chap. 447. AN ACT PROVIDING CERTAIN TEMPORARY PROTECTION FOR PERSONS SUFFERING ABUSE.

Be it enacted, etc., as follows:

SECTION 1. Chapter 208 of the General Laws is hereby amended by inserting after section 34B the following section:-

Section 34C. Whenever a court issues an order to vacate the marital home under section thirty-four B, or an order prohibiting a person from imposing any restraint on the personal liberty of another person under section eighteen and section thirty-two of chapter two hundred and nine, and an order under chapter two hundred and nine A, the register shall transmit a copy of each order forthwith to the appropriate local law enforcement agency. Law enforcement agencies shall establish procedures adequate to insure that an officer at the scene of an alleged violation of such order may be informed of the existence and terms of such order. Law officers shall use every reasonable means to enforce such orders.

Any violation of the aforementioned orders shall be a misdemeanor, which shall be punished by a fine of no more than five thousand dollars or by imprisonment for not more than two and one half years in a house of correction, or both. The court shall immediately notify the defendant of the issuance of each order and every order issued shall bear the following language:

VIOLATION OF THIS ORDER IS A CRIMINAL OFFENSE.

SECTION 2. The General Laws are hereby amended by inserting after chapter 209 the following chapter:-

CHAPTER 209A.
ABUSE PREVENTION.

Section 1. The following words as used in this chapter shall have the following meanings:-

"Abuse", the occurrence of one or more of the following acts between family or household members:

- (a) attempting to cause or causing physical harm;
- (b) placing another in fear of imminent serious physical harm;
- (c) causing another to engage involuntarily in sexual relations by force, threat of force or duress.

"Court", the superior, probate or district courts.

"Family or household member", household member, a spouse, former spouse or their minor children or blood relative.

"Law officer", any officer authorized to serve criminal process.

Section 2. Proceedings under this chapter shall be filed, heard and determined in the district, superior court or the probate court of the county in which the plaintiff resides. If the plaintiff has left the residence or household to avoid abuse, he shall have the option to bring an action in the county of the previous residence or household or the new residence or household.

Section 3. A person suffering from abuse from an adult or minor family or household member may file a petition in the district, probate or superior court requesting any order which will protect him from abuse, including, but not limited to the following:

(a) ordering the defendant to refrain from abusing the plaintiff, whether the defendant is an adult or minor;

(b) ordering the defendant to vacate forthwith the household;

(c) awarding the plaintiff in the case of husband or wife temporary custody of a minor;

(d) ordering the defendant to pay temporary support for the plaintiff or any child in the plaintiff's custody, or both, when the defendant has a legal obligation to support such person;

(e) ordering the defendant to pay to the person abused monetary compensation for losses suffered as a direct result of the abuse. Compensatory losses shall include, but not be limited to, loss of earnings or support, out-of-pocket losses for injuries sustained, moving expenses and reasonable attorney fees.

No filing fee shall be charged for such a petition.

Any relief granted by the court shall be for a fixed period of time not to exceed one year, at the expiration of which time the court may extend any order, upon motion of the plaintiff, for such additional time as it deems necessary to protect the plaintiff from abuse. The court may modify its order at any subsequent time upon motion by either party.

No order under this chapter shall in any manner affect title to any real property.

Any proceedings under this chapter shall not preclude any other available civil or criminal remedies.

Section 4. Upon the filing of a petition under this chapter, the court may enter such temporary orders as it deems necessary to protect a plaintiff from abuse, including relief as provided in section eighteen and section thirty-four B of chapter two hundred and eight and section thirty-two of chapter two hundred and nine.

If the plaintiff demonstrates a substantial likelihood of immediate danger of abuse, the court may enter such temporary order without notice as it deems necessary to protect the plaintiff. The court shall immediately thereafter notify the defendant and give him an opportunity to be heard as soon as possible but not scheduled the hearing later than five days after such order is entered on the question of continuing such temporary order.

Section 5. When the court is unavailable after the close of business at the end of the week, a petition may be filed before any available district court justice who may grant relief to the plaintiff under section three upon cause shown in an ex parte

proceeding. Immediate and present danger of abuse to the plaintiff shall constitute cause for purposes of this section.

Any order issued under this section shall terminate as of the close of business on the next day the court is in session.

Any order issued under this section and any documentation in support thereof shall be certified immediately by the clerk of the district court to the court. Such certification to the court shall have the effect of commencing proceedings under this chapter and invoking the other provisions of this chapter.

Section 6. Whenever any law officer has reason to believe that a family or household member has been abused, that officer shall use all reasonable means to prevent further abuse, including: (1) remaining on the scene as long as there is a danger to the physical safety of such person without the presence of a law officer, including but not limited to staying in the dwelling unit; (2) assisting such person in obtaining medical treatment necessitated by an assault, including driving the victim to the emergency room of the nearest hospital; (3) giving such person immediate and adequate notice of his rights (4), arresting the person if the officer has probable cause to believe that a felony has been committed, or a misdemeanor has been committed in the officer's presence, or a misdemeanor has been committed pursuant to section thirty-four C of chapter two hundred and eight. Said notice shall consist of handing such person a copy of the following statement written in English and Spanish, and reading the same to such person:

"You have the right to go to the district, probate or superior court and file a complaint requesting any of the following applicable orders for temporary relief: (a) an order restraining your attacker from abusing you; (b) an order directing your attacker to leave your household; (c) an order awarding you custody of a minor child; and (d) an order directing your attacker to pay support for you or any minor child in your custody if the attacker has a legal obligation to support them; (e) an order directing your attacker to pay you for losses suffered as a result of the abuse, including medical and moving expenses, loss of earnings or support, attorney fees and other out-of-pocket losses for injuries sustained.

You have the right to go to district court and file a criminal complaint for threats, assault and battery, assault with a deadly weapon, assault with intent to kill or other related crimes. You may go to district court for an emergency on weekends or holidays.

If you are in need of medical treatment, you have the right to demand that the officer present drive you to the nearest hospital or otherwise assist you.

If you believe that police protection is needed for your physical safety, you have the right to demand that the officer present remain at the scene until you and your children can leave or until your safety is otherwise insured."

SECTION 3. Section 120 of chapter 266 of the General Laws is hereby amended by striking out the first sentence and inserting in place thereof the following two sentences:- Whoever, without right, enters or remains in or upon the dwelling house, buildings, boats or improved or enclosed land, wharf, or pier of another,

after having been forbidden so to do by the person who has lawful control of said premises, either directly or by notice posted thereon, or in violation of a court order pursuant to section thirty-four B of chapter two hundred and eight or section four of chapter two hundred and nine A, shall be punished by a fine of not more than one hundred dollars or by imprisonment for not more than thirty days, or both. Proof that a court has given notice of such a court order to the alleged offender shall be prima facie evidence that the notice requirement of this section has been met.

SECTION 4. Section 28 of chapter 276 of the General Laws is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- Any officer authorized to serve criminal process may arrest without the issuance of a warrant and detain a person found by him in the act of stealing property in his presence regardless of the value of the property stolen and may arrest without warrant and detain a person whom he has probable cause to believe has committed a misdemeanor under section thirty-four C of chapter two hundred and eight. Said officer may arrest and detain a person charged with a misdemeanor, without having a warrant for such arrest in his possession, if the officer making such arrest and detention shall have actual knowledge that a warrant then in full force and effect for the arrest of such person has in fact issued.

SECTION 5. Said chapter 276 is hereby amended by inserting after section 42 the following section:-

Section 42A. Whenever a court issues a criminal complaint and the crime involves assault and battery, trespass, threat to commit a crime, nonsupport, or any other complaint which involves the infliction, or the imminent threat of infliction, of physical harm upon a person by such person's family or household member as defined in section one of chapter two hundred and nine A, the court may, in lieu of or in addition to any terms of personal recognizance, and after a hearing and finding, impose such terms as will insure the safety of the person allegedly suffering the physical abuse or threat thereof, and will prevent its recurrence.

Such terms and conditions shall include reasonable restrictions on the travel, association or place of abode of the defendant as will prevent such person from contact with the person abused.

As part of the disposition of any criminal complaint, the court may establish such terms and conditions of probation as will insure the safety of the person who has suffered such abuse or threat thereof, and will prevent the recurrence of such abuse or threat thereof.

Such terms and conditions shall include reasonable restrictions on the travel, association or place of abode of the defendant as will prevent such person from all contact with the person abused; or the payment by the defendant to the person abused of monetary compensation for losses suffered as a direct result of the crime. Compensatory loss shall include, but not be limited to, loss of earnings or support, out-of-pocket losses for injuries sustained, moving expenses and reasonable attorneys fees.

In addition, the terms and conditions of either the probation or the disposition of the complaint may include, but not be limited to, referral of the defendant to a clinic, facility or professional for one or more examinations, diagnoses, counseling or treatment; requiring the defendant to report periodically to a probation officer; or release of the defendant to the custody of a residential treatment facility.

SECTION 6. The chief justice of the superior court and the chief judge of the probate court and the chief justice of the district courts shall jointly promulgate a form of petition for chapter two hundred and nine A of the General Laws, inserted by section one of this act, which shall be simple and permit a person to file a petition himself.

Approved July 17, 1978

Chap. 448. AN ACT AUTHORIZING THE COUNTY COMMISSIONERS OF HAMPDEN COUNTY TO BORROW MONEY FOR CONSTRUCTING AND EQUIPPING A COURT HOUSE FOR THE DISTRICT COURT AT CHICOPEE.

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, purchase, renovate or refurbish building or buildings to provide suitable and adequate facilities for the district court at Chicopee, landscaping, parking and furnishing such sums as may be necessary, not exceeding, in the aggregate, three million dollars. Any sums received from the federal government for the purposes of this act shall be included in, and considered a part of, the total amount authorized to be expended hereunder.

SECTION 2. For the purposes authorized by section one, the treasurer of said county, with the approval of the county commissioners, may borrow upon the credit of the county such sums as may be necessary, not exceeding, in the aggregate, three million dollars and may issue bonds or notes of the county therefor, which shall bear on their face the words, Hampden County Court House Construction Loan, District Court at Chicopee 1978. 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 July 17, 1978

Chap. 449. AN ACT RELATING TO THE APPOINTMENT OF LINCOLN D. CHANDLER OF THE CITY OF BOSTON AS A POLICE OFFICER.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any special or general law or rule to the contrary regulating the maximum age of applicants for appointment as police officer, Lincoln D. Chandler of the city of Boston, shall be certified by the division of personnel administration, and said city is authorized to appoint him as a police officer provided he meets all other requirements for such position. Upon such certification and appointment he shall be deemed to be appointed under the provisions of chapter thirty-one of the General Laws, as of November second, nineteen hundred and seventy-seven.

SECTION 2. This act shall take effect upon its passage.
Approved July 17, 1978

Chap. 450. AN ACT AUTHORIZING THE COUNTY COMMISSIONERS OF HAMPDEN COUNTY TO ACQUIRE, RENOVATE AND EQUIP A CERTAIN BUILDING AS A COURT HOUSE FOR THE DISTRICT COURT OF WESTERN HAMPDEN.

Be it enacted, etc., as follows:

SECTION 1. The county commissioners of Hampden county are hereby authorized to acquire by purchase from the city of Westfield a certain parcel of land with the building thereon, formerly the site of the United States post office, and to renovate and originally equip said building as a court house to provide suitable and adequate facilities for the district court of western Hampden. Said commissioners may expend for the purposes of this act, including landscaping, such sums as may be necessary, not exceeding, in the aggregate, one million three 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, 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 three hundred thousand dollars, and may issue bonds or notes of the county therefor, which shall bear on their face the words, Hampden County Court House Loan, District Court of western Hampden, Act of 1978. 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 July 17, 1978

Chap. 451. AN ACT AUTHORIZING THE CITY OF HAVERHILL
TO BORROW MONEY FOR A NEW MUNICIPAL
HOSPITAL.

Be it enacted, etc., as follows:

SECTION 1. The city of Haverhill is hereby authorized to borrow from time to time such sums as may be necessary, not exceeding twenty-seven million dollars, and to issue bonds of the city therefor which shall bear on their face the words, Haverhill Hospital Loan, Act of 1978, for the purpose of acquiring land for constructing, originally equipping and furnishing a structure or structures suitable for use as a municipal hospital and other structures or facilities related thereto or required or useful for the operation of the hospital, including parking facilities. Each authorized issue shall constitute a separate loan. The bonds may be issued as serial bonds or as term bonds or in any combination of both types and shall mature not later than thirty years from their respective dates. The first payment of principal of each issue of serial bonds, and the first payment on account of principal of each issue of term bonds made to the sinking or reserve funds established pursuant to section two, shall be not later than one year from the date of issue or one year from the date of commencing regular operation of the hospital as determined or estimated by the hospital director, whichever date is later. Bonds issued under this act may be made subject to redemption prior to maturity, with or without premium, as determined by the officers authorized to issue the same.

SECTION 2. If any bonds are issued hereunder as term bonds, the city treasurer shall establish or cause to be established a reserve or sinking fund for the payment or redemption of any such term bonds and for the payment of interest thereon. Payments to any such reserve or sinking fund of amounts available for the payment of principal and interest and redemption premiums, if any, shall be made according to a schedule established by the treasurer at the time any such term bonds are issued, provided that the amount of the annual payment on account of principal in any year shall not be less than the amount payable on account of principal in any subsequent year. The full faith and credit of the city is pledged to the making of such payments, and the amount of each scheduled annual payment shall be included by the assessors in the aggregate appropriations assessed in the determination of the annual tax rate, unless the city has otherwise made provision therefor. Amounts in any such reserve or sinking fund, together with investment earnings thereon, shall be held by the city treasurer in trust, or may be deposited by the treasurer in trust, on such terms as the treasurer shall approve, with a trustee or escrow agent, which trustee or escrow agent shall be a banking institution or trust company with trust powers having a paid up capital and surplus of not less than fifty million dollars, for investment in accordance with section fifty-four

of chapter forty-four of the General Laws. Such investment earnings may be taken into account in establishing or making payments to the reserve or sinking fund. Payments from any such reserve or sinking fund for the payment or redemption of bonds and the payment of interest thereon shall be made without further appropriation or authorization by the city.

SECTION 3. The city may expend proceeds of bonds or notes issued under this act to refund a like amount of notes issued by the city in anticipation of bonds in the principal amount of fifty-three thousand eight hundred dollars authorized for architectural plans and specifications under clause (21) of section seven of chapter forty-four of the General Laws by an order of the city council approved April fourth, nineteen hundred and seventy-eight. No payment need be made under section seventeen A of said chapter forty-four with respect to any loan refunded pursuant to this section.

SECTION 4. If the city votes to issue bonds hereunder, the officers authorized to issue the same may, in the name of the city, make temporary loans in anticipation of the money to be derived from the sale of such bonds, and may issue temporary notes therefor. Each such loan shall be payable within one year from its date, or from the date of commencing regular operation of the hospital as determined or estimated by the hospital director, whichever date is later. Temporary notes issued under this section for a shorter period of time than permitted herein may be refunded by the issue of other temporary notes maturing within the required period, provided that the period from the date of issue of the original notes to the maturity of the refunding notes shall not be more than the period permitted herein.

SECTION 5. Indebtedness incurred under this act shall be in excess of the statutory limits prescribed by section ten of chapter forty-four of the General Laws, but, except as provided herein, shall be subject to the applicable provisions of said chapter forty-four.

SECTION 6. In addition to other lawful items, the project costs to be financed by the issue of bonds or notes hereunder may include interest up to six months after the date of commencing regular operation of the hospital as determined or estimated by the hospital director, the cost of architectural, engineering, financial and legal services, plans, specifications, studies of cost and of revenues, administrative expenses, expenses as may be necessary or incident to determining the feasibility or practicability of constructing the project and such other expenses as may be necessary or incident to the construction of the project, the financing of such construction and the placing of the project in operation.

SECTION 7. The department of public health is not required by any provision of this act to issue a certificate of need for the construction of said municipal hospital.

SECTION 8. This act shall take effect upon its passage.

Approved July 17, 1978

Chap. 452. AN ACT AUTHORIZING THE CITY OF MARLBOROUGH TO PAY A CERTAIN SUM OF MONEY TO JAMES DAVIS.

Be it enacted, etc., as follows:

SECTION 1. The city of Marlborough is hereby authorized to appropriate money for the payment of, and after such appropriation the treasurer of said city is hereby authorized to pay, the sum of nine hundred sixty-seven dollars and twenty cents to James Davis, a patrolman in the police department of said city, as an educational allowance to which he is entitled on his earnings as such patrolman from September first, nineteen hundred and seventy-four to August thirtieth, nineteen hundred and seventy-five, inclusive.

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

Approved July 17, 1978

Chap. 453. AN ACT MAKING CERTAIN CORRECTIVE CHANGES RELATIVE TO THE LAW AUTHORIZING THE COMMISSIONER OF FISHERIES, WILDLIFE AND RECREATIONAL VEHICLES TO CONVEY CERTAIN LAND IN GEORGETOWN TO JOANNE C. STANLEY AND TO CONVEY OTHER LAND TO WILLIAM E. HANDREN IN EXCHANGE FOR CERTAIN LAND.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately correct an act authorizing the conveyance of certain land of the commonwealth, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public welfare and convenience.

Be it enacted, etc., as follows:

SECTION 1. Section 1 of chapter 881 of the acts of 1977 is hereby amended by striking out the introductory paragraph and inserting in place thereof the following paragraph:-

For the purpose of promoting the public good, the director of fisheries and wildlife is hereby authorized and directed to convey to Joanne C. Stanley, in the name and on behalf of the commonwealth, by a quit claim deed approved as to form by the attorney general the following described portion of a lot of land shown as part of parcel 1 on a plan of land entitled, "Plan of Land in Georgetown Property of Robert Stanley et al, Essex Survey Inc." and bounded and described as follows:-.

SECTION 2. Section 2 of said chapter 881 is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- Said director of fisheries and wildlife is hereby authorized and directed to convey to William E. Handren, Jr. of Georgetown or his designee by a quit claim deed approved as to form by the attorney general land described below as parcel 1 in exchange for the conveyance to the commonwealth of parcel 2 described below.

Approved July 17, 1978

Chap. 454. AN ACT CHANGING AND ESTABLISHING A CERTAIN PORTION OF THE BOUNDARY LINE BETWEEN THE TOWNS OF HUDSON AND STOW.

Be it enacted, etc., as follows:

SECTION 1. The following described line shall hereafter comprise that portion of the boundary line between the towns of Hudson and Stow between Hudson-Stow Bound No. 1 and the Hudson-Stow-Sudbury corner of Lake Boon:- From Az 288° - 03' -12.9", 8771.01 feet; to Az 288° - 03' -12.9", 300.00 feet; to Az 359° - 00' -00 " , 370.00 feet; to Az 298° - 00' -00 " , 610.00 feet; to Az 260° - 00' -00 " , 2050.00 feet; to Az 314° - 00' -00 " , 580.00 feet; to Az 279° - 00' -00 " , 150.00 feet; to Az 213° - 00' -00 " , 480.00 feet; to Az 278° - 00' -00 " , 810.00 feet; to Az 29° - 00' -00 " , 440.00 feet; to Az 324° - 34' -49 " , 760.64 feet; to Az 288° - 03' -12.9" , 3821.01 feet.

All said information pertaining to the changing and establishing the boundary line is shown on a plan entitled "Proposed Town Line Hudson + Stow. Scale 1" = 1000' as of September 5, 1977 Plan by the Hudson Public Works Department."

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

Approved July 17, 1978

Chap. 455. AN ACT CLARIFYING THE RESPONSIBILITY AND LIABILITY OF SKI OPERATORS AND SKIERS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to clarify the responsibility and liability of ski operators and skiers, 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 71I of chapter 143 of the General Laws, as appearing in section 1 of chapter 565 of the acts of 1968, is hereby amended by striking out, in line 1, the words "seventy-one O" and inserting in place thereof the words:- seventy-one S.

SECTION 2. Said section 71I of said chapter 143 is hereby further amended by adding the following four definitions:-

"Skier", any person utilizing the ski area under control of a ski area operator for the purpose of skiing, whether or not that person is a passenger on a recreational tramway, including riders during a non-skiing season.

"Ski area", all of the slopes and trails under the control of the ski area operator, including cross-country ski areas, slopes and trails, and any recreational tramway in operation on any such slopes or trails administered or operated as a single enterprise but shall not include base lodges, motor vehicle parking lots and other portions of ski areas used by skiers when not actually engaged in the sport of skiing.

"Ski area operator", the owner or operator of a ski area, including an agency of the commonwealth or a political subdivision thereof, or the employees, agents, officers or delegated represen-

tatives of such owner or operator, including the owner or operator of a cross-country ski area, slope or trail, and of any recreational tramway in operation on any such slope or trail administered or operated as a single enterprise.

"Ski slope or trail", an area designed by the person or organization having operational responsibility for the ski area as herein defined, including a cross-country ski area, for use by the public in furtherance of the sport of skiing, meaning such designation as is set forth on a trail map or as otherwise designated by a sign indicating to the skiing public the intent that the area be used by skiers for purpose of participating in the sport.

SECTION 3. Section 71J of said chapter 143, as so appearing, is hereby amended by inserting after the first sentence the following sentence:- The board shall in like manner adopt, and from time to time amend or revoke, rules and regulations for a system of signs to be used by a ski area operator in order to promote the safety of skiers. Such system shall incorporate standards in general use in the skiing industry to evaluate the difficulty of slopes and trails and to adequately alert skiers to the known danger of any slope or trail or the ski area.

SECTION 4. Said chapter 143 is hereby further amended by striking out sections 71N and 71 O, as so appearing, and inserting in place thereof the following six sections:-

Section 71N. A ski area operator shall:

(1) whenever maintenance or snow-making equipment is being employed on any ski slope or trail open to the public, conspicuously place or cause to be placed, notice at or near the top of any ski slope or trail being maintained that such equipment is being so employed, and shall conspicuously indicate the location of any such equipment in a manner to afford skiers reasonable notice of the proximity of such equipment;

(2) mark and identify all trail maintenance and emergency vehicles, including snowmobiles, and furnish such vehicles with flashing or rotating lights, which shall be operated during the time that said vehicles are in operation within the ski area;

(3) with respect to the emergency use of vehicles within the ski area, including but not limited to uses for purposes of removing injured or stranded skiers, or performing emergency maintenance or repair work to slopes, trails or tramway equipment, not be required to post such signs as is required by clause (1), but shall be required to maintain such lighting equipment required by clause (2);

(4) mark the location of any hydrants used in snow-making operations and located within or upon a slope or trail;

(5) conspicuously place within the ski area, in such form, size and location as the board may require, and on the back of any lift ticket issued notice, in plain language, of the statute of limitations and notice period established in section seventy-one P; and

(6) maintain a sign system on all buildings, recreational tramways, ski trails and slopes in accordance with rules and regulations promulgated by the board and shall be responsible for the maintenance and operation of ski areas under its control in a reasonably safe condition or manner; provided, however,

that ski area operators shall not be liable for damages to persons or property, while skiing, which arise out of the risks inherent in the sport of skiing.

Section 71 O. No skier shall embark or disembark upon a recreational tramway except at a designated location and during designated hours of operation, throw or expel any object from any recreational tramway while riding thereon, act in any manner while riding on a recreational tramway that may interfere with its proper or safe operation, engage in any type of conduct which may injure any person, or place any object in the uphill ski track which may cause another to fall while traveling uphill on a ski lift, or cross the uphill track of a recreational tramway except at designated locations. A skier shall maintain control of his speed and course at all times, and shall stay clear of any snow-grooming equipment, any vehicle, towers, poles, or other equipment.

A skier who boards a recreational tramway shall be presumed to have sufficient abilities to use the same, and shall follow any written or oral instruction given regarding its use and no skier shall embark on a recreational tramway without authority of the operator. A skier skiing down hill shall have the duty to avoid any collision with any other skier, person or object on the hill below him, and, except as otherwise provided in this chapter, the responsibility for collisions by any skier with any other skier or person shall be solely that of the skier or person involved and not that of the operator, and the responsibility for the collision with any obstruction, man-made or otherwise, shall be solely that of the skier and not that of the operator, provided that such obstruction is properly marked pursuant to the regulations promulgated by the board. No skier shall ski on any ski slope or trail or portion thereof which has been designated closed, nor ski on other than an identified trail, slope or ski area. Any person skiing on other than an open slope or trail within the ski area shall be responsible for any injuries resulting from his action. A skier shall, prior to his entrance onto the slope or trail, other than one designated for cross-country skiing, or embarking on any recreational tramway, have attached on his skis, a strap or other device for the purpose of restraining or preventing a runaway ski. A ski area operator who finds a person in violation of this section, may issue an oral warning to that individual. A person who fails to heed the warning issued by such ski area operator shall forfeit his recreational tramway ticket and recreational tramway use privileges and may be refused issuance of another such ticket to the recreational tramway.

Section 71 P. For the purpose of sections seventy-one I to seventy-one R, inclusive, in any action brought against a ski area operator based on negligence, it shall be evidence of due care where the conduct of an operator has conformed with the provisions of this chapter or rules or regulations of the board made pursuant to section seventy-one J.

No action shall be maintained against a ski area operator for injury to a skier unless as a condition precedent thereof the person so injured shall, within ninety days of the incident, give to such ski area operator notice, by registered mail, of the name

and address of the person injured, the time, place and cause of the injury. Failure to give the foregoing notice shall bar recovery, unless the court finds under the circumstances of the particular case that such ski area operator had actual knowledge of said injury or had reasonable opportunity to learn of said injury within said ninety-day period, or was otherwise not substantially prejudiced by reason of not having been given actual written notice of said injury within said period. In a case where lack of written notice, actual knowledge, or a reasonable opportunity to obtain knowledge of any injury within said ninety-day period is alleged by such ski area operator, the burden of proving substantial prejudice shall be on the operator.

An action to recover for such injury shall be brought within one year of the date of such injury.

Section 71Q. Any person who is knowingly involved in a skiing accident and who departs from the scene of such accident without leaving personal identification or otherwise clearly identifying himself and obtaining assistance knowing that any other person involved in the accident is in need of medical or other assistance shall be punished by a fine of not less than one hundred dollars.

Section 71R. Whoever violates any provision of section 71K, 71N, or any rule or regulation made under the provisions of section 71J, shall be punished by a fine of not more than two hundred dollars; provided, however, that any person who operates a recreational tramway, after the license therefor has been suspended or revoked, shall be punished by a fine of one hundred dollars for each day of such operation.

Section 71S. Recreational tramways shall not be subject to the provisions of chapters one hundred and fifty-nine, one hundred and sixty, one hundred and sixty-one, and one hundred and sixty-two, and shall not be subject to the jurisdiction or control of the department of public utilities.

SECTION 5. The provisions of clause (5) of section seventy-one N of chapter one hundred and forty-three of the General Laws, inserted by section three of this act, relative to the printing on lift tickets of a notice of the statute of limitations, shall not apply to a ski area operator who has a supply of such tickets already printed for the nineteen hundred and seventy-eight and nineteen hundred and seventy-nine skiing season, insofar as he may exhaust such supply. Such ski area operator shall, however, comply with said notice requirements beginning with the nineteen hundred and seventy-nine and nineteen hundred and eighty skiing season.

Approved July 17, 1978

Chap. 456. AN ACT RELATIVE TO SCHOOL COMMITTEES PROVIDING BEHIND-THE-WHEEL TRAINING IN DRIVER EDUCATION.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to authorize immediately certain

cities and towns to exclude certain driver education training during school hours, 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 13D of chapter 71 of the General Laws, as most recently amended by chapter 111 of the acts of 1967, is hereby further amended by adding the following sentence:- If a motor vehicle driver education course is required pursuant to the provisions of section thirteen such courses shall consist of classroom and behind-the-wheel training; provided, however, that no school committee shall be required to include behind-the-wheel training during the regular school day as part of such course.

SECTION 2. Cities and towns which presently maintain behind-the-wheel training courses under the provisions of said section thirteen of said chapter seventy-one, shall be exempt from the provisions of this act.

Approved July 17, 1978

Chap. 457. AN ACT RELATIVE TO THE VALUATION BY THE STATE TAX COMMISSION OF CERTAIN LAND HELD BY A CITY, TOWN OR DISTRICT IN ANOTHER CITY OR TOWN WHICH HAS A GENERAL REVALUATION OF REAL PROPERTY.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide for the valuation by the state tax commission of certain land held by a city, town or district in another city or town which has general revaluations of real property, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Section 6 of chapter 59 of the General Laws is hereby amended by striking out the second and third sentences, added by section 1 of chapter 497 of the acts of 1968, and inserting in place thereof the following two sentences:- Whenever a city or town in which such land is located shall have made a general revaluation of all its real property for purposes of taxation, the valuation of such land for the purpose of payments authorized by this section shall be determined by the state tax commission as of January first, between January first and June first, in the year succeeding such general revaluation and in every fifth year thereafter. The city, town or district owning such land, if aggrieved by the determination of the commission, may within six months after written notice thereof appeal to the appellate tax board.

SECTION 2. The first paragraph of section 7A of said chapter 59 is hereby amended by striking out the third and fourth sentences, added by section 2 of said chapter 497, and inserting

in place thereof the following two sentences:- Whenever a city or town in which such land is located shall have made a general revaluation of all its real property for purposes of taxation, the valuation of such land for the purpose of payments authorized by this section shall be determined by the state tax commission as of January first, between January first and June first, in the year succeeding such general revaluation and in every fifth year thereafter. The holding municipality or district, if aggrieved by the determination of the commission, may within six months after written notice thereof appeal to the appellate tax board.

SECTION 3. This act shall take effect as of January first, nineteen hundred and seventy-eight.

Approved July 17, 1978

Chap. 458. AN ACT RELATIVE TO THE DESIGNATION OF TRAINED DOGS USED AS GUIDES OR LEADERS BY BLIND PERSONS.

Be it enacted, etc., as follows:

SECTION 1. Section 2 of chapter 151C of the General Laws is hereby amended by striking out clause (e), inserted by chapter 369 of the acts of 1972, and inserting in place thereof the following clause:-

(e) To exclude from admission any student because said student is blind or requires the use of a dog guide.

SECTION 2. Chapter 272 of the General Laws is hereby amended by striking out section 98A, as amended by chapter 93 of the acts of 1978, and inserting in place thereof the following section:-

Section 98A. Notwithstanding any other provision of law, any blind person or deaf or hearing handicapped person accompanied by a dog guide, shall, if such dog is properly and safely muzzled, be entitled to any and all accommodations, advantages, facilities and privileges of all public conveyances, public amusements and places of public accommodation, within the commonwealth, to which persons not accompanied by dogs are entitled, subject only to the conditions and limitations applicable to all persons not accompanied by dogs, and no such blind person or deaf or hearing handicapped person shall be required to pay any charge or fare for or on account of the transportation of any public conveyance of himself and such dog so accompanying him in addition to the charge or fare lawfully chargeable for his own transportation. Whoever deprives any blind person or deaf or hearing handicapped person of any right conferred by this section shall be punished by a fine of not more than three hundred dollars; provided, however, that in the case of a deaf or hearing handicapped person, such person carries and displays upon demand, written evidence that the dog accompanying him is a dog guide.

Approved July 17, 1978

Chap. 459. AN ACT CREATING THE MASSACHUSETTS ANTI-TRUST ACT.

Be it enacted, etc., as follows:

SECTION 1. Chapter 93 of the General Laws is hereby amended by striking out sections 1 to 14, inclusive, and inserting in place thereof the following fifteen sections:-

Section 1. Sections one to fourteen A, inclusive, shall be known, and may be cited, as the "Massachusetts Antitrust Act". It is the purpose of this act to encourage free and open competition in the interests of the general welfare and economy by prohibiting unreasonable restraints of trade and monopolistic practices in the commonwealth. This act shall be construed in harmony with judicial interpretations of comparable federal antitrust statutes insofar as practicable.

Section 2. For purpose of this act, the following words and terms shall have the following meanings:

"Attorney general", the attorney general of the commonwealth and individuals designated by him in writing to act on his behalf in carrying out the purposes of this chapter.

"Demand", a civil investigative demand issued pursuant to section eight of this chapter.

"Natural person", not proprietorships, partnerships or any commercial entity.

"New England", the states of Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island and Vermont.

"Person", natural persons, corporations and other legal entities.

"Trade or commerce", the advertising, offering for sale, rent or lease, or the sale, rent, lease, furnishing or distribution of any service or any article, commodity or property, tangible or intangible, which directly and substantially affects the people of the commonwealth; provided, however, that trade or commerce shall not include the conveyance, transfer or use of real property.

"Trade secrets", anything which constitutes, represents, evidences, or records secret or confidential scientific, technical, merchandising, production, management or commercial information.

Section 3. Nothing in the Massachusetts Antitrust Act, hereinafter referred to as the Act, shall apply to any course of conduct, pattern of activity, or activities unless they occur and have their competitive impact primarily and predominantly within the commonwealth and at most, only incidentally outside New England, or any course of conduct, pattern of activity, or activities which are the subject of a formal investigation, proceeding or other assertion of federal jurisdiction by the Federal Trade Commission, the United States Department of Justice or other federal agency.

For purposes of the Act, the burden of establishing jurisdiction shall be upon the party asserting such jurisdiction with respect to any course of conduct, pattern of activity, or activities of any person of whose gross revenue at least ten per cent is derived from transactions involving interstate commerce outside of New England; as to any course of conduct, pattern of activity or activities of all other persons, the party asserting lack of

jurisdiction under this chapter shall have the burden of establishing same.

Section 4. Every contract, combination in the form of trust or otherwise, or conspiracy, in restraint of trade or commerce in the commonwealth shall be unlawful.

Section 5. It shall be unlawful for any person or persons to monopolize, or attempt to monopolize or combine or conspire with any other person or persons to monopolize any part of trade or commerce in the commonwealth.

Section 6. It shall be unlawful for any person engaged in trade or commerce, in the course thereof, to lease or make a sale or contract for sale of goods, wares, merchandise, machinery, supplies or other commodities, patented or unpatented, for use, consumption or resale in the commonwealth, or fix a price charged therefor, or discount from, or rebate upon, such price on the condition, agreement or understanding that the lessee or purchaser thereof shall not use or deal in the goods, wares, merchandise, machinery, supplies or other commodities of a competitor or competitors of the lessor or seller, where the effect of such lease, sale or contract for sale or such condition, agreement or understanding may be to lessen substantially competition or tend to create a monopoly in any line of trade or commerce in the commonwealth.

Section 7. No provision of this Act shall apply to (a) Any activities which are exempt from any of the federal antitrust laws or the Federal Trade Commission Act other than by reason of the absence of a sufficient involvement of or impact upon interstate commerce; or (b) Any activities which are subject to regulation or supervision by state or federal agencies; or (c) Any activities authorized or approved under federal, state or local law.

Section 8. Whenever the attorney general has reasonable cause to believe that any person has engaged in, is engaging in, or is about to engage in any act or practice prohibited by this Act, he may, prior to the commencement of any civil or criminal action as provided for by this Act, issue in writing and cause to be served upon such person a civil investigative demand requiring such person to produce documentary material pertinent to the investigation for inspection or copying, to answer written interrogatories in writing and under oath, to give oral testimony concerning documentary material or information, or to furnish any combination of such material, answers or testimony.

Each demand shall (a) specify the section or sections of this act the alleged violation of which is under investigation and the conduct constituting the alleged violation; (b) prescribe a reasonable return date or dates in no event less than twenty days from the date of service of the demand; (c) if it is a demand for production of documentary material, describe the class or classes of documentary material to be produced with reasonable specificity so as to permit such material to be fairly identified; (d) if it is a demand for answers to written interrogatories, propound with reasonable specificity the written interrogatories to be answered; and (e) if it is a demand for the giving of oral testimony, pre-

scribe a time and place at which such oral testimony shall be commenced, and identify the person or persons who shall conduct the examination.

No such demand shall contain any requirement which would be unreasonable or improper if continued in a discovery notice, request, or demand made under any of the discovery provisions of the Massachusetts Rules of Civil Procedure; or require the disclosure of any materials which would be privileged, or which for any other reason would not be required to be disclosed if demanded by a subpoena duces tecum issued by a federal court or a court of the commonwealth in aid of a grand jury investigation.

A civil investigative demand may be served by any means provided under the Massachusetts Rules of Civil Procedure or any statute of the commonwealth for service of a complaint in a civil action.

At any time before the return date specified in the demand, or within such further time as may be agreed to by the attorney general and the person served with a demand, the person served may petition the superior court for an order modifying or setting aside such demand or for an appropriate protective order. The obligation to comply with the demand shall be suspended while such petition is pending. The petition shall specify each ground upon which the petitioner relies in seeking relief, and may be based upon lack of jurisdiction, the inapplicability of this Act, any failure of the demand to comply with the provisions of this Act or upon any constitutional or other legal right or privilege of such person, including that the information sought constitutes a trade secret. The superior court shall have jurisdiction to enter such order or orders as may be required to carry into effect the provisions of this chapter and to protect the rights of the petitioner. Any final order so entered shall be subject to appeal.

The attorney general shall have the authority, at any time, to modify or revoke any civil investigative demand and to stipulate to protective orders with respect to documents and information submitted in response to a demand. Such protective orders may include provisions appropriate to the full and adequate protection of trade secrets.

All persons served with a demand for oral examination pursuant to this section shall be paid the same fees and mileage paid to witnesses in the courts of the commonwealth. No person shall be excused from attending such inquiry on the ground of failure to tender or pay a witness fee or mileage unless demand therefor is made at or before the time testimony is to be taken.

The oral examination of all persons pursuant to this section shall be conducted before a person duly authorized to administer oaths by the law of the commonwealth and shall be taken in the county within which such person resides, is found, or transacts business or in such other county as may be agreed upon by the attorney general and such person.

Any person compelled to appear under a demand for oral testimony pursuant to this section may be accompanied, represented, and advised by counsel. Counsel may advise such person, in confidence, either upon the request of such person or upon counsel's own initiative, with respect to any question asked of

such person. Such person or counsel may object on the record to any question, in whole or in part, and shall briefly state for the record the reason for the objection. An objection may properly be made, received, and entered upon the record when it is claimed that such person is entitled to refuse to answer the question on grounds of any constitutional or other legal right or privilege, including the privilege against self-incrimination. The person conducting the examination shall exclude from the place where the examination is held all persons except the person being examined, his counsel, the officer before whom the testimony is taken, and any stenographer taking such testimony.

Testimony shall be taken stenographically or by sound recording and transcribed. When the testimony is fully transcribed, the witness, with his counsel, shall be afforded a reasonable opportunity to examine the transcript. Any changes in form or substance which the witness desires to make shall be entered and identified upon the transcript with a statement of the reasons given by the witness for making such changes. Upon payment of reasonable charges therefor, a copy of the transcript shall be furnished to the witness.

Whenever any person fails to comply with any civil investigative demand duly served upon him under this section, the attorney general may file, in the superior court for any county in which such person resides, is found, or transacts business, a petition for an order of such court enforcing said demand. The Massachusetts Rules of Civil Procedure shall apply to any such petition. Any disobedience of any final order entered under this section shall be punished as a contempt of court.

All information and documents, including answers to interrogatories, transcripts or testimony, produced documents, and all copies thereof, which are obtained by the attorney general in the course of any investigation under this chapter shall be held in the custody of the attorney general, shall be kept confidential by the attorney general, and shall not be disclosed by the attorney general to any person except as necessary in a case brought by the attorney general under this Act. Such information and documentary materials shall not be public records and are exempt from disclosure under section ten of chapter sixty-six. Upon the completion of a case brought under this Act, the attorney general shall return any such documents, answers and transcripts, and all copies thereof, which have not passed into the control of the court through the introduction thereof into the record, to the person who provided such documents, answers or testimony. If no case in which such material may be used has been commenced within a reasonable time after completion of the examination or analysis of all documentary material, but in no event later than two years after production thereof, the attorney general shall, upon written request of the person who produced such material, return all documents, answers and transcripts, and all copies thereof, to the person who provided them.

No information obtained or derived in the course of any investigation under this section shall be used or introduced as evidence by the prosecution in any criminal proceeding.

Nothing in this section shall preclude the attorney general from disclosing information and evidence secured pursuant to

this section to those officials of the United States and the several states charged with the enforcement of federal or state antitrust laws, provided, however, that prior to any such disclosure the attorney general shall obtain a written agreement from such officials to abide by the restrictions of this section and any orders entered pursuant to this section.

Section 9. The attorney general may bring a civil action in the name of the commonwealth to prevent and restrain violations of section four, five or six of this chapter; as parens patriae on behalf of natural persons residing in the commonwealth, to secure monetary relief for damages sustained by such natural persons to their property by reason of any violation of section four; and on behalf of the commonwealth and its public agencies and political subdivisions for damages sustained, together with costs of suit, for injuries to their property by reason of violations of section four, five or six; provided, however, that unless the attorney general has brought a criminal complaint pursuant to section ten, the attorney general may bring a civil action in the name of the commonwealth to recover a civil penalty of not more than twenty-five thousand dollars for any course of conduct, pattern of activity or activities which violate section four, five or six. In any action brought on behalf of the commonwealth and its public agencies and political subdivisions for damages sustained to their property, if the court finds that the violation was engaged in with malicious intent to injure the commonwealth, public agency or political subdivision, the court may award up to three times the amount of actual damages sustained together with the costs of suit, including reasonable attorneys fees.

In any parens patriae action brought under this section where there has been a judicial determination that a defendant agreed to fix prices in violation of section four of this chapter, damages may be proved and assessed in the aggregate by statistical or sampling methods or by such other reasonable system of estimating aggregate damages as the court permits; a final judgment shall be res judicata as to any claim by any person on whose behalf such action was brought; and any monetary recovery shall be distributed in such manner as the court in its discretion may authorize or may be deemed by the court to be a civil penalty.

The superior court shall have jurisdiction of actions brought under this section. Such actions may be brought in any county where a defendant resides or has his principal place of business or in which the violation occurred in whole or in part, or with the consent of a defendant, the superior court for Suffolk county.

The attorney general may conclude any civil action brought under this section, or any investigation commenced or contemplated under section eight, by the acceptance of a written assurance of discontinuance or consent decree. Any consent decree shall be filed with the superior court and shall constitute a final judgment.

Section 10. Any person who knowingly violates sections four or five with specific intent to injure any person, or knowingly aids or participates in such violation with specific intent to injure any person, shall be punished by a fine not exceeding one hundred thousand dollars if a corporation, or, if any other person, by a fine not exceeding twenty-five thousand dollars or

by imprisonment not exceeding one year, or both.

The superior court shall have jurisdiction of actions brought under this section. Such actions shall be brought by the attorney general in the county in which said violation occurred in whole or in part.

Section 11. A final judgment or decree rendered in any civil or criminal proceeding brought by the attorney general under this Act to the effect that a defendant has violated this Act shall be prima facie evidence against such defendant in any action or proceeding brought by any other party against such defendant under this Act as to all matters respecting which said judgment or decree would be an estoppel as between the parties thereto; provided, however, that this section shall not apply to consent judgments or decrees, or settlements which have not been fully litigated to their conclusion, none of which shall constitute either an admission or prima facie evidence.

Section 12. Any person who shall be injured in his business or property by reason of a violation of the provisions of this chapter may sue therefor and recover the actual damages sustained, together with the costs of suit, including reasonable attorney fees. If the court finds that the violation was engaged in with malicious intent to injure said person, the court may award up to three times the amount of actual damages sustained, together with the costs of suit, including reasonable attorneys fees.

Any person may sue for injunctive relief to prevent threatened damage to his business or property under the same conditions and principles as injunctive relief is granted by courts of equity.

Commencement of an action by the attorney general under section nine, whereunder the attorney general acts as *parens patriae* on behalf of natural persons residing in the commonwealth, shall serve to stay any civil action under this section or under the provisions of chapter ninety-three A on behalf of said natural persons against the same defendant which is based in whole or in part on any matter complained of in the action commenced by the attorney general.

The superior court shall have jurisdiction of actions brought under this section. Such actions may be brought in any county where a defendant resides or has his principal place of business or in which the violation occurred in whole or in part, or, with the consent of a defendant, in the superior court for Suffolk county.

Section 13. An action brought to enforce the provisions of this Act shall be barred unless commenced within four years after the cause of action accrued.

Whenever any civil or criminal proceedings shall be commenced by the commonwealth under this Act, the running of the statute of limitations with respect to every private right of action arising under this Act and based in whole or in part on any matter complained of in said proceedings shall be suspended during the pendency thereof and for one year thereafter; provided, however, that whenever the running of the statute of limitations with respect to a cause of action is suspended, any action to enforce such cause of action shall forever be barred unless commenced

either within the period of suspension or within four years after the cause of action accrued.

Section 14. All money received by the commonwealth as a result of actions brought by the attorney general pursuant to this Act or pursuant to the federal antitrust laws shall be credited by the state treasurer to a fund to be known as the "Antitrust Enforcement Fund". Money in the Antitrust Enforcement Fund, subject to appropriation pursuant to law not to exceed five hundred thousand dollars in any fiscal year, shall be used solely for the payment of expenses incurred by the attorney general in connection with its activities under this Act or the federal antitrust laws. At the end of any fiscal year if the balance in the Antitrust Enforcement Fund exceeds one million dollars, the excess shall be withdrawn from the Antitrust Enforcement Fund and deposited in the General Fund.

Section 14A. The Massachusetts Antitrust Act shall have no effect upon the provisions of chapter ninety-three A, except as explicitly provided in said chapter ninety-three A.

SECTION 2. Paragraph (b) of section 2 of chapter 93A of the General Laws, as appearing in section 1 of chapter 813 of the acts of 1967, is hereby amended by inserting after the word "section" in line 2, the words:- in actions brought under sections four, nine and eleven, .

SECTION 3. Section 11 of said chapter 93A, added by section 2 of chapter 614 of the acts of 1972, is hereby amended by striking out the sixth paragraph and inserting in place thereof the following paragraph:-

The provisions of subclause (ii) of clause (b) of paragraph (1) of section three shall not apply to actions brought pursuant to this section. In any action brought under this section, in addition to the provisions of paragraph (b) of section two, the court shall also be guided in its interpretation of unfair methods of competition by those provisions of chapter ninety-three known as the Massachusetts Antitrust Act.

Approved July 17, 1978

EMERGENCY LETTER - August 10, 1978 @ 3:05 P.M.

Chap. 460. AN ACT FURTHER REGULATING PAYMENTS TO CONTRACTORS ON CERTAIN PUBLIC WORKS CONSTRUCTION PROJECTS.

Be it enacted, etc., as follows:

The sixth paragraph of section 39G of chapter 30 of the General Laws, as appearing in section 1 of chapter 506 of the acts of 1976, is hereby amended by adding the following sentence:- In the case of periodic payments, the contracting authority may deduct from its payment a retention based on its estimate of the fair value of its claims against the contractor, a retention for direct payments to subcontractors based on demands for same in accordance with the provisions of section thirty-nine F, and a retention to secure satisfactory performance of the contractual

work not exceeding five per cent of the approved amount of any periodic payment, and the same right to retention shall apply to bonded subcontractors entitled to direct payment under section thirty-nine F of chapter thirty; provided, that a five per cent value of all items that are planted in the ground shall be deducted from the periodic payments until final acceptance.

Approved July 17, 1978

Chap. 461. AN ACT TO INCREASE BENEFITS FOR DEPENDENTS OF DECEASED EMPLOYEES UNDER THE WORKMEN'S COMPENSATION ACT.

Be it enacted, etc., as follows:

SECTION 1. Chapter 152 of the General Laws is hereby amended by striking out section 31, as most recently amended by section 1 of chapter 438 of the acts of 1974, and inserting in place thereof the following section:-

Section 31. If death results from the injury, the insurer shall pay the following dependents of the employee, including his or her children by a former spouse, wholly dependent upon his or her earnings for support at the time of his or her injury, or at the time of his or her death, compensation as follows, payable, except as hereinafter provided, in the manner set forth in section thirty-two.

To the widow or widower, so long as she or he remains unmarried, one hundred and ten dollars a week if and so long as there is no child of the employee, who is under the age of eighteen, or over said age and physically or mentally incapacitated from earning, 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; to or for the use of the widow or widower and for the benefit of all children of the employee, one hundred and sixteen dollars a week if and so long as there is one such child, and six dollars more a week for each additional child; provided, that in case any such child is a child by a former wife or husband, the death benefit shall be divided between the surviving wife or husband and all living children of the deceased employee in equal shares, the surviving wife or husband taking the same share as a child. If the widow or widower dies, such amount or amounts as would have been payable to or for her or his own use and for the benefit of all children of the employee shall be paid in equal shares to all the surviving children of the employee. If the widow or widower remarries, all payments under the foregoing provisions shall terminate and the insurer shall pay each week to each of such children of the employee thirty dollars a week. If there is no surviving wife or husband of the deceased employee, such amount or amounts as would have been payable under this section to or for the use of a widow or widower and for the benefit of all such children of the employee, shall be paid in equal shares to all such surviving children of the employee, but no individual shall receive an amount in excess of eighty-two dollars a week. The total amount of payments and the period of payments in all

cases under this section shall not be more than thirty-two thousand dollars nor continue for more than four hundred weeks, except that payment to or for the benefit of children of the deceased employee under the age of eighteen shall not be discontinued prior to the age of eighteen, and except that after a dependent unremarried widow or widower or physically or mentally incapacitated child over the age of eighteen has received the maximum payments, he or she shall continue to receive further payments but only during such periods as he or she is in fact not fully self-supporting. Either party may request hearings at reasonable intervals before a board member on the question of granting such payments, or on the question of restoration of such payments, or on the question of discontinuance of such payments. A member of the board may set a case for hearing on his or her initiative, after due notice to both parties.

In all other cases of total dependency, the insurer shall pay the dependents of the employee wholly dependent upon his or her earnings for support at the time of the injury, or at the time of his or her death, a weekly payment equal to two thirds of his or her average weekly wages, but not more than forty dollars nor less than twenty-four dollars a week, for a period of five hundred weeks; but in no case shall the amount be more than seventeen thousand dollars. If the employee leaves dependents only partially dependent upon his or her earnings for support at the time of his or her injury, or at the time of his or her death, the insurer shall pay such dependents a weekly compensation equal to the same proportion of the weekly payments for the benefit of persons wholly dependent as the amount contributed by the employee to such partial dependents bears to the annual earnings of the deceased at the time of his or her injury. In the event of the parties agreeing or the division finding that a partial dependent is the next of kin of the deceased employee and has, during the year preceding the injury, received from such deceased employee contributions for his or her support independent of gifts and gratuities, such partial dependent shall be paid by the insurer a minimum weekly compensation of twenty-four dollars. When weekly payments have been made to an injured employee before his or her death, compensation under this paragraph to dependents shall begin from the date of the death of the employee, but shall not continue for more than five hundred weeks; but in no case of partial dependency shall the amount be more than seventeen thousand dollars.

SECTION 2. This act shall take effect on November first, nineteen hundred and seventy-eight and shall apply only to injuries occurring on or after said date.

Approved July 17, 1978

Chap. 462. AN ACT RELATIVE TO CERTAIN RAIL IMPROVEMENTS IN THE COMMONWEALTH.

Be it enacted, etc., as follows:

SECTION 1. Section 4 of chapter 161C of the General Laws, as appearing in section 1 of chapter 859 of the acts of 1975, is

hereby amended by inserting after the words "The executive office" the following words:- or the department of public works acting pursuant to paragraph (f) of section six of this chapter.

SECTION 2. Said chapter 161C is hereby further amended by striking out section 5 and inserting in place thereof the following section:-

Section 5. The executive office or the department of public works acting pursuant to paragraph (f) of section six of this chapter may enter into contracts or agreements to provide financial assistance, from such funds as may be provided for the purpose, for all or part of the costs of maintaining rail rights-of-way or related facilities or equipment, or operating rail services in the commonwealth.

Any such contracts or agreements shall be subject to the following limitations: (i) in determining whether such assistance is necessary or appropriate under this chapter with respect to an operating agreement with a private transportation company, and in determining the terms and conditions under which such assistance shall be given, the secretary shall review the transportation operations of such company and its affiliates and shall make a finding that such assistance will not permit the applicant company to make more than a reasonable return overall; and (ii) any such assistance shall cover only those services which the secretary determines to be in the public interest.

SECTION 3. Paragraph (c) of section 6 of said chapter 161C is hereby amended by inserting after the second sentence the following sentence:- Any such contract or agreement, if made with the department of public works may include provisions for the transfer to said department of appropriations or other funds made available to the executive office under sections four or five for the purpose of carrying out such contract or agreement.

SECTION 4. Section 6 of said chapter 161C is hereby further amended by adding the following paragraph:-

(f) without limitation of the foregoing, to delegate to the department of public works on such terms and conditions as the secretary may prescribe, any power or duty conferred or imposed upon him by this chapter; provided, that any such delegation shall be in writing.

SECTION 5. There is hereby appropriated from the Passenger Rail Transportation Fund, established under the provisions of paragraph (d) of section two of chapter eight hundred and fifty-nine of the acts of nineteen hundred and seventy-five the sum of thirty million dollars for right of way and station improvements on properties publicly owned or managed in conjunction with the northeast corridor improvement project, so called, to be expended as follows:

(a) A sum not to exceed four million four hundred thousand dollars to be expended by the Massachusetts Bay Transportation Authority, with the approval of the secretary of transportation and construction, for the acquisition of South Station in the city of Boston.

(b) a sum not to exceed eleven million nine hundred thousand

dollars for the development and improvement of South Station by the Massachusetts Bay Transportation Authority in cooperation with the Federal Railroad Administration and with the approval of the Executive Office of Transportation and Construction, provided, that said development and improvement shall include construction of an intercity and commuter bus terminal; provided further, that two million dollars of the amount provided under this paragraph shall be used solely for the planning and design of said terminal on air rights above said station, for the construction of foundations and footings to support such terminal, and for such other improvements as may be needed to accommodate the location of such terminal in the South Station development, including without limitation, temporary facilities for intercity and commuter buses pending completion of the terminal at South Station; provided further, that the funds provided under this paragraph shall be used to fund not more than fifty per cent of the cost of such temporary facility up to an amount not to exceed four hundred and fifty thousand dollars; provided, further that such temporary facility shall not be utilized for intercity and commuter buses for a period of longer than five years from the effective date of this act, or after the completion of the development and improvement of South Station unless specifically authorized by law to do so; provided further that the land and buildings necessary for such temporary facility shall, when no longer used as a temporary bus terminal, revert to the city of Boston under the same conditions and restrictions to which said land was subject prior to its use as said temporary facility; provided further that the authority may lease to any other party all or any portion of such temporary facility, provided that any lease entered into by the authority, or any sub-lease entered into by a lessee of the authority shall be subject to the approval of the Secretary of Transportation and Construction; provided further that any common carrier of passengers displaced from the Park Square area of the city of Boston as a result of land takings by the state department of public works shall have access to such temporary facility; provided further that sections forty-four A to forty-four L of Chapter one hundred and forty-nine of the general laws shall apply to the construction of said temporary facility; and, provided further, that the development and improvement of South Station may include, without limiting the generality of the foregoing, planning, design and construction necessary to support additional air rights development by the Boston Redevelopment Authority or city of Boston.

(c) A sum not to exceed three million seven hundred thousand dollars for the erection of fencing, station, and right of way improvements, and related work in conjunction with the northeast corridor improvement project, so called.

(d) A sum not to exceed five million dollars for improvements to the so-called inland route, between the city of Boston, the town of Framingham, and the cities of Worcester and Springfield, and the Connecticut border; provided, however, that said five million dollars shall not be expended on the development and improvement of South Station.

(e) A sum not to exceed five million dollars for the purchase and rehabilitation of such rail rights of way, tracks, and related

facilities as are necessary for restoring passenger rail service between the Northeast corridor in Attleborough and Cape Cod and between Cape Cod and Boston, including such appraisals, technical and engineering analysis as may be necessary; provided, that the secretary of transportation and construction shall conduct a technical analysis of restoring said service and report the results thereof to the clerk of the house of representatives on or before the last Wednesday of June, nineteen hundred and seventy-nine. Such analysis shall include the identification of a preferred route for passenger rail service between Cape Cod and downtown Boston as well as the feasibility of joint use of the Massachusetts Bay Transportation Authority track between the town of Braintree and South Station; provided, however, that said five million dollars shall not be expended on the development and improvement of South Station. For these purposes, the proviso contained in section four of chapter one hundred and sixty-one C of the General Laws shall not apply.

Approved July 17, 1978

Chap. 463. AN ACT DESIGNATING THE BOSTON TO CAPE COD BIKEWAY AS THE CLAIRE SALTONSTALL MEMORIAL BIKEWAY.

Be it enacted, etc., as follows:

The Boston to Cape Cod Bikeway in the Route 3 Corridor shall be designated and known as the Claire Saltonstall Memorial Bikeway in memory of Claire Saltonstall, daughter of Senator William L. Saltonstall, a pioneer and primary sponsor of bicycle safety legislation and an active participant in the development of said bikeway. Suitable markers bearing such designation shall be attached and maintained by the department of public works at appropriate locations along said bikeway.

Approved July 17, 1978

Chap. 464. AN ACT AUTHORIZING THE PAYMENT AND DEDUCTION OF SUMS OF MONEY NECESSARY TO REVISE AS A RESULT OF AUDITS AND OTHER ADJUSTMENTS, THE SPECIAL EDUCATION REIMBURSEMENTS AND SCHOOL AID DISTRIBUTIONS TO CERTAIN CITIES AND TOWNS FOR THE YEARS NINETEEN HUNDRED AND SEVENTY-FIVE, NINETEEN HUNDRED AND SEVENTY-SIX, AND NINETEEN HUNDRED AND SEVENTY-SEVEN.

Be it enacted, etc., as follows:

Notwithstanding the provisions of section eighteen A of chapter fifty-eight of the General Laws to the contrary, the commissioner of corporations and taxation is hereby directed to certify to the state treasurer the amounts necessary to revise, as a result of audits and other adjustments, (a) the reimbursement for special education programs under section thirteen of chapter seventy-one B for the city of Gloucester and the town of Lexington for expenditures incurred during the fiscal year ending June thirtieth, nineteen hundred and seventy-four; (b) the reimbursement for

special education programs under section thirteen of chapter seventy-one B for the towns of East Bridgewater, Holliston, North Attleboro, Watertown and Winchendon for expenditures incurred during the fiscal year ending June thirtieth, nineteen hundred and seventy-five; (c) the school aid due the city of Gloucester under chapter seventy for expenditures incurred during the fiscal year ending June thirtieth, nineteen hundred and seventy-four and (d) the school aid due the towns of Arlington, East Bridgewater, North Attleboro, Watertown and Winchendon under chapter seventy for expenditures incurred during the fiscal year ending June thirtieth, nineteen hundred and seventy-five. Said treasurer shall, in the appropriate instance, pay or deduct the amounts so certified to said city and towns during the fiscal year ending June thirtieth, nineteen hundred and seventy-nine, from the amount appropriated for the distributions required by said section eighteen A before payment of any other amounts due under said section during said fiscal year.

Approved July 17, 1978

Chap. 465. AN ACT RELATIVE TO NON-AMORTIZATION OF BOND PREMIUMS.

Be it enacted, etc., as follows:

Chapter 203 of the General Laws is hereby amended by inserting after section 21A the following section:-

Section 21B. Unless there is a specific provision to the contrary in the will or trust instrument, when any part of the principal of a trust consists of bonds or other similar fixed obligations purchased by the trustee at a premium, the trustee shall not be required to deduct from income and transferred to principal any amortization of the amount paid as a premium if the amount of such premium does not exceed six per cent of the par or maturity value of such bonds or other similar fixed obligations and no trustee shall in any event be required to amortize bond premiums if the will or trust confers upon such trustee a power to refrain from amortizing bond premiums or a power to make determinations as between income and principal.

Approved July 17, 1978

Chap. 466. AN ACT AUTHORIZING THE DIRECTOR OF THE DIVISION OF WATER POLLUTION CONTROL TO USE THE PROCEEDS OF CERTAIN BONDS FOR THE PURPOSE OF RESEARCH AND DEMONSTRATION AND FOR CONTAINING AND REMOVING CERTAIN OIL POLLUTION FROM ANY WATERS OF THE COMMONWEALTH.

Be it enacted, etc., as follows:

Chapter 747 of the acts of 1970 is hereby amended by adding the following section:-

Section 5. To meet the expenditures necessary for carrying out the provisions of clause (14) of section twenty-seven of chapter twenty-one of the General Laws, the director of the

division of water pollution control is authorized to expend a sum not to exceed two hundred thousand dollars in any one fiscal year and to meet the expenditures necessary for carrying out the provisions of section thirty-eight of chapter twenty-one of the General Laws; the director of the division of water pollution control is authorized to expend a sum not to exceed one million dollars in any one fiscal year. Said expenditures shall be made from the proceeds of the bonds authorized by section four of chapter six hundred and eighty-seven of the acts of nineteen hundred and sixty-six, as amended by section four of chapter eight hundred and seventy-three of the acts of nineteen hundred and sixty-seven, and when there are no funds available from such proceeds then the director is authorized to use funds from the proceeds of the bonds authorized by section three of this act.

Approved July 17, 1978

Chap. 467. AN ACT EXEMPTING CERTAIN RELIGIOUS ORGANIZATIONS FROM THE EXCISE TAX ON REGISTERED MOTOR VEHICLES.

Be it enacted, etc., as follows:

The fourth paragraph of section 1 of chapter 60A of the General Laws, as appearing in section 1 of chapter 640 of the acts of 1954, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- The excise imposed by this section shall not apply to motor vehicles or trailers owned and registered by the commonwealth or any political subdivision thereof, or to motor vehicles or trailers owned and registered by a corporation whose personal property is exempt from taxation under clauses Third and Tenth of section five of chapter fifty-nine.

Approved July 17, 1978

Chap. 468. AN ACT AUTHORIZING LORING R. KEW TO TAKE A QUALIFYING EXAMINATION FOR THE POSITION OF DIRECTOR OF THE LOWELL COUNCIL ON AGING IN THE CITY OF LOWELL.

Be it enacted, etc., as follows:

Notwithstanding the provisions of any general or special law to the contrary, the position of director of the Lowell Council on Aging shall be subject to the provisions of chapter thirty-one of the General Laws. Loring R. Kew, acting director of said Council, shall be subjected to a qualifying examination, for the position of director of said Council, by the personnel administrator of the division of personnel administration in the executive office of administration and finance, and if he passes said examination, he shall be certified for said position and may be deemed to be permanently appointed thereto by the appointing authority of the city of Lowell.

Approved July 17, 1978

Chap. 469. AN ACT AUTHORIZING CERTAIN PUBLIC OR NON-PROFIT ORGANIZATIONS USING PUBLIC SCHOOL BUILDINGS DURING NON SCHOOL HOURS TO POSSESS AND SELL ALCOHOLIC BEVERAGES.

Be it enacted, etc., as follows:

Section 40A of chapter 272 of the General Laws, inserted by chapter 317 of the acts of 1962, is hereby amended by inserting after the word "both", in line 6, the words:- ; provided, however, that a school committee of a city, town or district may authorize a public or nonprofit organization using a public school building with its permission during non school hours to possess and sell alcoholic beverages therein provided such nonprofit organization is properly licensed under the provisions of section fourteen of chapter one hundred and thirty-eight.

Approved July 17, 1978

Chap. 470. AN ACT MAKING APPROPRIATIONS FOR THE FISCAL YEAR NINETEEN HUNDRED AND SEVENTY-NINE FOR THE MAINTENANCE OF NORFOLK 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-nine.

NORFOLK COUNTY.

<u>Item</u>	<u>Subtotal</u>	<u>Total</u>
1. For interest on county debt.....		\$223,470 00
2. For reduction of county debt.....		542,042 00
3. For county commissioners, salaries and expenses.....		219,771 04
1. Personal services	\$208,026 04	
2. Contractual services	7,000 00	
3. Supplies and materials	1,700 00	
4. Current charges and obligations	2,200 00	
5. Equipment	845 00	
4. For transportation and expenses of county and acting commissioners.....		1,600 00
5. For clerk of courts, salaries and expenses.....		377,133 53
1. Personal services	345,413 53	
2. Contractual services	11,300 00	
3. Supplies and materials	15,500 00	
4. Current charges and obligations	4,920 00	
6. For county treasurer, salaries and expenses.....		206,014 42
1. Personal services	152,284 42	
2. Contractual services	38,750 00	
3. Supplies and materials	8,075 00	
4. Current charges and obligations	6,080 00	
5. Equipment	825 00	

<u>Item</u>	<u>Subtotal</u>	<u>Total</u>
7. For sheriff, salary and expenses.....		\$25,639 84
1. Personal services	\$23,739 84	
2. Contractual services	450 00	
3. Supplies and materials	950 00	
4. Current charges and obligations	500 00	
8. For registry of deeds, salaries and expenses.....		894,171 96
1. Personal services	673,264 88	
2. Contractual services	49,800 00	
3. Supplies and materials	34,600 00	
4. Current charges and obligations	133,267 08	
5. Equipment	3,240 00	
8a. For registry of probate, salaries and expenses.....		130,201 25
2. Contractual services	77,200 00	
3. Supplies and materials	28,000 00	
4. Current charges and obligations	17,714 00	
5. Equipment	7,287 25	
9. For law library, salaries and expenses.....		46,225 40
1. Personal services	13,825 40	
2. Contractual services	700 00	
3. Supplies and materials	500 00	
4. Current charges and obligations	20,400 00	
5. Equipment	10,800 00	
10. For highways, including state highways, bridges and land damages.....		441,445 03
1. Personal services	287,545 03	
2. Contractual services	42,000 00	
3. Supplies and materials	9,000 00	
4. Current charges and obligations	2,300 00	
5. Equipment	600 00	
6. All other	100,000 00	
12. For superior court costs.....		1,827,385 29
1. Personal services	1,054,627 29	
2. Contractual services	723,230 00	
3. Supplies and materials	30,000 00	
4. Current charges and obligations	15,348 00	
5. Equipment	4,180 00	
13. For civil expenses in probate court.....		211,989 65
1. Personal services	117,019 65	
2. Contractual services	92,950 00	
3. Supplies and materials	1,900 00	
4. Current charges and obligations	120 00	
14. For district courts, salaries and expenses		
District Court of Northern Norfolk.....		672,006 15
1. Personal services	627,769 15	
2. Contractual services	26,000 00	
3. Supplies and materials	13,300 00	
4. Current charges and obligations	4,610 00	
5. Equipment	327 00	
District Court of East Norfolk.....		1,291,207 40
1. Personal services	1,134,249 40	
2. Contractual services	115,600 00	
3. Supplies and materials	31,100 00	
4. Current charges and obligations	7,598 00	
5. Equipment	2,660 00	
District Court of Western Norfolk.....		532,992 09
1. Personal services	495,514 09	
2. Contractual services	13,450 00	
3. Supplies and materials	18,050 00	
4. Current charges and obligations	2,628 00	
5. Equipment	3,350 00	
District Court of Southern Norfolk.....		363,758 30

<u>Item</u>	<u>Subtotal</u>	<u>Total</u>
1. Personal services	\$335,098 30	
2. Contractual services	10,750 00	
3. Supplies and materials	11,000 00	
4. Current charges and obligations	4,870 00	
5. Equipment	2,040 00	
Municipal Court of Brookline.....		\$412,300 25
1. Personal services	368,315 25	
2. Contractual services	23,880 00	
3. Supplies and materials	15,250 00	
4. Current charges and obligations	3,520 00	
5. Equipment	1,335 00	
District Court - Public Defenders.....		128,742 09
1. Personal services	128,742 09	
15. For medical examiners and commitments of insane.....		68,000 00
16. For jail and house of correction, maintenance and operation.....		1,341,414 29
1. Personal services	925,077 70	
2. Contractual services	68,710 00	
3. Supplies and materials	270,000 00	
4. Current charges and obligations	6,805 00	
5. Equipment	34,131 59	
6. All other	36,690 00	
18. For court houses and registry buildings, maintenance and operations.....		1,124,231 12
1. Personal services	531,841 12	
2. Contractual services	418,840 00	
3. Supplies and materials	160,000 00	
4. Current charges and obligations	9,150 00	
5. Equipment	4,400 00	
20. For agricultural school or county cooperative extension service.....		1,319,602 89
1. Personal services	958,467 89	
2. Contractual services	152,000 00	
3. Supplies and materials	120,000 00	
4. Current charges and obligations	23,000 00	
5. Equipment	61,535 00	
6. All other	4,600 00	
25. For contributory retirement system and supervisory expenses.....		738,631 89
26. For miscellaneous and contingent expenses.....		685,833 85
27. For unpaid bills of previous years.....		23,000 00
28. For reserve fund.....		75,000 00
28a. For reserve for salary increases.....		1,200,000 00
28d. For reserve for indigent defendants.....		75,000 00
28e. For reserve for federal grants.....		17,300 00
28f. For special reserve.....		20,000 00
37. For human services.....		10,000 00
39. For group insurance.....		806,500 00
44. For centralized purchasing department.....		19,804 75
45. For Wollaston recreational facility.....		<u>289,605 14</u>
Total amount of appropriations.....		\$16,362,019 62
Less estimated amount available for reduction of county tax.....		<u>3,005,597 30</u>

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..... \$13,356,422 32

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

19. For construction of county buildings and purchase of land	\$25,000 00
24. For noncontributory pensions	310,000 00
27. For unpaid bills of previous years	100,000 00
29. For advertising recreational, industrial and agricultural advantages of the county	<u>100,000 00</u>
Total	\$535,000 00

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

Approved July 17, 1978

Chap. 471. AN ACT PROVIDING THAT DONALD R. VIENNEAU, RICHARD P. CASAGRANDA, JAMES P. CASAVAN AND PAUL PHILLIP GUERTIN, SR. NOTWITHSTANDING CERTAIN MAXIMUM AGE REQUIREMENTS, BE ELIGIBLE FOR APPOINTMENT AS POLICE OFFICERS IN THE TOWN OF OXFORD.

Be it enacted, etc., as follows:

Notwithstanding any provisions of any general or special law or any civil service rule to the contrary regulating the maximum age of applicants for appointment as a police officer, Donald R. Vienneau, Richard P. Casagranda, James P. Casavan and Paul Phillip Guertin, Sr. shall be eligible to take the next open competitive examination for police officer in the town of Oxford and provided any of the said applicants meet all other requirements, he shall be eligible for certification and appointment as a police officer in said town.

Approved July 17, 1978

Chap. 472. AN ACT PROVIDING THAT CERTAIN LICENSES FOR THE PURPOSE OF PLACING AND MAINTAINING FILL OVER CERTAIN TIDEWATERS BE IRREVOCABLE.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any provision of general or special law to the contrary, the following licenses and authority heretofore granted to fill or maintain fill or to erect or to maintain structures on certain parcels of land in the city of Boston shall be deemed irrevocable:-

1. The license granted by the Commonwealth of Massachusetts to William Gaston, Receiver, being License No. 263 dated April 28, 1875 and being recorded with Suffolk Registry of Deeds, Book 1323, Page 163.

2. The license granted by the Commonwealth of Massachusetts to Boston Heating Co. by License No. 1183, dated August 1,

1889 and being recorded with Suffolk Registry of Deeds, Book 1895, Page 49.

3. The license granted by the Commonwealth of Massachusetts to Jacob H. Hecht by License No. 1910, dated May 19, 1896 and being recorded with Suffolk Registry of Deeds, Book 2366, Page 193.

4. The license granted by the Commonwealth of Massachusetts to Middlesex Trust by License No. 528, dated April 16, 1925 and being recorded with Suffolk Registry of Deeds, Book 4676, Page 312.

5. The license granted by the Commonwealth of Massachusetts to Henry L. Batchelder, Trustee, by License No. 238 dated September 30, 1874 and being recorded with Suffolk Registry of Deeds, Book 1281, Page 231.

6. The license granted by the Commonwealth of Massachusetts to John L. Batchelder, Trustee, by License No. 1110, dated October 25, 1888, and being recorded with Suffolk Registry of Deeds, Book 1847, Page 461.

7. The license granted by the Commonwealth of Massachusetts to John L. Batchelder, Trustee, by License No. 1393 dated September 24, 1891 and recorded with Suffolk Registry of Deeds, Book 2037, Page 602.

8. The license granted by the Commonwealth of Massachusetts to John L. Batchelder, Trustee, by License No. 1404 dated October 22, 1891 and being recorded with Suffolk Registry of Deeds, Book 2037, Page 603.

9. The license granted by the Commonwealth of Massachusetts to John L. Batchelder, Trustee, by License No. 1464, dated June 3, 1892 and being recorded with Suffolk Registry of Deeds, Book 2067, Page 305.

Said licenses having been granted, in part, for the purpose of filling portions of the Fort Point Channel in the city of Boston, as set forth in said licenses.

SECTION 2. In the event of a taking of any land referred to in this act by the commonwealth or any of its political subdivisions the measure of damages recoverable by reason of such taking shall be determined in accordance with the provisions of chapter seventy-nine of the General Laws.

Approved July 17, 1978

Chap. 473. AN ACT RELATIVE TO PERMITS ISSUED FOR CERTAIN AQUACULTURAL PURPOSES.

Be it enacted, etc., as follows:

SECTION 1. Chapter 130 of the General Laws is hereby amended by striking out section 17B, as amended by section 1 of chapter 971 of the acts of 1977, and inserting in place thereof the following section:-

Section 17B. Notwithstanding the provisions of this chapter, the director may, by issuance of a written permit under such terms and conditions as he may impose, authorize the possession and taking of fish at any season and of any size for purposes of propagation, rearing, harvesting or sale in connection with an aquacultural enterprise in which the fish being so propagated,

reared and harvested are kept separate from natural stocks of the same species.

SECTION 2. The first paragraph of section 52A of chapter 131 of the General Laws, inserted by section 3 of said chapter 971, is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:- The director of fisheries and wildlife is hereby authorized to establish rules and regulations relative to harvest, limit, method of taking, waters where eels may be taken, seasons, time and method of reporting harvest and all other matters pertaining thereto deemed necessary and expedient.

SECTION 3. Said section 52A of said chapter 131 is hereby further amended by striking out the fourth paragraph and inserting in place thereof the following paragraph:-

Whoever violates any provision of this section or any rule or regulation of the director shall be punished by a fine of not less than one hundred dollars or by imprisonment for not more than thirty days, or both.

Approved July 17, 1978

Chap. 474. AN ACT EXEMPTING THE OFFICE OF CHIEF OF POLICE OF THE TOWN OF STOUGHTON FROM THE CIVIL SERVICE LAW AND RULES.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any law to the contrary, the office of chief of police of the town of Stoughton shall be exempt from the provisions of chapter thirty-one of the General Laws; provided, however, that said chief of police may be removed from said office by the town manager upon a finding by him after a hearing that the public interest so requires said removal. Said hearing shall be public upon the written request of the chief of police made prior to the commencement of said hearing.

SECTION 2. Notwithstanding the provisions of any law to the contrary, the town manager of the town of Stoughton is hereby authorized to prescribe the duties, authority, and compensation of the office of the chief of police of said town. Any person to be appointed after the present incumbent to the office of said chief of police shall have at the time of said appointment served for a period of no fewer than seven years in a federal, state, county or local police agency in the United States and for at least two years prior to such appointment held the permanent rank of lieutenant or above.

SECTION 3. The state secretary shall cause to be placed on the official ballot to be used in the town of Stoughton by the registered voters of said town at the biennial state election to be held in the year nineteen hundred and seventy-eight the following question:- "Shall an act passed by the general court in the year nineteen hundred and seventy-eight entitled, 'An Act exempting the office of chief of police of the town of Stoughton 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 full effect, but not otherwise.

Approved July 17, 1978

Chap. 475. AN ACT FURTHER CLARIFYING CERTAIN DEFINITIONS UNDER THE VOCATIONAL EDUCATION LAW.

Be it enacted, etc., as follows:

SECTION 1. Chapter 74 of the General Laws is hereby amended by striking out sections 1 to 4, inclusive, and inserting in place thereof the following five sections:-

Section 1. The following words, as used in this chapter, shall have the following meanings unless the context otherwise requires:

"Agricultural education", vocational education fitting pupils for occupations connected with agriculture, the care of domestic animals, forestry and other wage earning or productive work on farm land.

"Allied health occupations", vocational education fitting students for occupations connected with health, to include direct and indirect care of patients and other wage earning or productive work within the health care area and related services.

"Approved", approved by the commissioner of education as to organization, control, location, equipment, courses of study, qualifications of teachers, methods of instruction, conditions of admission, employment of pupils and expenditures.

"Commissioner", the commissioner of education.

"Distributive occupations", those followed by workers directly engaged in merchandising activities, or in direct contact with consumers, retailers, jobbers, wholesalers and others when distributing the products of farm, commerce and industry, and when managing, operating or conducting a commercial service or personal service business, or selling the services of such a business. Such phrase shall not include clerical occupations such as stenographer, bookkeeper, office clerk, or industrial workers in transportation activities.

"Distributive occupations education", vocational education taught in part time and evening classes to workers engaged in distributive occupations.

"Evening class", in either an independent industrial school or an independent distributive occupations school, a class giving instruction for pupils employed during the working day, and which, to be called vocational, must deal with and relate to the day employment, subject, however, to section one of chapter two hundred and six of the General Acts of nineteen hundred and eighteen.

"Independent agricultural school", either a distinctive organization of courses, pupils and teachers designed for agricultural education, or a separate agricultural department in a high school, offering as elective work education in agriculture approved as vocational.

"Independent allied health occupations school", a vocational school for developing and improving skills in allied health occupa-

tions.

"Independent distributive occupations school", a vocational school for developing and improving skill in distributive occupations.

"Independent distributive occupations, industrial, agricultural, vocational home economics or allied health occupations school", an approved distinctive organization of courses, pupils and teachers for all types of vocational education herein defined.

"Independent vocational home economics schools", a vocational school for developing and improving skills in vocational home economics.

"Industrial education", vocational education fitting pupils for trades, crafts, and manufacturing pursuits.

"Net maintenance sum", the total sum raised by taxation and expended for maintaining approved local or district independent distributive occupations, industrial, vocational home economics and allied health occupations schools, and independent agricultural schools, other than departments in high schools, less the amount of tuition claims, paid or not, and receipts from the labor of pupils and sale of products; provided, that in the case of Smith's agricultural school there shall be added to the sum raised by local taxation the sum annually received by the city of Northampton from the Smith charities and expended for the maintenance of the school, and that in the case of the Henry O. Peabody school for girls at Norwood there shall be added to the sum raised by local taxation the sum annually received by the town of Norwood from the Peabody charities and expended for the maintenance of the school.

"Part time class", a vocational class in an independent distributive occupations, industrial, agricultural, or vocational home economics and allied health occupations school for pupils giving part of their working time to profitable employment, and part to the class when in session, if the instruction so received is complementary to the employment, except that the time given to instruction of part time or co-operative part time students in distributive occupations classes shall not exceed in each day, week or other unit of time as approved by the commissioner, the number of hours that the pupils are employed during the same unit of time.

"Practical arts class", a separate day or separate evening class in household or other practical arts the primary purpose of which is to fit pupils for profitable employment.

"State board", the board of education.

"Vocational education", education of which the primary purpose is to fit pupils for profitable employment.

"Vocational home economics", programs of instruction which are planned for the purpose of assisting pupils to prepare for employment involving knowledge and skills in the home economics subject areas. Without limiting the generality of the foregoing, subject areas in home economics shall include child development, family relationships, food and nutrition, clothing and textiles, family economics and home management, home furnishings and equipment and family health.

Section 2. The commissioner, under the direction of the state board, shall investigate and promote distributive occupations,

industrial, agricultural, vocational home economics and allied health occupations, and initiate and superintend the establishment and maintenance of school for the aforesaid forms of education, and shall supervise and approve such schools as provided in sections one to thirty-seven, inclusive.

Section 2A. The commissioner shall establish rules and regulations to promote the use of vocational students during their vocational studies by the city or town in which said students attend school, or in the case of a regional school district, the cities and towns comprising said district. Students shall not be permitted to perform work on projects which are outside the city or town or regional school district served by the school attended by said students, unless said projects have exceptional educational value as determined by the commissioner.

Section 3. Towns may, through school committees or boards of trustees elected for not more than five years, and known as local trustees for vocational education, establish and maintain independent distributive occupations, industrial, agricultural, vocational home economics and allied health occupations schools.

Section 4. Independent distributive occupations, industrial, agricultural, vocational home economics and allied health occupations schools may be established and maintained by districts composed of two or more towns, through boards to be known as district trustees for vocational education, consisting either of the chairman and two other members of the school committees of each town, to be appointed by such committees, or of three residents of each, to be elected by the towns.

SECTION 2. Said chapter 74 is hereby further amended by striking out section 5A, inserted by section 3 of chapter 471 of the acts of 1952, and inserting in place thereof the following section:-

Section 5A. Independent distributive occupations, industrial, agricultural, vocational home economics and allied health occupations schools may be established and maintained by regional school districts established under sections fourteen and fifteen of chapter seventy-one if the agreement for the establishment of the regional school district, either as originally adopted or as subsequently amended, so provides, and for that purpose the regional district school committee shall have the powers and perform the duties conferred or imposed by law upon local trustees for vocational education, and may be known as a board of regional school district trustees for vocational education.

SECTION 3. Said chapter 74 is hereby further amended by striking out section 6, as most recently amended by section 4 of chapter 599 of the acts of 1957, and inserting in place thereof the following section:-

Section 6. Local and district trustees for vocational education, administering independent distributive occupations, industrial, agricultural, vocational home economics and allied health occupations schools shall, under a scheme approved by the commissioner under the direction of the state board, appoint advisory committees

composed of representatives of local trades, industries and occupations, which shall consult with and advise the trustees or other officials managing and supervising such schools.

SECTION 4. Section 7 of said chapter 74, as appearing in section 5 of said chapter 599, is hereby amended by striking out, in lines 3 and 4, the words "household arts and practical nurse training" and inserting in place thereof the following words:- vocational home economics and allied health occupations.

SECTION 5. Section 9 of said chapter 74, as most recently amended by chapter 773 of the acts of 1974, is hereby further amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

The commonwealth shall annually pay one half the net maintenance sum to towns, or regional school districts, maintaining approved local or district regional school district independent distributive occupations, industrial, agricultural, vocational home economics or allied health occupations, except agricultural departments in high schools.

SECTION 6. Section 13 of said chapter 74, as appearing in section 7 of said chapter 599, is hereby amended by striking out, in line 2, the words "household arts and practical nurse training" and inserting in place thereof the words:- vocational home economics and allied health occupations.

SECTION 7. Said chapter 74 is hereby further amended by striking out section 14, as most recently amended by chapter 364 of the acts of 1969, and inserting in place thereof the following section:-

Section 14. Towns may, through school committees or trustees for vocational education, establish and maintain practical art classes. Such classes shall be open to persons over sixteen years of age, and may be established and maintained as approved state aided practical art classes under sections one to twenty-two, inclusive, so far as not inconsistent therewith.

Regional school districts established under sections fourteen and fifteen of chapter seventy-one, if the agreement for the establishment of the district, either as originally adopted or as subsequently amended, so provides, may through the regional district school committee establish and maintain such practical art classes.

School committees or trustees for vocational education may in addition to the courses approved by the department of education establish and maintain such evening practical art courses as in their opinion they deem expedient and necessary, and may, upon request to the state board and with its approval, hire provisionally in the absence of certified evening practical arts teachers such teachers who may not be certified but are qualified through experience to teach such practical arts courses until such time as such teachers are certified or certified evening practical arts teachers are available.

SECTION 8. Section 20 of said chapter 74, as appearing in section 21 of chapter 572 of the acts of 1965, is hereby amended by striking out, in lines 5 and 6, the words "household arts"

and inserting in place thereof the words:- vocational home economics and allied health occupations.

Approved July 17, 1978

Chap. 476. AN ACT DESIGNATING THE MISHAWUM BRIDGE IN THE CITY OF WOBURN, AS THE ALBERT J. WALL BRIDGE.

Be it enacted, etc., as follows:

The department of public works bridge, W-43-4, over the Boston & Maine Railroad on Mishawum road, in the city of Woburn shall be known and designated as the Albert J. Wall Bridge. Suitable markers bearing said designation shall be attached thereto by said department.

Approved July 17, 1978

Chap. 477. AN ACT AUTHORIZING THE CITY OF GARDNER TO GRANT ONE ADDITIONAL LICENSE FOR THE SALE OF ALCOHOLIC BEVERAGES TO BE DRUNK ON THE LICENSED PREMISES.

Be it enacted, etc., as follows:

Notwithstanding any limitation of the number of licenses that may be granted under section seventeen of chapter one hundred and thirty-eight of the General Laws, the city of Gardner may grant, in addition to the number authorized by said section seventeen, one additional license under the provisions of section twelve of said chapter one hundred and thirty-eight. Such additional license shall be subject to all the provisions of said chapter one hundred and thirty-eight except section seventeen.

Approved July 17, 1978

Chap. 478. AN ACT PROVIDING FOR THE ORDERLY ADMINISTRATION OF JUSTICE IN THE COMMONWEALTH.

Be it enacted, etc., as follows:

SECTION 1. It is the intent of the general court to promote the orderly and effective administration of the judicial system of the commonwealth. To that end the provisions of this act provide for an administrative consolidation of the several courts of trial jurisdiction, so as to encourage a broader availability of personnel and other resources for the hearing of all causes on an equitable basis by the several justices of the trial court, so-called, without in any way derogating from the rights of parties to all proceedings and without in any way impairing the validity of all judgments and orders of duly appointed justices in the commonwealth. Also in furtherance of the aforementioned intent, this act provides for increased powers, duties and responsibilities of certain judicial and non-judicial personnel, without in any way impairing the tenure and existing powers and authority of such personnel.

SECTION 2. Section 7 of chapter 4 of the General Laws is hereby amended by inserting after clause the Fifty-first the

following seven clauses:-

Fifty-second, "Superior court" shall mean the superior court department of the trial court, or a session thereof for holding court.

Fifty-third, "Land court" shall mean the land court department of the trial court, or a session thereof for holding court.

Fifty-fourth, "Probate court", "court of insolvency" or "probate and insolvency court" shall mean a division of the probate and family court department of the trial court, or a session thereof for holding court.

Fifty-fifth, "Housing court" shall mean a division of the housing court department of the trial court, or a session thereof for holding court.

Fifty-sixth, "District court" or "municipal court" shall mean a division of the district court department of the trial court, or a session thereof for holding court, except that when the context means something to the contrary, said words shall include the Boston municipal court department.

Fifty-seventh, "Municipal court of the city of Boston" shall mean the Boston municipal court department of the trial court, or a session thereof for holding court.

Fifty-eighth, "Juvenile court" shall mean a division of the juvenile court department of the trial court, or a session thereof for holding court.

SECTION 3. The first sentence of section 116 of chapter 6 of the General Laws is hereby amended by striking out, in lines 8 and 9, as appearing in chapter 161 of the acts of 1975, the words "chief justice of the district courts, the executive secretary of the supreme judicial court" and inserting in place thereof the following words:- administrative justice for the district court department, the administrator of courts for the trial court.

SECTION 4. The first paragraph of section 156 of said chapter 6 is hereby amended by striking out the first sentence, as amended by chapter 321 of the acts of 1977, and inserting in place thereof the following three sentences:- There shall be a committee on criminal justice, hereinafter called the committee, to consist of the attorney general who shall be chairman, the district attorneys of the several districts, the secretary of the executive office of public safety, the chairman of the parole board, the commissioner of correction, the commissioner of probation, the commissioner of public safety, the commissioner of youth services, the commissioner of the metropolitan district commission, the police commissioner of the city of Boston, and twenty-three persons to be appointed to one-year terms by the governor to consist of the following: one designee of the chief justice of the supreme judicial court or the appeals court, one designee of the administrative justice for each of; the superior court department, the district court department and the Boston municipal court department, one member of the house of representatives, one member of the senate, two chief executive officers of cities at least one of whom shall represent a city with a population of more than one hundred thousand persons, one selectman and four members of a city or town police department; provided, however, that not more than two of such four members shall be

chiefs of police, one county sheriff, one representative of the Massachusetts defenders committee, one representative of the judicial council, one representative of a local model cities program and three individuals knowledgeable and experienced in the prevention of juvenile delinquency and the rehabilitation of delinquent youths; provided, however, that at least two of such individuals shall not be employees of the commonwealth and shall be representative of community-based delinquency programs, and four other individuals none of whom shall be officers or employees of the commonwealth or any political subdivision thereof; provided, however, that at least two of said individuals shall be residents of an area in the commonwealth which has high incidence of crime. Upon the expiration of the term of an appointive member, he shall serve until the qualification of his successor, who shall be appointed in like manner. Any vacancy among appointive positions on the committee due to causes other than the expiration of a term shall be filled for the remainder of the term by the governor.

SECTION 5. The first paragraph of section 168 of said chapter 6, as appearing in section 1 of chapter 805 of the acts of 1972, is hereby amended by striking out, in lines 4 and 5, the words "chief justice of the district courts, the chief justice of the superior court" and inserting in place thereof the words:- administrative justice for the district court department, the administrative justice for the superior court department.

SECTION 6. Section 28A of chapter 7 of the General Laws is hereby amended by striking out the third paragraph, as amended by section 13 of chapter 835 of the acts of 1974, and inserting in place thereof the following paragraph:-

Said administrator may enter into agreements with the supreme judicial court, the chief administrative justice of the trial court or with the administrative justices of the several departments of the trial court for programs for the continuing education of judges and other court personnel.

SECTION 7. Section 18 of chapter 12 of the General Laws, as amended by section 5 of chapter 423 of the acts of 1948, is hereby further amended by striking out the second sentence and inserting in place thereof the following sentence:- The compensation of any person employed or appointed hereunder shall be paid by the commonwealth.

SECTION 8. Said chapter 12 is hereby further amended by striking out section 19, as appearing in the Tercentenary Edition, and inserting in place thereof the following section:-

Section 19. The district attorney for the Suffolk district may appoint a messenger and with the approval of the administrative justice for the superior court department, such stenographers, telephone operators and other office assistants as in his opinion the interests of the commonwealth require. The compensation of any person appointed hereunder shall be paid by the commonwealth, and any such person may be removed by said district attorney at his pleasure.

SECTION 9. Said chapter 12 is hereby further amended by

striking out section 20, as most recently amended by chapter 1006 of the acts of 1973, and inserting in place thereof the following section:-

Section 20. The district attorneys may each employ additional legal assistants, with the approval of the administrative justice for the superior court department. The length of time of such employment, shall in no instance exceed six months. The amount of compensation shall be determined by the district attorney, with the approval of said administrative justice, providing that for legal assistants who devote their entire time to the duties of legal assistants and do not, either directly or indirectly, engage in the private practice of law said compensation shall in no instance exceed ten thousand dollars and for part time legal assistants shall in no instance exceed five thousand dollars. Such compensation shall be paid, subject to appropriation, by the commonwealth upon presentation of bills approved by the district attorney, and by said administrative justice. In matters connected with the work for which he is so employed, a legal assistant shall have all the powers and authority of an assistant district attorney.

SECTION 10. Said chapter 12 is hereby further amended by striking out sections 22 to 25A, inclusive, and inserting in place thereof the following five sections:-

Section 22. The district attorney for the Northern, Norfolk and Plymouth districts may employ such persons for clerical or stenographic work as may be approved by any justice of the superior court, and may remove them at his pleasure. Their compensation shall be paid by the commonwealth.

Section 23. Except as otherwise provided in section twenty-four of this chapter and in section fifteen of chapter two hundred and seventy-six, district attorneys and assistant district attorneys shall receive for traveling expenses necessarily incurred in the performance of their official duties such sums as shall be approved by a justice of the superior court, to be paid by the commonwealth. In each district the traveling and contingent expenses incurred by the district attorney, or his designee, while attending conventions that have been convened for the purpose of considering questions of law reform or statistics and other legal matters affecting the welfare of the people, and the membership dues of the district attorney, or his designee, in the National District Attorney Association, shall, subject to appropriation, be paid by the commonwealth, upon receipt of a certificate from the district attorney that they were necessarily incurred under the provisions of this section, and upon the approval of a justice of the superior court.

Section 24. A district attorney, in the name of the commonwealth, may contract such bills for stationery, experts, travel outside of the commonwealth by witnesses required by the commonwealth in the prosecution of cases, for necessary expenses incurred by himself or by officers and others under his direction in going outside of the commonwealth for the purpose of searching for or bringing back for trial persons under indictment or against whom

complaints are pending in his district, and for such other expenses as may in his opinion be necessary for the proper conduct of his office in the investigation of or preparation and trial of criminal cases; and all such bills shall be paid by the commonwealth upon a certificate by the district attorney that they were necessarily incurred in the proper performance of his duty, otherwise upon the approval of a justice of the superior court.

Section 25. Money to be used for the necessary expenses to be incurred by officers, under the direction of a district attorney, in going outside of the commonwealth for the purpose of searching for, or bringing back for trial, persons under indictment in any county in the district of said district attorney shall be advanced by the treasurer of the commonwealth, upon the presentation of a certificate signed by the district attorney and approved in the manner provided in the preceding section for approving bills incurred by district attorneys. After their return, such officers shall account for such money by filing with the treasurer itemized vouchers duly sworn to, approved by the district attorney and also approved in the manner provided in the preceding section for approving bills incurred by district attorneys. Such vouchers shall show the necessary expenses so incurred, and the difference between the amount advanced as aforesaid and the amount of the vouchers so approved shall be paid to the treasurer within thirty days after such return.

Section 25A. Money to be used for necessary expenses to be incurred in the performance of the duties of a district attorney in relation to any investigation or proceeding in any county in his district, to an amount not exceeding twenty-four thousand dollars in any one year, shall be advanced to him by the treasurer of the commonwealth, or placed to his credit for advance under his direction to persons designated by him, upon the presentation of a certificate signed by him certifying that such amount is necessary for use as aforesaid. Every sum so advanced shall be accounted for by the said district attorney within two months after such advance and said accounts shall be approved in the manner provided in section twenty-four for approving bills incurred by district attorneys; provided, that all sums so advanced by the treasurer during any financial year shall be accounted for, and any unexpended balances thereof be repaid to said treasurer, prior to January tenth next following the close of said financial year.

SECTION 11. The second paragraph of section 4 of chapter 27 of the General Laws, as appearing in section 1 of chapter 994 of the acts of 1971, is hereby amended by striking out, in lines 2 and 3, the words "chief justice of the superior court" and inserting in place thereof the words:- administrative justice for the superior court department.

SECTION 12. The General Laws are hereby further amended by inserting after chapter 29 the following chapter:-

CHAPTER 29A.
FINANCING OF THE JUDICIAL SYSTEM.

Section 1. All costs of maintenance and operation of the judicial branch shall be paid by the commonwealth. The operation of a registry of deeds and office of an assistant recorder of the land court in connection therewith shall not constitute a court operation. As used in this chapter and notwithstanding any other law to the contrary, "costs of maintenance and operation of the judicial branch" shall include all costs and expenses related to the operation of the supreme judicial court, the appeals court, the trial court and its departments and divisions, district attorneys' offices, law libraries, registries of probate, clerks' offices and expenses incurred for assignment by the court of counsel as the court determines, and without limiting the generality of the foregoing shall also include all salaries of probation and court officers and other persons employed in such courts, offices and places, but in no event shall costs include any costs or expenses related to registries of deeds, sheriffs' offices, county jails or county houses of correction, except as otherwise provided by law.

Section 2. All books, papers, equipment, furnishings, uniforms, supplies, records and documents purchased by the counties and in the custody of or maintained primarily for the use of the judicial branch are hereby declared to be the property of the commonwealth, and shall be under the control of the judicial branch thereof.

Section 3. All fees, fines, forfeitures, penalties and any other receipts or income of any kind paid to or received by any of the courts, clerks, registers, recorders or other officers or employees of the judicial branch shall be paid into the general fund of the commonwealth except as otherwise specifically provided by law. The provisions of this section shall not include a registry of deeds and office of an assistant recorder of the land court in connection therewith.

Section 4. Notwithstanding the provisions of section thirty-four of chapter thirty-five, suitable quarters and space as are now occupied or may in the future be occupied by the judicial branch in buildings owned by a county, city or town shall be rented by the judicial branch from such county, city or town and the rent paid shall be equitably established taking into account the cost of maintenance, repairs, utilities and the annual debt service provided or paid by such county, city or town with respect to such building; provided, however, that in no event shall the portion of the rent established on account of annual debt service paid on the building exceed a fraction, the denominator of which is the total square feet of usable floor space within the building and the numerator of which is the total square feet of usable floor space occupied by the judicial branch. In the event the parties are unable to agree to the rent that should be established, the state superintendent of buildings shall, after hearing if requested by either party, establish such rent, provided however that either party may appeal to the supreme judicial court. The chief administrative justice shall be responsible for negotiating leases between the judicial branch and other parties, subject to the approval of the chief justice of the supreme judicial court,

and in compliance with laws and regulations governing state leases.

Notwithstanding the provisions of this section, no payments for rent shall exceed the prevailing rent a commercial establishment would pay for comparable space in that geographic area, excluding that portion of said prevailing rent attributable to property taxes.

Section 5. If all or substantially all of any building owned by a county, city or town is occupied by the judicial branch, then the chief justice of the supreme judicial court, upon the recommendation of the chief administrative justice of the trial court, if applicable, may recommend to the general court that such building be acquired by the commonwealth. Any such recommendation shall be accompanied by an estimate of the fair market value of the property, and an estimate of the cost of maintenance, repair and necessary operating expenses.

SECTION 13. Chapter 32 of the General Laws is hereby amended by striking out section 65A, as most recently amended by section 1 of chapter 883 of the acts of 1973, and inserting in place thereof the following section:-

Section 65A. A chief justice or any associate justice of the appeals court, or any justice of the trial court of the commonwealth, who was appointed to any such judicial office prior to January second, nineteen hundred and seventy-five, and a chief justice or any associate justice of the supreme judicial court, and who shall be retired under Article LVIII of the Amendments to the Constitution shall thereupon be entitled to receive pension for life at an annual rate equal to three fourths of the annual rate salary payable to him at the time of such retirement, to be paid from the same source and in the same manner as the salaries of like judicial officers of his court are paid.

Said chief justice, justice, associate justice, judge, or associate judge of any such court or courts, subject to the above limitations and, who after having served in any such office or offices at least fifteen years continuously, notwithstanding that this continuous service may involve one or more appointments made subsequent to January second, nineteen hundred and seventy-five, and having attained the age of sixty-five years but not having attained the age of seventy years, shall retire from or resign his office, shall thereupon be entitled to receive a pension for life at an annual rate equal to three fourths of the annual rate of salary payable to him at the time of such resignation or retirement, to be paid from the same source and in the same manner as the salaries of like judicial officers of his court are paid. A chief justice, justice, associate justice, judge or associate judge of any such court who does not qualify for a pension under any of the foregoing provisions of this section upon his retirement under Article XCVIII of the Amendments to the Constitution at age seventy shall thereupon be entitled to receive a pension for life at an annual rate equal to ten per cent of three fourths of the salary of the office from which he retired at the time of such retirement or resignation multiplied by the number of years not exceeding ten, and fractions thereof consisting of a month or

more which he has served in such office, or offices, to be paid from the same source and in the same manner as the salaries of like judicial officers of his court are paid. For the purposes of this paragraph a year of previous service as a special justice shall be computed by dividing the number of days of actual sittings in such capacity by two hundred and sixty, whether or not such sittings occurred in one calendar or fiscal year. A chief justice, justice, associate justice, judge or associate judge of any such court or courts shall be deemed to have served continuously, although a period not in excess of thirty days shall have intervened between the holding of one judicial office and the holding of another judicial office.

A justice of a district court who is retired under Article LVIII of the Amendments to the Constitution or who resigns in accordance with the provisions of this section, and who has served continuously for ten years prior to such retirement or resignation in the appellate division of a district court or in the superior court under the provisions of sections fourteen B to fourteen E, inclusive, of chapter two hundred and twelve, or corresponding provisions of earlier laws, or as a member of the administrative committee of the district courts, shall, in addition to all other amounts received under the provisions of this section, be entitled to receive a pension for life equal to three fourths of the average annual compensation paid him for such service during the ten years next preceding such retirement or resignation.

For the purposes of this section any chief justice, judge or justice appointed to the superior court, the land court, a housing court, the Boston municipal court, a juvenile court, a probate court or a district court who is holding office on July first, nineteen hundred and seventy-eight, shall be deemed to have been appointed to the trial court. Any such chief justice, justice or judge who is retired or who has resigned from any such court prior to July first, nineteen hundred and seventy-eight, shall continue to receive the pension he was entitled to receive at the time of such retirement or resignation.

SECTION 14. Said chapter 32 of the General Laws is hereby further amended by striking out sections 65D to 65F, inclusive, and inserting in place thereof the following four sections:-

Section 65D. A chief justice or any associate justice of the appeals court or any justice of the trial court of the commonwealth, appointed on or after January second, nineteen hundred and seventy-five, and who is not included under sections sixty-five A or sixty-five B by way of previous appointment to judicial office, shall be subject to the following retirement provisions. No other retirement provisions shall be applicable to judges first appointed on or after January second, nineteen hundred and seventy-five, except as provided in section sixty-five A in the case of a chief justice or an associate justice of the supreme judicial court.

(a) Any such judge appointed on or after January second, nineteen hundred and seventy-five shall be subject to this section within ninety days of his appointment.

(b) There shall be deducted and withheld from the salary of each judge appointed on or after January second, nineteen hundred and seventy-five, a sum equal to seven per cent of the

salary of such judge. The amounts so deducted and withheld from the salary of each judge shall, in accordance with such procedures as may be prescribed by the retirement board of the retirement system established for the particular governmental unit from which such judge receives his regular compensation, be deposited to the credit of a fund to be known as the "judges retirement fund". The amounts so deducted shall be credited to the individual accounts of the respective members for whom such deductions have been made in such manner as may be prescribed by the retirement board.

(c) Each such judge first appointed to judicial office on or after January second, nineteen hundred and seventy-five and who (1) shall be retired under Article LVIII of the Amendments to the Constitution, or (2) shall have served in such office or offices for at least fifteen years continuously and has attained the age of sixty-five years but not having attained the age of seventy, and shall resign his office, shall thereupon be entitled to receive a retirement allowance for life at an annual rate equal to three fourths of the annual rate of salary payable to him at the time of such retirement or resignation. For the purpose of clause (2), a year of service as a special justice shall be computed by dividing the number of days of actual sittings in such capacity by two hundred and sixty, whether or not such sittings occurred in one calendar or fiscal year, provided that such judge deposits into the judges' retirement fund an amount equal to seven per cent of the compensation received by him during such period of service as a special justice plus regular interest to the date of such deposit. A judge shall be deemed to have served continuously, although a period not in excess of thirty days shall have intervened between the holding of one judicial office and the holding of another judicial office.

(d) Any such judge who does not qualify for a retirement allowance under the provisions of paragraph (c) upon his retirement under Article XCVIII of the Amendments to the Constitution at age seventy shall thereupon be entitled to receive a retirement allowance for life at an annual rate equal to ten per cent of three fourths of the salary of the office from which he retired at the time of such retirement multiplied by the number of years not exceeding ten, and fractions thereof consisting of a month or more which he has served in such office or offices. For the purposes of this paragraph, a year of service as a special justice shall be computed by dividing the number of days of actual sittings in such capacity by two hundred and sixty, whether or not such sittings occurred in one calendar or fiscal year, provided that such judge deposits into the judges' retirement fund an amount equal to seven per cent of the compensation received by him during such period of service as a special justice plus regular interest to the date of such deposit. A judge shall be deemed to have served continuously, although a period not in excess of thirty days shall have intervened between the holding of one judicial office and the holding of another judicial office.

(e) A justice of a district court who is retired under Article LVIII of the Amendments to the Constitution or who resigns in accordance with the provisions of this section, and who has served continuously for ten years prior to such retirement or

resignation in the appellate division of a district court or in the superior court under the provisions of sections fourteen B to fourteen E of chapter two hundred and twelve, or corresponding provisions of earlier laws, or as a member of the administrative committee of the district courts, shall, in addition to all other amounts received under the provisions of this section, be entitled to receive a retirement allowance for life equal to three fourths of the average annual compensation paid him for such services during the ten years next preceding such retirement or resignation, provided that such justice deposits into the judges' retirement fund an amount equal to seven per cent of the compensation received by him during such period of service plus regular interest to the date of such deposit.

(f) If any such judge resigns from office and does not meet the requirements for retirement or resignation set forth in paragraph (c) or (d) of this section the amount credited to his individual account plus interest shall be returned to him within thirty days of such resignation.

(g) The provisions of section sixty-five C shall apply to those judges first appointed on or after January second, nineteen hundred and seventy-five.

(h) The payment of pensions, annuities, retirement allowance and refunds to the various judges who are retired or who resign under the provisions of this section, to the various judges subject to the provisions of the fourth paragraph of section sixty-five B, and to the surviving spouses of such judges under the provisions of section sixty-five C shall be made from the judges' retirement fund, provided that any amount needed for the payment of such pensions, annuities, retirement allowances or refunds in excess of the amount on deposit in the judges' retirement fund shall be paid from the same source from which the salaries of like judicial officers of the courts of such various judges are paid.

For the purposes of this section any judge or justice appointed to the superior court, the land court, a housing court, the Boston municipal court, a juvenile court, a probate court or a district court, who is holding office on July first, nineteen hundred and seventy-eight, shall be deemed to have been appointed to the trial court. Any such chief justice, justice or judge who is retired or who has resigned from any such court prior to July first, nineteen hundred and seventy-eight shall continue to receive the pension he was entitled to receive at the time of such retirement or resignation.

Section 65E. (a) A chief justice or any associate justice of the supreme judicial court, who is retired from his office may notify the chief justice of the supreme judicial court in writing that he wishes his name to be placed upon the list of retired justices of the supreme judicial court. The chief justice of the supreme judicial court may place the name of any such chief justice or associate justice on the list of retired justices of the supreme judicial court. With respect to those whose names have been placed on such list upon retirement, any retired chief justice or associate justice or any surviving spouse of such chief justice or associate justice shall be entitled to the same pension

and all other benefits which he or his surviving spouse would have been entitled to receive if he had retired without his name having been placed on such list, notwithstanding any other law to the contrary, and a vacancy shall exist in the office theretofore occupied by such retired chief justice or associate justice.

(b) A retired chief justice or associate justice of the supreme judicial court whose name has been placed on a list of retired justices or judges shall be eligible, for a term of two years, to perform judicial duties only as provided in section twenty-four of chapter two hundred and eleven, provided that he likewise shall be eligible to perform judicial duties for succeeding two year terms upon request, with the reapproval of the chief justice of the supreme judicial court, for each succeeding term.

(c) If such retired chief justice or associate justice no longer wishes to be eligible to perform judicial duties pursuant to said section twenty-four of said chapter two hundred and eleven, he may at any time after having his name placed upon a retired list resign his office, and thereafter he or his surviving spouse shall be, and continue to be, entitled to receive the same pension and all other benefits which he or his surviving spouse would have been entitled to receive if he had not had his name placed on such list, notwithstanding any other law to the contrary.

(d) A retired chief justice or associate justice of the supreme judicial court, while eligible to perform judicial duties shall not engage in the practice of law directly or indirectly, and shall not hold any office which is incompatible with holding the office of judge of the court of which he is on the retired list under the provisions of Article II of Chapter VI of Part the Second of the Constitution of the Commonwealth or of Article VIII of the Amendments thereto.

Section 65F. (a) A chief justice or any associate justice of the appeals court, who is retired from his office may notify the chief justice of the supreme judicial court in writing that he wishes his name to be placed upon the list of retired justices of the appeals court. The chief justice of the supreme judicial court may place the name of any such chief justice or associate justice on the list of retired justices of the appeals court. With respect to those whose names have been placed on such list upon retirement, any retired chief justice or associate justice or any surviving spouse of such chief justice or associate justice shall be entitled to the same pension and all other benefits which he or his surviving spouse would have been entitled to receive if he had retired without his name having been placed on such list, notwithstanding any other law to the contrary, and a vacancy shall exist in the office theretofore occupied by such retired chief justice or associate justice.

(b) A retired chief justice or associate justice of the appeals court whose name has been placed on a list of retired justices or judges shall be eligible, for a term of two years, to perform judicial duties only as provided in section sixteen of chapter two hundred and eleven A, provided that he likewise shall be eligible to perform judicial duties for succeeding two year terms upon his request, with the reapproval of the chief justice of the supreme judicial court, for each succeeding term.

(c) If such retired chief justice or associate justice no longer wishes to be eligible to perform judicial duties pursuant to said section sixteen of said chapter two hundred and eleven A, he may at any time after having his name placed upon a retired list resign his office, and thereafter he or his surviving spouse shall be, and continue to be, entitled to receive the same pension and all other benefits which he or his surviving spouse would have been entitled to receive if he had not had his name placed on such list, notwithstanding any other law to the contrary.

(d) A retired chief justice or associate justice of the appeals court, while eligible to perform judicial duties shall not engage in the practice of law directly or indirectly, and shall not hold any office which is incompatible with holding the office of judge of the court of which he is on the retired list under the provisions of Article II of Chapter VI of Part the Second of the Constitution of the Commonwealth or of Article VIII of the Amendments thereto.

Section 65G. (a) Any justice of a department of the trial court who is retired from his office may notify the chief justice of the supreme judicial court in writing that he wishes his name to be placed upon the list of retired justices of the trial court of the commonwealth. Said chief justice may place the name of any such justice on the list of retired justices for the trial court of the commonwealth. With respect to those whose names have been placed on such list upon retirement, any retired justice or any surviving spouse of a retired justice shall be entitled to the same pension and all other benefits which he or his surviving spouse would have been entitled to receive if he had retired without his name having been placed on such list, notwithstanding any other law to the contrary, and a vacancy shall exist in the office theretofore occupied by such retired justice.

(b) A retired justice whose name has been placed on a list of retired justices shall be eligible, for a term of two years, to perform judicial duties only as provided in section fourteen of chapter two hundred and eleven B, provided that he likewise shall be eligible to perform judicial duties for succeeding two year terms upon request, with the reapproval of the chief justice of the supreme judicial court, for each succeeding term.

(c) If such retired justice no longer wishes to be eligible to perform judicial duties pursuant to said section fourteen of said chapter two hundred and eleven B, he may at any time after having his name placed upon a retired list resign his office, and thereafter he or his surviving spouse shall be, and continue to be, entitled to receive the same pension and all other benefits which he or his surviving spouse would have been entitled to receive if he had not had his name placed on such list, notwithstanding any other law to the contrary.

(d) A retired justice eligible to perform judicial duties shall not engage in the practice of law directly or indirectly, and shall not hold any office which is incompatible with holding the office of a justice of the trial court of which he is on the retired list under the provisions of Article II of Chapter VI of Part the Second of the Constitution of the Commonwealth or of Article VIII of the Amendments thereto.

(e) Any justice who has been retired from any predecessor

court to a department, or a division thereof, of the trial court, shall be eligible for service as hereinbefore provided to the same extent as if he had been retired from the trial court.

SECTION 15. Paragraph (a) of section 91 of said chapter 32, as most recently amended by section 2 of chapter 864 of the acts of 1975, is hereby further amended by striking out the first sentence and inserting in place thereof the following sentence:-

No person while receiving a pension or retirement allowance from the commonwealth, or from any county, city, town or district, shall, after the date of his retirement be paid for any service rendered to the commonwealth or any county, city, town or district, except upon his return and restoration to active service as ordered by the appropriate retirement board after reexamination in case of retirement for disability, for jury service, for services as a retired chief justice or associate justice under the provisions of section twenty-four of chapter two hundred and eleven, for services as a retired chief justice or associate justice under the provisions of section sixteen of chapter two hundred and eleven A, for services as a retired justice under the provisions of section fourteen of chapter two hundred and eleven B, for service rendered in an emergency under section sixty-eight, sixty-nine or eighty-three, for work as an election officer at a polling place at a primary or election, for service in a public office to which he has thereafter been elected by direct vote of the people, for service rendered as an appointee under section sixteen of chapter two hundred and eight or section fifty-six A of chapter two hundred and fifteen, for service rendered when recalled under section fifteen A of chapter twenty-three, for service in a confidential capacity under section seven of chapter thirty in the executive department, or in the department of the state secretary, the state treasurer, the state auditor or the attorney general, for services rendered as an auditor or master by appointment of the probate court, the superior court or the supreme judicial court, for contractual service, or service as a nonemployee, rendered to the general court, for service as a physician, or as a member of a medical panel or similar board under this chapter, aggregating not more than thirty days in any year, or for emergency service for a period not to exceed one year in any position after certification that an emergency exists, that a vacancy exists, and that no person having the same or similar skill is available for such position, which certification shall, in each instance, be made by the appointing authority and, if the position is subject to the civil service laws or in the case of a state employee holding a position not subject to the provisions of chapter thirty-one, by the personnel administrator, in the case of a county employee, by the board of county commissioners, in the case of a city employee, by the city manager in a city having a Plan D or Plan E charter and by the mayor in any other city, and in the case of a town employee, by the board of selectmen; provided, that there shall be deducted from the compensation for the services of any person employed in a confidential capacity or for emergency service other than service rendered in an emergency under section sixty-eight, sixty-nine or eighty-three, as aforesaid, an amount equal to the retirement

allowance or pension received by him.

SECTION 16. Chapter 639 of the acts of 1950 is hereby amended by striking out section 16A, inserted by section 5 of chapter 579 of the acts of 1968, and inserting in place thereof the following section:-

Section 16A. During a state of emergency, the administrative justice of the district courts may direct that a district court shall be held at any place or places, including other district courthouses, outside the district of which said court has jurisdiction, and at such times, including Sundays, as he may direct; and said administrative justice may direct justices, clerks, probation officers and any other personnel of other district courts to act as such in a district court other than their own; and with the concurrence of the administrative justice of the municipal court of the city of Boston, the administrative justice of the district courts may direct any district court to hold sessions in the said municipal courthouse, and may employ such justices, clerks, probation officers or other personnel of said municipal court as the administrative justice of the said municipal court may designate; and the administrative justice of the municipal court of the city of Boston may direct that said court shall be held at any place or places outside the district over which said court has jurisdiction, and at such times, including Sundays, as he may direct; and with the concurrence of the administrative justice of the district courts, the administrative justice of the municipal court of the city of Boston may direct that the municipal court hold sessions in any district courthouse, and may employ such justices, clerks, probation officers or other personnel of any district court as the administrative justice of the district court may designate; and with the concurrence of the administrative justice of the superior court, the administrative justice of the district courts or the administrative justice of the municipal court of the city of Boston may order the holding of sessions of any district court or said municipal court in any premises of the superior court that the administrative justice of the superior court may designate; and with the concurrence of the justice of the Boston juvenile court and the administrative justice of the district courts, jurisdiction over any matters pending in said juvenile court may be transferred to another court as defined in section fifty-two of chapter one hundred and nineteen of the General Laws, and jurisdiction of any matter so transferred shall remain therein after the termination of the emergency unless the administrative justice of the district courts and the justice of the Boston juvenile court concur that said matter ought to be transferred back to the Boston juvenile court. In the event of the absence from the commonwealth, illness or other disability of the justice of the Boston juvenile court, the administrative justice of the district courts may act as aforesaid without his concurrence; and in the event of any such disability of any of said administrative justices to act as aforesaid, any other justice previously designated by any of said administrative justices may act in his stead, or if no such designation has been made, or if a justice so designated is similarly disabled, or in any other instance where the chief justice of the supreme judicial court shall deem

it necessary, the chief justice of the supreme judicial court may act in his stead or designate any other justice of any court so to act.

SECTION 17. Section 3 of chapter 34 of the General Laws is hereby amended by striking out the first sentence, as appearing in the Tercentenary Edition, and inserting in place thereof the following sentence:- Each county shall provide suitable jails, houses of correction, fireproof offices and other public buildings necessary for its use except that the county of Dukes need not provide a house of correction, and that Boston shall provide necessary public buildings for Suffolk county.

SECTION 18. The first sentence of section 14 of said chapter 34, as so appearing, is hereby amended by striking out, in line 3, the words "court houses,".

SECTION 19. Chapter 35 of the General Laws is hereby amended by striking out section 7, as so appearing, and inserting in place thereof the following section:-

Section 7. The treasurer shall be provided by the county with an office and shall be allowed such clerical assistance as shall be approved by the county commissioners with compensation payable by the county.

SECTION 20. Section 11 of said chapter 35 is hereby amended by striking out the first sentence, as most recently amended by section 1 of chapter 694 of the acts of 1974, and inserting in place thereof the following sentence:- No payments, except payments of expenses in criminal prosecutions or for assignment of counsel by a court, in either case as authorized by law, or of the compensation or salaries of elected county officers other than a clerk of courts, a district attorney, a register of probate or other officer whose salary is provided for in section ninety-four of chapter two hundred and twenty-one, or of outstanding notes or bonds and of interest thereon, reasonable expenses incurred by the treasurer as a party in representing the county which have been certified by the director of accounts, and non-contributory pensions authorized under any general or special law, shall be made by a treasurer except upon orders drawn and signed by a majority of the county commissioners, certified by their clerk and accompanied, except in Suffolk county, by the original bills, vouchers or evidences of county indebtedness for which payment is ordered, stating in detail the items and confirming the account.

SECTION 21. Said chapter 35 is hereby further amended by striking out section 12, as amended by section 2 of said chapter 694, and inserting in place thereof the following section:-

Section 12. Original bills or vouchers for services and expenses incident to the sittings of the supreme judicial or superior court under section eight of chapter two hundred and thirteen or for court costs for indigent parties in the supreme judicial, appeals, or superior courts, or in any probate, district, municipal, juvenile or housing court under section twenty-seven A to twenty-seven G, inclusive, of chapter two hundred and sixty-one, shall be delivered to the state treasurer.

SECTION 22. Section 19 of said chapter 35 is hereby amended by striking out the first paragraph, as appearing in the Tercentenary Edition, and inserting in place thereof the following paragraph:-

County salaries shall, except as otherwise provided, be payable in monthly installments on the first day of the month.

SECTION 23. Section 22 of said chapter 35, as most recently amended by chapter 87 of the acts of 1952, is hereby further amended by striking out the third sentence and inserting in place thereof the following sentence:- Interest thereon shall be paid to the county, except that interest accruing to deposits by registers of probate and clerks of courts shall be paid to the commonwealth; provided, that interest accruing on the deposit as aforesaid of any money paid to any official mentioned in this section which is so paid under order of a court or which is otherwise subject to the direction of a court shall, if the court so directs, be paid to the parties entitled to the principal fund of such deposit.

SECTION 24. Said chapter 35 is hereby further amended by striking out section 22A, inserted by chapter 27 of the acts of 1975, and inserting in place thereof the following section:-

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

SECTION 25. Said chapter 35 is hereby further amended by striking out section 23, as amended by section 6 of chapter 849 of the acts of 1969, and inserting in place thereof the following section:-

Section 23. Money paid into the courts in any county shall, if possible be placed at interest by the clerks thereof, and the interest shall be available for the uses of the commonwealth unless the court directs it to be paid to the parties to the litigation in connection with which such money was paid into court. All interest in the custody of any clerk of said courts not directed to be paid as aforesaid, remaining after payment by order of the court of the principal fund to parties litigant entitled thereto, shall annually be paid to the state treasurer between the first and tenth days of each fiscal year, to be used for the general purposes of the commonwealth.

SECTION 26. Section 26 of said chapter 35 is hereby amended by striking out the last sentence, as appearing in the Tercentenary Edition, and inserting in place thereof the following sentence:- They shall present a table showing the salaries paid to county officers, stating separately those prescribed by law, a statement of the county debt, giving the date when each obligation will mature and the rate of interest, stating separately the loans made in anticipation of taxes and permanent loans, a statement of

the amount of county taxes due and unpaid, and a list of the assets of the county, including land, buildings, furniture in jails and other public buildings.

SECTION 27. The first paragraph of section 34 of said chapter 35, as most recently amended by chapter 44 of the acts of 1975, is hereby further amended by striking out the last sentence and inserting in place thereof the following sentence:- Rentals and leases of real property may be entered into for a period not to exceed five years, provided that such limitation shall not apply to leases with the judicial branch of the commonwealth.

SECTION 28. Section 49 of said chapter 35 is hereby amended by striking out the first sentence, as most recently amended by section 3 of chapter 731 of the acts of 1972, and inserting in place thereof the following sentence:- Every office and position the salary of which is wholly payable from the treasury of one or more counties, or from funds administered by and through county officials, excluding the offices of county commissioners, the register of deeds and the assistant registers of deeds for the county of Suffolk, the sheriff of the county of Suffolk, and excluding offices and positions filled by appointment of the governor with the advice and consent of the council, and offices and positions payable under chapter twenty-nine A, shall be classified by the board in the manner provided by sections forty-eight to fifty-six, inclusive, and every such office and position, now existing or hereafter established, shall be allocated by the board to its proper place in such classification.

SECTION 29. The third paragraph of section 51 of said chapter 35 is hereby amended by striking out the first sentence, as most recently amended by chapter 8 of the acts of 1976, 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, 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.

SECTION 30. Paragraph (1) of section 51B of said chapter 35 is hereby amended by striking out the introductory paragraph, as appearing in section 2 of chapter 621 of the acts of 1957, and inserting in place thereof the following paragraph:-

Said classification and compensation plans shall be amended so that each office and position shall be allocated by said board to the proper job group in the following salary schedule; except that, in the case of elected officials, patient help, part time officers or employees, or in unusual circumstances, the board may fix salaries or wages for individual positions upon notice to

the county commissioners and employing authority, and in such cases the positions shall not be allocated in said salary schedule:.

SECTION 31. Chapter 37 of the General Laws is hereby amended by striking section 16, as appearing in the Tercentenary Edition, and inserting in place thereof the following section:-

Section 16. Sheriffs, by themselves or by their deputies may attend any session of the supreme judicial and superior courts in their respective counties, as may be requested by the chief administrative justice, and when required, meetings of the county commissioners. Notwithstanding any other provision of law, sheriffs shall not be required to supervise any officers for attendance on the various courts.

SECTION 32. The first paragraph of section 17 of chapter 40A of the General Laws, as appearing in section 3 of chapter 808 of the acts of 1975, is hereby amended by striking out the first sentence and inserting in place thereof the following two sentences:- Any person aggrieved by a decision of the board of appeals or any special permit granting authority, whether or not previously a party to the proceeding, or any municipal officer or board may appeal to the superior court department for the county in which the land concerned is situated or, if the land is situated in Hampden county, either to said superior court department or to the division of the housing court department for said county, or to the division of the district court department within whose jurisdiction the land is situated except in Hampden county, by bringing an action within twenty days after the decision has been filed in the office of the city or town clerk. If said appeal is made to said division of the district court department, any party shall have the right to file a claim for trial of said appeal in the superior court department within twenty-five days after service on the appeal is completed, subject to such rules as the supreme judicial court may prescribe.

SECTION 33. Section 92 of chapter 41 of the General Laws, as most recently amended by chapter 237 of the acts of 1972, is hereby further amended by striking out the second sentence and inserting in place thereof the following sentence:- A constable who has filed such bond, in a sum of not less than three thousand dollars, may, within his town, also serve any such writ or other process in which the damages are laid at a sum not exceeding one thousand five hundred dollars, and any process in replevin in which the subject matter does not exceed in value one thousand five hundred dollars.

SECTION 34. Subsection (c) of section 33 of chapter 55 of the General Laws, as appearing in section 1 of chapter 151 of the acts of 1975, is hereby amended by striking out, in line 6, the word "chief" and inserting in place thereof the word:- administrative.

SECTION 35. Section 2 of chapter 76 of the General Laws is hereby amended by striking out the third sentence, as amended by section 1 of chapter 659 of the acts of 1965, and inserting in place thereof the following sentence:- The Boston juvenile court shall have jurisdiction within the territorial limits described in

section fifty-seven of chapter two hundred and eighteen of complaints hereunder.

SECTION 36. Section 9 of chapter 80A of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by striking out the third sentence and inserting in place thereof the following sentence:- The administrative justice for the superior court department shall preside or designate a justice sitting in said department to preside over the sittings of such special jury, who shall have in the hearing and determination of such applications all the powers of a justice appointed to said department presiding over the trial of an ordinary civil action.

SECTION 37. The seventh paragraph of section 11C of chapter 85 of the General Laws, as appearing in chapter 596 of the acts of 1973, is hereby amended by striking out the fourth sentence and by inserting in place thereof the following sentence:- The notice to appear, provided herein, shall be printed in such form as the administrative justice for the Boston municipal court department and the administrative justice for the district court department may prescribe for their respective departments; provided, however, that any city or town may request that the notice prepared for said city or town pursuant to section twenty A or section twenty C of chapter ninety be so revised or adapted that said notice may also be used for the notice provided for in this section.

SECTION 38. The second paragraph of section 18A of chapter 90 of the General Laws, as most recently amended by chapter 128 of the acts of 1964, is hereby further amended by striking out the fifth sentence and inserting in place thereof the following sentence:- The notice to appear as provided herein shall be printed in such form as the administrative justice for the Boston municipal court department and the administrative justice for the district court department may prescribe for their respective departments.

SECTION 39. The third paragraph of section 20A of said chapter 90 is hereby amended by striking out the fourth sentence, as amended by section 4 of chapter 786 of the acts of 1962, and inserting in place thereof the following sentence:- The notice to appear, provided herein, shall be printed in such form as the administrative justice for the district court department may prescribe.

SECTION 40. The sixth paragraph of section 20C of said chapter 90, as most recently amended by section 1 of chapter 451 of the acts of 1963, is hereby further amended by striking out the fourth sentence and inserting in place thereof the following sentence:- The notice to appear, provided herein, shall be printed in such form as the administrative justice for the Boston municipal court department and the administrative justice for the district court department may prescribe for their respective departments.

SECTION 41. Said chapter 90 is hereby further amended by inserting after section 20E the following section:-

Section 20F. Notwithstanding any provisions of the General Laws to the contrary, any police officer who takes cognizance of a violation of chapters eighty-five to ninety D, inclusive, involving the operation of a motor vehicle, other than a violation involving the parking of motor vehicles, where the maximum statutory penalty does not exceed one hundred dollars for the first offense and which does not provide for a penalty of imprisonment, shall forthwith give to the offender a citation, known throughout the commonwealth as a uniform traffic citation. Such citation shall contain the statement provided for under the definition of "citation" in section one of chapter ninety C, and shall notify the offender that he may waive his right to trial and pay the maximum statutory penalty by appearing before a magistrate of the district court having jurisdiction of the judicial district in which the violation occurred at any time during office hours not later than ten days after the date of said violation. The administrative justice for the district court department, or the administrative justice for the Boston municipal court department as the case may be, shall prepare, sign, and distribute a citation to be used by all law enforcement officers, including the state police, officers of the registry and the metropolitan district commission police, which shall include a space in which the officer shall insert the name of the district court having jurisdiction of the judicial district in which the violation occurred. Each citation, which shall be printed in quadruplicate, shall contain a space for the name and address of the offender, the number of his license to operate motor vehicles, the registration number of the vehicle involved, the time and place of the violation, the specific offense charged, the maximum statutory penalty for such offense, and the time and place for appearance in the event a trial is necessary or desired. Such citation shall be signed by the officer and by the offender to acknowledge that the citation has been received.

At or before the completion of each tour of duty, the officer shall give to his commanding officer those copies of each citation issued during such tour of duty. Said commanding officer shall retain one copy for department use and shall at a time not later than the beginning of the next court day cause to have delivered two such copies to the magistrate of the court before whom the offender has been notified to appear. The magistrate of each district court shall maintain a separate docket for all such citations and shall periodically forward copies of such citations to the registry. No other form of notice, except as provided in this section, shall be given to the offender.

Any person receiving a citation pursuant to this section may appear before a magistrate of the appropriate district court and confess the offense charged, either personally or through an agent duly authorized in writing, or may mail to such magistrate, with the citation, the maximum statutory fine provided therein. Such payment shall be made only by postal note, money order, or check. The payment to the magistrate of such penalty shall operate as a final disposition of the case.

If the citation is so returned by the offender, such an appearance shall not be deemed a criminal proceeding for the purposes of this chapter. The offender shall not be required to report to any probation officer and no record of the case shall be entered

in any probation records.

Should any person notified to appear hereunder fail to appear and to pay the fine hereinbefore provided, or having appeared desire not to avail himself of the benefits of the procedure established by this section, the clerk shall as soon as may be notify the officer concerned, who shall forthwith make a complaint and follow the procedure established for criminal cases. If any person fails to appear in accordance with the summonses issued upon such complaint, the clerk shall, in the case of a first or second offence but for no subsequent offence, send such person, by registered mail, return receipt requested, a notice that the complaint is pending and that, if the person fails to appear within twenty-one days from the sending of such notice, a warrant for his arrest will be issued and the registrar of motor vehicles notified to suspend his right or license to operate motor vehicles. If any person fails to appear within twenty-one days from the sending of such notice or in accordance with the summonses issued upon such complaint, as the case may be, the court may issue a warrant for his arrest and the registrar shall be notified that he may suspend the right or license of such person to operate a motor vehicle after due hearing pursuant to section twenty-two, because of his failure to so appear. The magistrate of the court shall, if the citation is properly returned at a later time, notify the registrar forthwith of such fact.

Either party may appeal the finding and disposition of the magistrate to a justice of the court in which the case was heard, who shall then hear the case de novo. The decisions of the judge shall then be final, subject to normal appellate review.

The magistrates of the respective district courts shall distribute such citations to the commanding officers of police departments upon request and may request a receipt therefor. Magistrates shall exercise their authority hereunder subject to the limitations of section sixty-two C of chapter two hundred and twenty-one.

The term district court as used in this section shall include the Boston municipal court department.

SECTION 42. The first paragraph of section 4A of chapter 90C of the General Laws, as most recently amended by chapter 221 of the acts of 1975, is hereby further amended by striking out the third sentence and inserting in place thereof the following sentence:- Such waivers and pleas shall be made in writing on forms which shall be established for their respective departments by the administrative justice for the Boston municipal court department and the administrative justice for the district court department.

SECTION 43. The second paragraph of said section 4A of said chapter 90C, as amended by chapter 221 of the acts of 1975, is hereby further amended by striking out the first sentence and inserting in place thereof the following sentence:- Fines under this section shall be in accordance with a schedule of fines which shall be established by the administrative justice for the Boston municipal court department for use in said department, and by the senior justice of each division of the district court department, with the approval of the administrative justice for said district court department, for use in said division; provided, however,

that fines for violations of said section nineteen A shall be computed in the manner provided by section twenty of chapter ninety on the basis of the number of pounds of excess weight alleged.

SECTION 44. Said section 4A of said chapter 90C, as amended by chapter 331 of the acts of 1973, is hereby amended by striking out the fourth paragraph and inserting in place thereof the following paragraph:-

This section shall not apply to any person summonsed to appear on a complaint alleging violation of any law relating to the operation and control of motor vehicles, other than a law pertaining to parking or bicycles, who has been previously convicted, within a period of twelve months, of the violation of any such law relating to the operation or control of motor vehicles nor, without special permission of the administrative justice for the Boston municipal court department or the senior justice of each division of the district court department, as the case may be, to any complaint wherein the court has issued a warrant for failure of the defendant to appear on a summons, properly served, nor to any delinquent child as described in section fifty-eight B of chapter one hundred and nineteen.

SECTION 45. Paragraph (1) of section 9 of chapter 93A of the General Laws, is hereby amended by striking out, in line 7, the words "in equity", as appearing in section 1 of chapter 736 of the acts of 1970, and inserting in place thereof the words:- whether by way of original complaint, counterclaim, cross-claim or third-party action.

SECTION 46. Said section 9 of said chapter 93A is hereby further amended by inserting after paragraph (3) the following paragraph:-

(3A) A person may assert a claim under this section in a district court, whether by way of original complaint, counterclaim, cross-claim or third-party action, for money damages only. Said damages may include double or treble damages, attorneys' fees and costs, as herein provided. The demand requirements and provision for tender of offer of settlement provided in paragraph (3) shall also be applicable under this paragraph, except that no rights to equitable relief shall be created under this paragraph, nor shall a person asserting a claim hereunder be able to assert any claim on behalf of other similarly injured and situated persons as provided in paragraph (2). The provisions of sections ninety-five to one hundred and ten, inclusive, of chapter two hundred and thirty-one, where applicable, shall apply to a claim under this section, except that the provisions for remand, removal and transfer shall be controlled by the amount of single damages claimed hereunder.

SECTION 47. The first paragraph of section 11 of said chapter 93A, as appearing in section 2 of chapter 614 of the acts of 1972, is hereby amended by striking out, in lines 7 and 8, the words "in equity" and inserting in place thereof the following words:- whether by way of original complaint, counterclaim, cross-claim or third-party action.

SECTION 48. Said section 11 of said chapter 93A is hereby further amended by inserting after the third paragraph the following paragraph:-

A person may assert a claim under this section in a district court, whether by way of original complaint, counterclaim, cross-claim or third-party action, for money damages only. Said damages may include double or treble damages, attorneys' fees and costs, as hereinafter provided, with provision for tendering by the person against whom the claim is asserted of a written offer of settlement for single damages, also as hereinafter provided. No rights to equitable relief shall be created under this paragraph, nor shall a person asserting such claim be able to assert any claim on behalf of other similarly injured and situated persons as provided in the preceding paragraph. The provisions of sections ninety-five to one hundred and ten, inclusive, of chapter two hundred and thirty-one, where applicable, shall apply to a claim under this section, except that the provisions for remand, removal and transfer shall be controlled by the amount of single damages claimed hereunder.

SECTION 49. Section 24 of said chapter 119 is hereby amended by striking out, in line 5, the words "the territorial limits of said juvenile courts", as appearing in section 8 of chapter 731 of the acts of 1972, and inserting in place thereof the words:- Suffolk county and except the municipal and district courts located within the territorial limits of the Worcester, Bristol county, and Springfield juvenile courts.

SECTION 50. Said section 24 of said chapter 119, as most recently amended by section 3 of chapter 276 of the acts of 1975, is hereby further amended by adding the following sentence:- The jurisdiction of the Boston juvenile court for the subject matter of this section shall extend to the territorial limits of Suffolk county.

SECTION 51. Chapter 119 of the General Laws is hereby amended by striking out section 27, as amended by chapter 1005 of the acts of 1973, and inserting in place thereof the following section:-

Section 27. The child, parent, guardian or person appearing in behalf of such child, or the department, may appeal from the adjudication of the court to the juvenile appeals session of the district courts for the county where the hearing is held, as designated by the administrative justice therefor, except as provided in section fifty-seven of chapter two hundred and eighteen; and also may appeal at the time of the order of commitment, in which events the entire case shall be before the court as if originally commenced therein; and the child may be committed to the custody of the department or placed in the care of some suitable person or licensed children's foster care agency pending determination of the appeal. Such appeal shall be entered in the appeals session by the court from which the appeal is taken, without payment of any entry fee, and said appeals session may advance such complaint for speedy trial. The court shall notify the child, parent, guardian or person appearing in behalf of such child of the right of appeal at the time of adjudication and

also at the time of commitment.

SECTION 52. The first paragraph of section 39E of said chapter 119, as appearing in section 5 of chapter 1073 of the acts of 1973, is hereby amended by striking out, in the first sentence, the words "municipal court of the Roxbury district", the municipal court of the city of Boston and inserting in place thereof the following words: municipal and district courts within Suffolk county.

SECTION 52A. Said first paragraph of said section 39E, as so appearing, is hereby further amended by adding the following sentence:- The jurisdiction of the Boston juvenile court for the subject matter of this section shall extend to the territorial limits of Suffolk county.

SECTION 53. Section 39E of said chapter 119, as so appearing, is hereby amended by adding the following paragraph:-

The hearing of a petition filed under section thirty-nine E in a division of the district court department or of the juvenile court department shall be by a jury of six, unless the child files a written waiver and consent to the petition being heard without a jury, subject to his right of appeal therefrom for trial by a jury of six pursuant to section thirty-nine I. Such waiver shall not be received unless the child is represented by counsel or has filed, through his parent or guardian, a written waiver of counsel. Such trials by jury in the first instance shall be in jury sessions designated for their respective departments by the administrative justices of the district and juvenile courts for the hearing of appeals claimed pursuant to section thirty-nine I. All provisions of law and rules of court relative to the hearing and trial of such appeals shall apply also to jury trials in the first instance.

SECTION 54. Said chapter 119 is hereby further amended by striking out section 39I, inserted by section 5 of chapter 1073 of the acts of 1973, and inserting in place thereof the following section:-

Section 39I. Any child who is adjudicated a child in need of services may appeal for a trial de novo in a jury-of-six session of the district courts for the county where the hearing is held, as designated by the administrative justice for the district court department, except as provided in section fifty-seven of chapter two hundred and eighteen. Such appeal shall be made by filing a written notice of same by the end of the next business day after the entry of judgment or adjudication, or within such further time as the court may allow.

The child may waive his claim to jury trial and have the appeal heard by a judge without jury. When an appeal is claimed, the clerk of the court in which said claim is filed shall forward forthwith all papers in the case to the clerk of the court designated to hear such appeals. The verdict of the jury shall be unanimous and the court shall enter and record its findings upon the verdict of the jury.

All the rights and procedures provided in sections thirty-nine E to thirty-nine H, inclusive, shall apply at the trial of the appeal. The justice presiding at said trial shall have all the powers and

duties of a justice sitting in a juvenile court, or in a district court juvenile session, under this chapter. No justice shall preside over a trial on appeal in a case in which he presided at the initial trial. The trial on appeal in a district court jury session shall be heard in a session set apart from the other business of the district court and devoted exclusively to juvenile cases. This shall be known as the juvenile appeals session and shall have a separate trial list and docket.

An appeal shall not stay the order, judgment or decree appealed from, but the district court or juvenile court may otherwise order, on application and hearing consistent with this chapter, if suitable provision is made for the care and custody of the child.

SECTION 55. Section 52 of said chapter 119 is hereby amended by striking out the definition of "Court", as most recently amended by section 9 of chapter 731 of the acts of 1972, and inserting in place thereof the following definition:-

"Court", a division of the juvenile court department or of the district court department, except the central district court of Worcester, the district court of Springfield, the first district court of Bristol, the second district court of Bristol, the third district court of Bristol, and the fourth district court of Bristol.

SECTION 56. Said chapter 119 is hereby further amended by inserting after section 55 the following section:-

Section 55A. Trial of a child complained of as a delinquent child in a division of the district court department or of the juvenile court department shall be by a jury, unless the child files a written waiver and consent to be tried by the court without a jury, subject to his right of appeal therefrom for trial by a jury pursuant to section fifty-six. Such waiver shall not be received unless the child is represented by counsel or has filed, through his parent or guardian, a written waiver of counsel. Such trials by jury in the first instance shall be in jury sessions designated for their respective departments by the administrative justices of the district and juvenile courts for the hearing of appeals claimed pursuant to said section fifty-six. All provisions of law and rules of court relative to the hearing and trial of such appeals shall apply also to jury trials in the first instance.

SECTION 57. Said chapter 119 is hereby amended by striking out section 56, as most recently amended by section 2 of chapter 431 of the acts of 1977, and inserting in place thereof the following section:-

Section 56. Hearings upon cases arising under sections fifty-two to sixty-three, inclusive, may be adjourned from time to time. A child adjudged a delinquent child may, upon adjudication, appeal to a jury session in the district courts for the county where the hearing is held, as designated by the administrative justice for the district court department, except as provided in section fifty-seven of chapter two hundred and eighteen. Said child may also appeal to said jury session at the time of the order of commitment or sentence, and both at the time of such adjudication and also at the time of such order of commitment or sentence, said child shall be notified of his right to appeal. If said child appeals to the jury session at either of said times, the

said jury session shall thereupon have jurisdiction of such case, and such case shall forthwith be entered in the appropriate jury session, and all papers in the case shall be transferred to the jury session by the clerk of the court where the appeal is claimed. The appeal, if taken, shall be tried and determined in like manner as appeals in criminal cases, except that the trial of such an appeal shall not be in conjunction with the other business of the district court, but shall be held in a session set apart and devoted exclusively to the trial of juvenile cases. This shall be known as the juvenile appeals session, and shall have a separate trial list and docket. All appealed juvenile cases in the district and juvenile courts shall be transferred to such list, and shall be tried, unless otherwise disposed of, by direct order of the court.

In any appealed case, if the allegations with respect to such child are proven, the court shall not commit such child to any correctional institution, jail or house of correction, but may adjudicate such child to be a delinquent child, and may make such disposition as may be made by a court under section fifty-eight. Before making such disposition, the court shall be supplied with a report of any investigation regarding a child made by the probation officer of the court from which the appeal was taken. Section thirty-five of chapter two hundred and seventy-six and section eighteen of chapter two hundred and seventy-eight, relative to recognizances in cases continued or appealed, shall apply to cases arising under sections fifty-two to sixty-three, inclusive.

Subject to the foregoing limitations, the justice presiding over a jury session shall have and exercise all the powers and duties which a justice sitting in the superior court department has and may exercise in the trial and disposition of criminal cases. No justice so sitting shall act in a case in which he has sat or held an inquest or otherwise taken part in any proceeding therein. Trials by juries shall proceed in accordance with the provisions of law applicable to trials by jury in the superior court, except that the number of peremptory challenges shall be limited to two to each defendant. The commonwealth shall be entitled to as many challenges as equal the whole number to which all the defendants in the case are entitled. For the jury sessions the superior court shall make available jurors from the pool of jurors for the jury sessions in the superior court. Trial by jury shall be by juries of six persons, except that in those cases where trial would be only upon an indictment were the child an adult, said child shall be entitled to a jury of twelve.

The administrative justices for the district court department and the juvenile court department shall arrange for the sittings of the jury sessions of their respective departments and shall assign justices thereto, to the end that speedy trials may be provided for such appeals. Review may be had directly by the appeals court, by a bill of exceptions, appeal, report or otherwise in the same manner provided for trials of criminal cases in the superior court. A claim of trial by jury under this section may be withdrawn before trial, in which event trial and disposition of the case shall be by a justice in a juvenile appeals session sitting without jury, or the child may withdraw his appeal and

the case shall thereupon be remanded to the court in which the case was originally tried, for final disposition. The provisions of paragraph (h) of section twenty-seven A of chapter two hundred and eighteen shall also apply to proceedings under this section.

SECTION 58. Section 58 of said chapter 119 is hereby amended by striking out the third paragraph, as most recently amended by section 14 of chapter 1073 of the acts of 1973, and inserting in place thereof the following paragraph:-

If a child adjudged a delinquent child is placed on probation by the justice in the juvenile appeals session, he may be placed in the care of a probation officer of the district court, including in that term a division of the juvenile court department, for the judicial district in which such child resides.

SECTION 59. Said chapter 119 is hereby further amended by striking out section 60A, as most recently amended by section 17 of said chapter 1073, and inserting in place thereof the following section:-

Section 60A. The records of the court, including those of a juvenile appeals session, in all cases of delinquency arising under sections fifty-two to fifty-nine, inclusive, shall be withheld from public inspection except with the consent of a justice of such court, but such records in any such case against any particular child shall be open, at all reasonable times, to the inspection of the child, his or her parent or parents, guardian and attorney, or any of them.

SECTION 60. Section 63 of said chapter 119 is hereby amended by striking out the fourth sentence, as amended by section 3 of chapter 659 of the acts of 1965, and inserting in place thereof the following sentence:- The Boston juvenile court shall have jurisdiction within the territorial limits described in section fifty-seven of chapter two hundred and eighteen of complaints hereunder.

SECTION 61. Section 66 of said chapter 119, as most recently amended by section 2 of chapter 353 of the acts of 1960, is hereby further amended by striking out the second sentence and inserting in place thereof the following sentence:- Except as otherwise provided in section sixty-eight, no child under seventeen years of age shall be committed by the court to a jail or house of correction or to the state farm, pending further examination or trial by the court or pending any continuance of his case or pending the prosecution of an appeal to the juvenile appeals session or upon adjudication as a delinquent child.

SECTION 62. Section 67 of said chapter 119, as most recently amended by section 17 of chapter 838 of the acts of 1969, is hereby further amended by inserting after the word "court", in line 5, the words:- , or of the juvenile court, if there is one,.

SECTION 63. Said chapter 119 is hereby further amended by striking out section 68, as most recently amended by section 2 of chapter 731 of the acts of 1972, and inserting in place thereof the following section:-

Section 68. A child between seven and seventeen years of age held by the court for further examination, trial or continuance, or for indictment and trial under the provisions of sections seventy-three to eighty-three, or to prosecute an appeal to a juvenile appeals session, if unable to furnish bail, shall be committed by the court to the care of the department of youth services or to a probation officer, a parent, guardian, or other responsible person who shall provide for his safekeeping; provided, however, that the appearance at such examination or trial, or at the prosecution of the appeal of such child, shall be the responsibility of the court for which he is being held in safekeeping.

The department of youth services may provide special foster homes, and places of temporary custody commonly referred to as detention homes of the department of youth services for the care, maintenance and safekeeping of such children between seven and seventeen years of age who may be committed by the court to said department under this section; provided, that no more than five such children shall be detained in any such special foster home at any one time.

A child between seven and seventeen years of age so committed by the court to jail or to the youth service board to await further examination or trial by the Boston juvenile court, the Worcester juvenile court, the Springfield juvenile court, the Bristol county juvenile court, a district court or a juvenile appeals session shall be returned thereto within fifteen days after the date of the order of such commitment, and final disposition of the case shall thereupon be made by adjudication or otherwise, unless, in the opinion of the court, the interest of the child and the public otherwise require.

The provisions of section twenty-four of chapter two hundred and twelve, relative to the precedence of cases of persons actually confined in prison and awaiting trial, shall apply to children held in detention facilities of the department of youth services under this section to prosecute appeals to a juvenile appeals session, or held for indictment and trial under the provisions of sections seventy-two A to eighty-three, inclusive.

Said probation officer shall have the same authority, rights and powers in relation to a child committed to his care under this section, and in relation to a child released to him as provided in section sixty-seven, as he would have if he were surety on the recognizance of such child.

SECTION 64. Section 68A of said chapter 119, as amended by section 19 of chapter 838 of the acts of 1969, is hereby further amended by striking out, in line 4, the words "the superior court" and inserting in place thereof the words:- a juvenile appeals session.

SECTION 65. Section 72 of said chapter 119 is hereby amended by striking out, in line 2, the words "including the superior court on appeal", as appearing in section 3 of chapter 308 of the acts of 1964.

SECTION 66. Section 83 of said chapter 119 is hereby amended by striking out, in lines 11 and 12 the words "the Boston", as appearing in section 8 of chapter 308 of the acts of 1964, and

inserting in place thereof the word:- a.

SECTION 67. The first sentence of the first paragraph of subsection (a) of section 10 of chapter 120 of the General Laws is hereby amended by inserting after the word "court", in line 11, as appearing in section 39 of chapter 838 of the acts of 1969, the words:- or district court juvenile session.

SECTION 68. Said chapter 120 is hereby amended by striking out section 20, as amended by section 50 of said chapter 838, and inserting in place thereof the following section:-

Section 20. (a) If under the provisions of sections eighteen and nineteen the court confirms an order, the person whose liberty is involved may appeal to a district court jury session for a reversal or modification of the confirmation. The appeal shall be taken in the manner provided by law for appeal to the said session from judgments of a justice sitting without jury in criminal cases.

(b) After the hearing of the appeal the jury session may affirm the order of the justice, or modify it, or reverse it and order the appellant to be discharged by the board.

(c) Pending the appeal the appellant shall remain under the control of the board.

SECTION 69. Paragraph (c) of section 8 of chapter 123 of the General Laws, as appearing in section 3 of chapter 356 of the acts of 1976, is hereby amended by striking out, in lines 3 and 4, the words "chief justice of the district courts" and inserting in place thereof the words:- administrative justice for the district court department.

SECTION 70. Paragraph (f) of said section 15 of said chapter 123 is hereby amended by striking out, in line 2, the word "juvenile", as appearing in section 4 of chapter 888 of the acts of 1970.

SECTION 71. Said chapter 123 is hereby further amended by striking out section 33, as amended by section 4R of chapter 1229 of the acts of 1973, and inserting in place thereof the following section:-

Section 33. All necessary expenses attending the apprehension, examination, hearing, commitment or delivery of a mentally ill person, or an alleged alcoholic shall be allowed and certified by the judge, if said person is committed pursuant to this chapter, and presented as often as once a year to the comptroller, who shall examine and audit the same. Necessary expenses attending the apprehension, examination or hearing of any person sought to be committed pursuant to this chapter but not so committed shall be so presented, examined, and audited if they have been allowed in the discretion of the judge and certified by him. All expenses certified, examined and audited as provided in this section shall be paid by the commonwealth. If application is made for the commitment of a person whose expenses and support are not to be paid by the commonwealth, said expenses shall be paid by the applicant or by a person in his behalf. The compensation of the physicians and officers taking part in the commitment

or admission of persons to facilities in accordance with this chapter shall be as follows: The fee for each physician making an authorized mental examination and for making a written report thereon to the court, or for making a medical certificate, shall be twenty-five dollars, and twenty cents for each mile traveled one way or such other rate as may be set by the rate setting commission under chapter six A. Any physician required to appear before a judge or justice in any commitment proceedings in which such physician has made an examination, shall receive a fee of twenty-five dollars, and twenty cents for each mile traveled one way for such appearance before the court, or such other rate as may be set by the rate setting commission under chapter six A. The fees for officers serving process shall be the same as are allowed by law in like cases.

SECTION 72. Section 6 of chapter 123A of the General Laws is hereby amended by striking out the second paragraph, as appearing in section 1 of chapter 646 of the acts of 1958, and inserting in place thereof the following paragraph:-

If there be no sitting of the superior court in the appropriate county at the time the motion and report are transmitted to the clerk, the clerk shall then transmit a copy of the motion and report to the administration justice for the superior court department, who may act upon the motion.

SECTION 73. Chapter 140 of the General Laws is hereby amended by striking out section 157, as most recently amended by chapter 530 of the acts of 1976, and inserting in place thereof the following section:-

Section 157. If any person shall make complaint in writing to the selectmen of a town, the chief of police of a city, or the county commissioners, that any dog owned or harbored within his or their jurisdiction is a nuisance by reason of vicious disposition or excessive barking or other disturbance, or that any such dog by such barking or other disturbance is a source of annoyance to any sick person residing in the vicinity such selectmen, chief of police or county commissioners shall investigate or cause to be investigated such complaint, including an examination on oath of the complainant, and may make such order concerning the restraint or disposal of such dog as may be deemed necessary. Within ten days after such order the owner or keeper of such dog may bring a petition in the district court within the judicial district of which the dog is owned or kept, addressed to the justice of the court, praying that the order may be reviewed by the court, or magistrate thereof, and after such notice to the officer or officers involved as the magistrate deem necessary the magistrate shall review such action, hear the witnesses and affirm such order unless it shall appear that it was made without proper cause or in bad faith, in which case such order shall be reversed. Any party shall have the right to request a de novo hearing on the petition before a justice of the court. The decision of the court shall be final and conclusive upon the parties. Any person owning or harboring such dog who shall fail to comply with any order of the selectmen, chief of police, county commissioners or district court, as the case may

be shall be punished by a fine of not more than twenty-five dollars for the first offense and not more than one hundred dollars for a second or subsequent offense.

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.

Magistrates shall exercise their authority hereunder subject to the limitations of section sixty-two C of chapter two hundred and twenty-one.

SECTION 74. The definition of "Employer" or "public employer" in section 1 of chapter 150E of the General Laws is hereby amended by striking out the fourth sentence, added by section 2 of chapter 278 of the acts of 1977, and inserting in place thereof the following sentence:- In the case of judicial employees, the employer shall be the chief administrative justice of the trial court or any individual who is designated by him to represent him or act in his interest in dealing with judicial employees.

SECTION 75. The second paragraph of section 3 of said chapter 150E, as appearing in section 2 of chapter 1078 of the acts of 1973, is hereby amended by inserting, in line 102, after the words "subdivision thereof," the following words:- or clerk, temporary clerk or assistant clerk of any court, including, without limitation within the term, any division or department of the trial court,.

SECTION 76. The last paragraph of said section 3 of said chapter 150E is hereby amended by striking out the second sentence, added by section 3 of said chapter 278, and inserting in place thereof the following sentence:- The appropriate bargaining units for judicial employees within the provisions of this chapter shall be a professional unit composed of all probation officers and court officers, and a unit composed of all nonmanagerial or nonconfidential staff and clerical personnel employed by the judiciary; provided that court officers in the superior court department for Suffolk and Middlesex counties shall be represented by such other bargaining units as they may elect.

SECTION 77. Section 7 of said chapter 150E, as appearing in section 4 of said chapter 278, is hereby amended by striking out paragraph (d) and inserting in place thereof the following paragraph:-

(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;

(a₁) 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;

(g₂) 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 twenty-eight A of chapter seven;

(k) sections forty-five to fifty, inclusive, of chapter thirty;

(l) sections thirty, thirty-three and thirty-nine of chapter two hundred and seventeen;

(m) sections sixty-one, sixty-three and sixty-eight of chapter two hundred and eighteen;

(n) sections sixty-nine to seventy-three, inclusive, and seventy-five, eighty and eighty-nine of chapter two hundred and twenty-one;

(o) section fifty-three C of chapter two hundred and sixty-two;

(p) sections eighty-four, eighty-five, eighty-nine, and ninety-nine B of chapter two hundred and seventy-six;

(q) section eight of chapter two hundred and eleven B, the terms of the collective bargaining agreement shall prevail.

SECTION 78. Subsection (d) of section 15 of chapter 151A of the General Laws, as appearing in section 1 of chapter 685 of the acts of 1941, is hereby amended by striking out, in lines 11 and 12, the words "chief justice of the municipal court of the city of Boston" and inserting in place thereof the words:- administrative justice for the Boston municipal court department.

SECTION 79. Section 42 of said chapter 151A, as most recently amended by section 15 of chapter 473 of the acts of 1976, is hereby further amended by striking out, in lines 43 to 45, inclusive, the words "chief justice of the municipal court of the city of Boston and the chief justice of the district courts" and inserting in place thereof the words:- administrative justice for the Boston municipal court department and the administrative justice for the district court department.

SECTION 80. Section 11 of chapter 152 of the General Laws is hereby amended by striking out the second paragraph, as appearing in section 2 of chapter 693 of the acts of 1957, and inserting in place thereof the following paragraph:-

In the event of certification or appeal to the superior court or to the municipal court of the city of Boston, in accordance with this section, except in cases concerning employees of the commonwealth, the industrial accident board shall thereupon become a party to the proceedings and the attorney general shall, if requested by the industrial accident board, represent said board

in any matter relating thereto. The administrative justice for the superior court department shall, in all counties, arrange hearings on workmen's compensation cases so that they shall be heard more speedily than other matters coming before the court sitting without a jury; and in the county of Suffolk said administrative justice shall assign at least one day in each week, during which a justice shall devote his time first to hearings on workmen's compensation cases, to the end that there may be a speedy disposition thereof. In the event of certification or appeal to the municipal court of the city of Boston the administrative justice therefor shall assign at least one day in each week, during which a justice shall devote his time first to hearings on workmen's compensation cases, to the end that there may be a speedy disposition thereof.

SECTION 81. Section 1 of chapter 185 of the General Laws is hereby amended by striking out the introductory paragraph, as appearing in the Tercentenary Edition, and inserting in place thereof the following paragraph:-

The land court department established under section one of chapter two hundred and eleven B shall be a court of record, and wherever the words "land court", or wherever in this chapter the word "court" is used in that context, they shall refer to the land court department of the trial court, and the words "judge of the land court" or the word "judge", in context, shall mean an associate justice of the trial court appointed to the land court department. The land court department shall have exclusive original jurisdiction of the following matters:.

SECTION 82. The second paragraph of said section 1 of said chapter 185, as amended by section 1 of chapter 183 of the acts of 1937, is hereby further amended by striking out the second sentence and inserting in place thereof the following sentence:- In Suffolk county, and in other counties, the commonwealth shall provide suitable rooms for the sittings of said court in the same building with, or convenient to, the probate court or the registry of deeds.

SECTION 83. Said chapter 185 is hereby further amended by striking out section 2, as amended by section 3 of chapter 409 of the acts of 1937, and inserting in place thereof the following section:-

Section 2. The land court department shall consist of three associate justices appointed to the land court department. The justice as provided under section one of chapter two hundred and eleven B as the administrative justice for the land court department, in addition to his judicial powers and duties, shall, subject to the superintendence authority of the supreme judicial court and the administrative authority of the chief administrative justice of the trial court, be the administrative head of the land court department.

SECTION 84. Section five of said chapter one hundred and eighty-five is hereby repealed.

SECTION 85. Said chapter 185 is hereby further amended by striking out section 6, as most recently amended by chapter 447

of the acts of 1949, and inserting in place thereof the following section:-

Section 6. The governor, with the advice and consent of the council, shall appoint a recorder, who shall be clerk of the court and hold office during good behavior, but subject, however, to retirement under the provisions of any applicable general or special law relative to retirement systems. The recorder shall not be involuntarily separated from service as such except in the manner provided by section four of chapter two hundred and eleven. He shall attend the sessions of the court, keep a docket of all causes, and affix the seal of the court to all processes or papers requiring it. The administrative justice may appoint deputy recorders, who shall perform such duties as the court shall assign to them. The recorder may, with the approval of the administrative justice, appoint a first assistant clerk and an assistant clerk of the land court department and may designate, with like approval, two employees, having the title of deputy assistant clerk, who shall, under his direction, perform the duties of clerk of court.

SECTION 86. Said chapter 185 is hereby further amended by striking out section 7, as amended by section 1 of chapter 705 of the acts of 1973, and inserting in place thereof the following section:-

Section 7. The recorder shall be under the direction of the court, shall have the custody and control of all papers and documents filed with him in any petition for registration, action or proceeding in said court, and shall carefully number and index them. Said papers and documents may be kept in Boston in the recorder's office, which shall be near the land court. He may, with the court's approval, employ necessary assistants and messengers.

SECTION 87. Said chapter 185 is hereby further amended by striking out sections 10A to 13A, inclusive, and inserting in place thereof the following five sections:-

Section 10A. The assistant recorder in any registry district may, with the approval of the administrative justice, appoint one or more technical assistants who shall perform such duties as the court may from time to time assign to them and whose compensation shall be the same as that of the first assistant register of deeds for said registry district.

Section 11. The recorder and all assistant recorders shall be sworn before the administrative justice of the land court, and a record thereof shall be made. They shall give bond in a sum to be fixed by the court, for the faithful performance of their official duties, before entering upon the same. They may administer oaths to persons appearing before them in matters pertaining to the registration of land, if an oath is required. They shall keep accurate accounts of all money received as fees or otherwise, which shall be subject to examination by the director of accounts, in the same manner as accounts of registers of deeds. The recorder shall pay over quarterly to the state treasurer all such money received by him either directly or through the assistant

recorders, except that money so received for the cost of publication of notices and for the payment of services and expenses of sheriffs and deputy sheriffs shall be disbursed directly by the recorder. In case of the absence of an assistant recorder, the assistant register for the district, or if there is no assistant register, the person acting as clerk in the office of the register of deeds, shall perform the duties of the assistant recorder, who shall be responsible for him.

Section 12. The administrative justice for the land court department may appoint one or more examiners of title who shall be attorneys at law and he may also appoint a chief title examiner who shall perform all the duties of an examiner of title and such other duties in connection with the work of the court as the administrative justice or justice may assign. Any deputy recorder appointed under section six, who is designated for the purpose by the administrative justice by a writing filed in the recorder's office, shall in case of absence, sickness or disability of the recorder, or if a vacancy exists in the office of the recorder, perform all of the official duties of the recorder. In case of the absence, sickness or disability of both the recorder and any deputy recorder designated to perform the official duties of the recorder, or of the recorder alone, if a vacancy exists in the position of the deputy recorder designated to perform the official duties of the recorder, the chief title examiner under the title of deputy recorder shall perform all of the official duties of the recorder.

Section 13. Upon request of the administrative justice, the sheriff of any county other than Suffolk shall assign a deputy to attend the sittings of the land court department in that county. The administrative justice shall appoint two officers for attendance upon the sessions of said court in Suffolk county.

Section 13A. At the trial of any issue of fact in the land court department the presiding justice may appoint a stenographer, who shall be sworn and shall attend the trial, or such part thereof as the presiding justice may direct, and perform like duties and receive the same compensation therefor as a stenographer appointed by the superior court who is not on salary; and the sums so payable for his attendance at court and for any transcript of his notes or part thereof furnished to the presiding justice by his direction shall be paid by the commonwealth, upon the certificate of the administrative justice.

SECTION 88. Said chapter 185 is hereby further amended by striking out section 14, as most recently amended by section 132 of chapter 234 of the acts of 1977, and inserting in place thereof the following section:-

Section 14. The salaries of the recorder, deputy recorder, chief title examiner, title examiners, and assistant clerks of the land court department shall be paid by the commonwealth, and shall be as follows:

recorder - thirty thousand one hundred and thirteen dollars and sixty-five cents.

deputy recorder and chief title examiner - a sum equivalent to

eighty-seven and one half per cent of the salary of the recorder.

first assistant clerk - a sum equivalent to eighty per cent of the salary of the recorder.

title examiners and assistant clerks - a sum equivalent to seventy-five per cent of the salary of the recorder.

The recorder, deputy recorder, chief title examiner, title examiners, and assistant clerks shall devote their entire time during business hours to their respective duties and shall not, directly or indirectly, engage in the practice of law.

All salaries and expenses of the court shall be paid by the commonwealth, except the salaries of the assistant recorders and the expenses incurred by them under this chapter and the compensation and expenses of their technical assistants appointed under section ten A, which shall be paid by the respective counties. All fees collected by the assistant recorders, except those received upon the filing of petitions, which shall be transmitted with the petitions to the recorder, shall be paid to their respective counties.

SECTION 89. Said chapter 185 is hereby further amended by striking out section 14, as most recently amended by section 88 of this act, and inserting in place thereof the following section:-

Section 14. The salaries of the recorder, deputy recorder, chief title examiner, title examiners, and assistant clerks of the land court department shall be paid by the commonwealth, and shall be as follows:

recorder - thirty-two thousand dollars.

deputy recorder and chief title examiner - a sum equivalent to eighty-seven and one half per cent of the salary of the recorder.

first assistant clerk - a sum equivalent to eighty per cent of the salary of the recorder.

title examiners and assistant clerks - a sum equivalent to seventy-five per cent of the salary of the recorder.

The recorder, deputy recorder, chief title examiner, title examiners, and assistant clerks shall devote their entire time during business hours to their respective duties and shall not, directly or indirectly, engage in the practice of law.

All salaries and expenses of the court shall be paid by the commonwealth, except the salaries of the assistant recorders and the expenses incurred by them under this chapter and the compensation and expenses of their technical assistants appointed under section ten A, which shall be paid by the respective counties. All fees collected by the assistant recorders, except those received upon the filing of petitions, which shall be transmitted with the petitions to the recorder, shall be paid to their respective counties.

SECTION 90. Section 43 of said chapter 185, as appearing in the Tercentenary Edition, is hereby amended by striking out the last sentence and inserting in place thereof the following sentence:- The compensation of a master appointed under this section and of an examiner under section twenty-four shall be awarded by the court and shall be paid by the commonwealth, except that compensation may be awarded by the court in its discretion as a

part of the taxable costs of the proceedings, in which case the compensation shall be paid as decreed by said court.

SECTION 91. Chapters one hundred and eighty-five A and one hundred and eighty-five B of the General Laws are hereby repealed.

SECTION 92. The General Laws are hereby amended by adding after chapter 185B the following chapter:-

CHAPTER 185C.
HOUSING COURT DEPARTMENT.

Section 1. The housing court department established under section one of chapter two hundred and eleven B shall be composed of a division for Hampden county and a division for the city of Boston. Wherever the words "housing court" are used, or wherever in this chapter the word "court" is used in that context, they shall refer to a division of the housing court department; and the words "judge of the housing court" or the word "judge", in context, shall mean an associate justice of the trial court appointed to a division of the housing court department.

Section 2. The divisions of the housing court department shall have superior and general jurisdiction with reference to all cases and matters within their jurisdiction; and no order, decree, judgement, sentence, warrant, writ or process made, issued or pronounced by them need set out any adjudication or circumstances with greater particularity than would be required in other departments of superior and general jurisdiction, and the like presumption shall be made in favor of proceedings in the housing court department as would be made in favor of proceedings in other departments of superior and general jurisdiction. Writs, subpoenas, citations, orders, notices, executions and all other processes issued in the housing court department signed by the clerk, temporary clerk or an assistant clerk, and bear the teste of the first justice of the division and shall run throughout the commonwealth.

Section 3. The divisions of the housing court department shall have common law and statutory jurisdiction concurrent with the divisions of the district court department and the superior court department of all crimes and of all civil actions arising in the city of Boston in the case of that division and arising in the county of Hampden in the case of that division, under chapter forty A, sections twenty-one through twenty-five of chapter two hundred and eighteen, sections fourteen and eighteen of chapter one hundred and eighty-six and under so much of sections one hundred and twenty-seven A through one hundred and twenty-seven F, inclusive, and sections one hundred and twenty-seven H to one hundred and twenty-seven L, inclusive, of chapter one hundred and eleven, so much of section sixteen of chapter two hundred and seventy, so much of chapters one hundred and forty-three, one hundred and forty-eight, chapter two hundred and thirty-nine, jurisdiction under the provisions of common law and any other general or special law, ordinance, rule or regulation as is concerned with the health, safety or welfare of any occupant

of any place used, or intended for use, as a place of human habitation. The divisions of the housing court department shall also have jurisdiction in equity, concurrent with the divisions of the district court department, the divisions of the probate and family court department, the superior court department, the appeals court, and the supreme judicial court, of all cases and matters so arising.

In all matters within their jurisdiction, the divisions of the housing court department shall have all the powers of the superior court department including the power to grant temporary restraining orders and preliminary injunctions as justice and equity may require. The divisions shall have like power and authority for enforcing orders, sentences and judgments made or pronounced in the exercise of any jurisdiction vested in them, and for punishing contempts of such orders, sentences and judgments and other contempts of their authority, as are vested for such or similar purposes in the supreme judicial court or superior court department.

Section 4. The division of the housing court department for Hampden county shall hold its sittings in the court house facilities of the superior court department within said county and, with the consent of the chief administrative justice, such other court house facilities within said county as the administrative justice of the housing court department may deem to be expedient or convenient.

The division of the housing court department for the city of Boston shall hold its sittings in the Suffolk county court house and, with the consent of the chief administrative justice, such other court house facilities within the city of Boston as the administrative justice of the housing court department may deem to be expedient or convenient.

Section 5. The divisions of the housing court department shall always be open and the business thereof, or of a justice thereof, may be transacted at any time; but such business shall not, except as provided in section six of chapter two hundred and twenty, be transacted on Saturday or Sunday or on a legal holiday unless it relates to an application which, in the opinion of the justice to whom it is made, is of pressing necessity; provided, that, if the convenience of the public so requires, the divisions shall be open for the transaction of business on such Saturdays, not legal holidays, and during such hours thereof, as the administrative justice may determine.

Section 6. Each division of the housing court department shall have a seal which will be in the custody of its clerk, and shall be affixed to all processes issued by a division of the housing court department requiring a seal.

Section 7. The administrative justice of the housing court department shall from time to time make general rules and forms of procedure, which, before taking effect, shall be approved by the supreme judicial court or a justice thereof.

Section 8. There shall be one justice appointed for the Hampden county division and two justices appointed for the city of Boston

division of the housing court department. The senior justice in time of service shall be the first justice of the division. The first justice shall be the administrative head of his division. If the first justice is absent and delay would injure the public interest, the justice next in seniority shall act in his place, and if no justice of the division is available, the administrative justice of the department shall act.

Section 8A. The justice as provided under section one of chapter two hundred and eleven B as the administrative justice for the housing court department, in addition to his judicial powers and duties, shall, subject to the superintendence authority of the supreme judicial court and the administrative authority of the chief administrative justice of the trial court, be the administrative head of the housing court department.

Section 9. There shall be a clerk appointed, by the governor with the advice and consent of the council, for each division of the housing court department. Said clerks shall hold office during good behavior, subject, however, to retirement under the provisions of any general or special law relative to retirement systems. The clerk appointed for the Hampden county division shall reside in Hampden county.

Section 9A. The clerks appointed under the provisions of section nine shall receive from the commonwealth as a salary a sum equivalent to the salary of the clerk of courts of the superior court department in their respective counties. Assistant clerks appointed under the provisions of section eleven shall receive from the commonwealth as a salary, in the instance of the first assistant clerk, a sum equivalent to eighty-seven and one half per cent of the salary of the clerk and for all other assistant clerks, a sum equivalent to seventy-five per cent of the salary of the clerk.

Said clerks and assistant clerks shall devote their entire time during business hours to their respective duties and shall not, directly or indirectly, engage in the practice of law.

Section 10. In case of the absence, death or removal of a clerk, the administrative justice may appoint a temporary clerk, to act until the clerk resumes his duties or until the vacancy is filled.

Section 11. The clerk of a division of the housing court department may, subject to the approval of the first justice, appoint one or more assistant clerks, who shall be removable at his pleasure or at the pleasure of the administrative justice. The clerk shall be responsible for all official acts of the assistant clerks and all powers conferred by statute upon the clerk, unless otherwise stated, and in any event subject to limitation by the clerk or the administrative justice, may be exercised by an assistant clerk.

Section 12. The clerk, any temporary clerk and all assistant clerks shall be sworn; and in the case of any temporary clerk and of every assistant clerk, the oath of office shall be administered by the administrative justice who shall, upon administering the same, forthwith make return of such act with the date thereof

to the state secretary.

Section 13. The clerk, any temporary clerk and every assistant clerk, before entering upon performance of his official duties, and thereafter, at intervals of not more than one year, so long as he continues to hold such office shall give to the commonwealth a bond, conditioned to perform faithfully his official duties, with a surety company, authorized to transact business in the commonwealth as surety, in a sum approved by the administrative justice, but in no event less than five thousand dollars. Failure to give such bond shall be sufficient cause for his removal.

Section 14. The clerk, temporary clerk and assistant clerks or one of them for each division shall attend all sessions of the housing court department and shall keep a record of all its proceedings. The clerk of each division shall have the care and custody of all the records, books and papers appertaining to, or filed or deposited in, his office. The clerk of each division shall make and issue writs and processes, shall make returns of the housing court department tax bills of costs and receive fines, forfeitures, fees and costs accruing from the civil and criminal business of the housing court department including fees for blanks and copies. The clerk of each division shall have such other powers and duties as the administrative justice may from time to time order.

The clerk and assistant clerks of each division of the housing court department may sign process issued by the housing court department, and housing court department records, documents or other legal papers or copies thereof made or issued by such clerk or an assistant clerk in conformity with law, except search warrants and process authorizing arrests or commitments, by imprinting thereon a facsimile of the signature of the clerk or assistant clerk; and such facsimile signatures shall have the same validity as their written signatures.

Section 15. The first justice of a division may appoint such number of court officers for his division as the administrative justice of the housing court department may from time to time determine. Any such court officer may be removed for any cause considered by the first justice of the division to be sufficient. Any vacancy caused by removal or otherwise may be filled by the first justice of the division. The court officers shall attend the sessions in the divisions of the housing court department, shall preserve order and may serve warrants, mittimus, precepts, orders and processes of a division of the housing court department. Each court officer shall give bond for the faithful performance of his duties in the sum of one thousand dollars payable to the commonwealth, with sufficient sureties approved by the administrative justice. Each court officer, while on duty in the housing court department, shall wear a uniform approved by the administrative justice which shall be furnished at the expense of the commonwealth.

Section 16. The first justice of a division may appoint such number of housing specialists as the administrative justice may from time to time determine. The first justice of a division may designate one of them as chief housing specialist for the division.

All housing specialists shall hold office at the pleasure of the first justice of the division, subject, however, to retirement under the provisions of any applicable general or special law relative to retirement systems. All housing specialists shall be knowledgeable in the maintenance, repair, and rehabilitation of dwelling units; the problems of landlord and tenant as they pertain to dwelling units; the types of funds and services available to assist landlords and tenants in the financing and resolution of such problems; the federal and state laws, rules and regulations pertaining to the maintenance, repair and rehabilitation of such units; and the financing and resolution of such problems. The housing specialists shall have such powers and perform such duties as the first justice of the division shall from time to time prescribe. Every housing specialist shall be sworn by the first justice of the division, who shall, upon administering the oath, forthwith make return of such act with the date thereof to the state secretary.

Section 17. No clerk, temporary clerk, assistant clerk or housing specialist shall be retained or employed as an attorney in any complaint, action or suit in any court of the commonwealth.

Section 18. At the trial of any issue of fact, the justice presiding at the trial shall provide for a proper recording system which shall record the proceedings. The cost of said recording system shall be paid by the commonwealth upon the certificate of the administrative justice. Each clerk of the housing court department may procure law books and blank books, blanks, stationery and other incidentals required by divisions of the housing court department as the administrative justice may approve.

Section 19. Proceedings shall be commenced in the housing court department as follows: a criminal case by complaint in like manner as in the district court department, a civil action in accordance with the Massachusetts Rules of Civil Procedure; provided, however, that a summary process action and a small claims action shall be commenced and administered in accordance with rules promulgated by the administrative justice of the housing court department, subject to the approval of the supreme judicial court. Clerks of the housing court department shall charge a fee of five dollars for the entry of an action, which shall be paid by the party entering the same; and no other fee shall be charged for taxing costs, for issuing any subpoena or execution or for issuing any order of notice or other mesne, interlocutory or final order, rule, decree or process authorized by law, except a temporary restraining order or preliminary injunction for the issuance of which the clerk shall charge five dollars; provided, however, that no fee for the entry of an action or for the issuance of a temporary restraining order or preliminary injunction shall be charged the commonwealth or political subdivision thereof. If the party entering the action or obtaining the restraining order or preliminary injunction is found to be destitute and unable to pay, the presiding justice may order the payment of the fee or fees prescribed by this paragraph to be waived.

Notwithstanding that a proceeding under this chapter is commenced by complaint, if it is found that the offense charged was not willful, intentional, reckless or repeated, the proceeding shall not be deemed criminal and no record of the case shall be entered in the probation records.

Section 20. Any civil action within the jurisdiction of the housing court department which is pending in another court department may be transferred to the housing court department by any party thereto; but no civil action originally entered in the housing court department shall be transferred to any other department, except that the supreme judicial court may direct any cause pending in the housing court department to be transferred to it in whole or in part for further action or directions, and in cases of partial transfer may issue such orders or directions in regard to the part of such cause not so transferred as justice may require.

Whenever cross actions between the same parties or two or more actions, including for the purposes hereof other department proceedings, arising out of or connected with the same housing accommodation are pending, one or more in the housing court department, the district court department, the probate and family court department, or in the superior court department, the administrative justice or the presiding justice upon motion of any party to any of such actions, may order that the action or actions pending in the district court department and in the probate and family court department and in the superior court department with all the papers relating thereto, be transferred to the housing court department; and such action or actions shall thereafter proceed in the housing court department as though originally entered there.

Section 21. All cases in the housing court department, including motions and the like, whether interlocutory or final, shall be heard and determined by a justice of a division of the housing court department sitting without jury, except that in all cases where a jury trial is required by the constitution of the commonwealth or of the United States and the defendant has not waived his rights to a trial by jury, the cause shall be forthwith tried in a division of the housing court department before a jury selected in accordance with chapter two hundred and thirty-four. In the trial of any complaint or action in the housing court department, the report of any inspector serving in the housing inspection department of a city or the board of health of any city or town shall be prima facie evidence of the facts stated therein.

Section 22. Every judgment or order entered by a division of the housing court department shall bear as its date the day when actually entered by the clerk, and at the time of the entry he shall note such date upon the judgment or order and upon the docket.

Section 23. The bond of any receiver appointed by a division of the housing court department shall be payable to the commonwealth and shall otherwise be in such form as the administrative justice of the housing court department shall require. Such

bond may be enforced in the name of the commonwealth by the treasurer of the commonwealth, or by any person interested therein and authorized by the administrative justice of the housing court department, after notice to said treasurer, to take such action. The housing court department shall have exclusive original jurisdiction of actions on such bonds. Any sums recovered shall be paid over or administered as a justice of the housing court department directs.

SECTION 93. Section 6 of chapter 197 of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by striking out the last sentence and inserting in place thereof the following sentence:- The said arbitrators shall be awarded reasonable compensation by the probate court, which shall be paid by the commonwealth.

SECTION 94. Section 6 of chapter 201 of the General Laws is hereby amended by striking out the fifth sentence, as appearing in section 2 of chapter 314 of the acts of 1956, and inserting in place thereof the following sentence:- Reasonable expense incurred in such examination shall be paid out of the estate of such person or by the commonwealth as may be determined by the court.

SECTION 95. The first paragraph of section 6A of said chapter 201, as appearing in section 4 of chapter 845 of the acts of 1974, is hereby amended by striking out the last sentence and inserting in place thereof the following sentence:- Reasonable expenses incurred in any examination conducted pursuant to this section shall be paid by the petitioner, the estate of such persons, or by the commonwealth as may be determined by the court.

SECTION 96. Section 16 of chapter 208 of the General Laws, as amended by section 20 of chapter 400 of the acts of 1975, is hereby further amended by striking out the third sentence and inserting in place thereof the following sentence:- His compensation shall be fixed by the court, and shall be paid by the commonwealth, together with any expenses approved by the court, upon certificate by a justice to the state treasurer.

SECTION 97. Chapter 211 of the General Laws is hereby amended by inserting after section 2 the following section:-

Section 2A. The chief justice of the supreme judicial court shall periodically prepare a statement of all expenses and costs, including salaries, for the supreme judicial court. Said chief justice shall periodically prepare and submit to the budget director the statement required by section three of chapter twenty-nine which shall show, in detail, an estimate for the ordinary maintenance of the entire judicial system of the commonwealth, and the revenue therefrom, as provided in clause (5) of the first paragraph of said section three. Said statement shall include judicial salaries and the salaries of all officers and employees within the judicial branch of government of the commonwealth and shall include estimates of all sums which the commonwealth is obligated to pay under the provisions of chapter twenty-nine A.

Said chief justice may use the estimates prepared by the chief justice of the appeals court and the chief administrative justice

of the trial court for the purposes of this section, attaching whatever recommendations he may desire or deem necessary.

SECTION 98. Said chapter 211 is hereby further amended by striking out sections 3A and 3B and inserting in place thereof the following two sections:-

Section 3A. The justices of the supreme judicial court may appoint an administrative assistant who shall have such powers and perform such duties as the justices shall determine.

The salary of said administrative assistant shall be set by the justice of the supreme judicial court. Said administrative assistant shall serve at the pleasure of the justices and shall be provided with suitable quarters in the Suffolk county courthouse in the city of Boston.

Section 3B. The justices of the supreme judicial court may provide by rule or special order for the holding of conferences of the judges of the various courts and of invited members of the bar, for the consideration of matters relating to judicial business, the improvement of the judicial system and the administration of justice.

SECTION 99. Sections three C, three D, three E, and three F of said chapter two hundred and eleven are hereby repealed.

SECTION 100. The first paragraph of section 4A of said chapter 211, as most recently amended by section 46 of chapter 1114 of the acts of 1973, is hereby further amended by striking out clause (2) and inserting in place thereof the following clause:-

(2) Civil actions under section five of chapter two hundred and forty-nine against the supreme judicial court or the appeals court or a judicial officer thereof.

SECTION 101. Section 22 of said chapter 211 is hereby amended by striking out the first sentence, as most recently amended by section 138 of chapter 234 of the acts of 1977, and inserting in place thereof the following sentence:- The chief justice of the court shall receive a salary of forty-eight thousand and eighty-six dollars and each associate justice, a salary of forty-six thousand six hundred and thirty-eight dollars; and the chief justice and each associate justice shall annually receive from the commonwealth, upon the certificate of the chief justice, the amount of expenses incurred by them in the discharge of their duties.

SECTION 102. Section 22 of said chapter 211 is hereby further amended by striking out the first sentence, as most recently amended by section 101 of this act, and inserting in place thereof the following sentence:- The chief justice of the court shall receive a salary of fifty-two thousand dollars and each associate justice, a salary of fifty thousand dollars; and the chief justice and each associate justice shall annually receive from the commonwealth, upon the certificate of the chief justice, the amount of expenses incurred by them in the discharge of their duties.

SECTION 103. Said chapter 211 is hereby further amended by

striking out sections 23 and 24 and inserting in place thereof the following sections:-

Section 23. The justices of the court shall be allowed annually law clerks, stenographers, other clerical assistance and any other personnel that said justices may from time to time deem necessary.

Section 24. (a) A retired chief justice or associate justice of the supreme judicial court whose name has been placed on the list of retired justices pursuant to section sixty-five E of chapter thirty-two may be designated and assigned by the chief justice of the supreme judicial court to perform, during his term of eligibility, such of the duties of the office of associate justice of the supreme judicial court as may be requested of him and which he is willing to undertake, provided that no single assignment shall be for a term longer than ninety days, and provided that full-bench duties may be assigned only to fill a temporary vacancy, including temporary disability, on the court. Such retired chief justice or associate justice may also be designated and assigned by the chief justice of the supreme judicial court to perform; during his term of eligibility, such of the duties of judge of any lower court as may be requested of him and which he is willing to undertake provided that no single assignment shall be for a term of no longer than ninety days.

(b) In performing the service requested of him a retired chief justice or associate justice shall exercise all judicial powers and authority pertaining to the office in which he acts, with respect to matters as to which he is designated to act, and the fact of such service shall be stated on the records of the court, but need not be separately stated in the record or docket of any particular cause or proceeding. Service under the provisions of this section shall not be counted in determining the number of offices authorized or required by any applicable statute for the court on which a retired chief justice or associate justice might serve pursuant to this chapter.

(c) A retired chief justice or associate justice so serving shall be paid by the commonwealth an annual salary equivalent to that received by a regular incumbent of the office from which said justice retired and payment of his pension shall be deemed to have been waived, during such service as provided by section ninety B of chapter thirty-two.

Such retired justice shall be entitled to all other benefits of a regular incumbent of the supreme judicial court and shall be reimbursed for expenses incurred while performing such services at any place other than his place of residence. While so serving he shall be entitled to receive such staff support, clerical assistance and facilities as are customarily available to judges of the court on which he serves.

SECTION 104. Chapter 211A of the General Laws is hereby amended by striking out section 1, as appearing in section 1 of chapter 740 of the acts of 1972, and inserting in place thereof the following section:-

Section 1. There shall be an intermediate appellate court to be known as the appeals court. The appeals court shall consist

of a chief justice and nine associate justices.

SECTION 105. Section 2 of said chapter 211A is hereby amended by striking out the first sentence, as most recently amended by section 141 of chapter 234 of the acts of 1977, and inserting in place thereof the following sentence:- The chief justice shall receive a salary of forty-five thousand and seventy dollars and each associate justice a salary of forty-three thousand six hundred and twenty-one dollars; and the chief justice and each associate justice shall annually receive from the commonwealth upon the certificate of the chief justice, the amount of expenses incurred by them in the discharge of their duties.

SECTION 106. Said section 2 of said chapter 211A is hereby further amended by striking out the first sentence, as most recently amended by section 105 of this act, and inserting in place thereof the following sentence:- The chief justice shall receive a salary of forty-seven thousand dollars and each associate justice a salary of forty-five thousand dollars; and the chief justice and each associate justice shall annually receive from the commonwealth, upon the certificate of the chief justice, the amount of expenses incurred by them in the discharge of their duties.

SECTION 107. Said chapter 211A is hereby further amended by striking out section 6, as amended by chapter 784 of the acts of 1974, and inserting in place thereof the following section:-

Section 6. The clerk of the supreme judicial court for Suffolk county shall be the clerk of the appeals court and shall receive a salary of twenty-five hundred dollars in addition to the salary he receives as clerk of said supreme judicial court for Suffolk county.

Said clerk shall appoint a first assistant clerk, a second assistant clerk, a third assistant clerk, a fourth assistant clerk and a fifth assistant clerk of the appeals court. The tenure of office of any of said assistant clerks who has served in said office for a period of two years shall be unlimited until he attains age seventy and he shall hold said office during good behavior, unless incapacitated by physical or mental disability from performing his duties; provided, however, that he may be removed for just cause after due notice and hearing in the manner provided by section forty-three of chapter thirty-one. Said clerk shall fix such salaries, in the case of the first assistant clerk at an amount of eighty-five per cent of his total combined salary, and in the case of the second, third, fourth and fifth assistants at an amount of seventy-five per cent of his total combined salary. The salaries of the clerk and the assistant clerks shall be paid by the commonwealth.

SECTION 108. Said chapter 211A is hereby further amended by striking out section 7, as appearing in section 1 of chapter 740 of the acts of 1972, and inserting in place thereof the following section:-

Section 7. The chief justice shall annually prepare and submit to the chief justice of the supreme judicial court an estimate, in detail, for the ordinary maintenance of the court, and all revenue

therefrom as provided in clause (5) of the first paragraph of section three of chapter twenty-nine. Said estimate shall include judicial salaries and salaries of all officers and employees within the court and shall include estimates of all sums which the commonwealth is obligated to pay under the provisions of chapter twenty-nine A, together with any other information which the chief justice of the supreme judicial court may require.

SECTION 109. Said chapter 211A is hereby further amended by adding the following section:-

Section 16. (a) A retired chief justice or associate justice of the appeals court whose name has been placed on the list of retired justices pursuant to section sixty-five F of chapter thirty-two may be designated and assigned by the chief justice of the appeals court to perform, during his term of eligibility, such of the duties of the office of associate justice of the appeals court as may be requested of him and which he is willing to undertake, provided that no single assignment shall be for a term longer than ninety days. Such retired chief justice or associate justice may also be designated and assigned by the chief justice of the appeals court to perform, during his term of eligibility, such of the duties of judge of any lower court as may be requested of him and which he is willing to undertake provided that no single assignment shall be for a term of no longer than ninety days.

(b) In performing the services requested of him, such a retired chief justice or associate justice shall exercise all judicial power and authority pertaining to the office in which he acts, in respect of matters as to which he is designated to act, and the fact of such service shall be stated on the records of the court, but need not be separately stated in the record or docket of any particular cause or proceeding. Service under the provisions of this section shall not be counted in determining the number of offices authorized or required for any court, on which he serves, by any applicable statute.

(c) A retired chief justice or associate justice so serving shall be paid by the commonwealth an annual salary equivalent to that received by a regular incumbent of the office from which said justice retired and payment of his pension shall be deemed to have been waived, during such service, as provided by section ninety B of chapter thirty-two.

Such retired justice shall be entitled to all other benefits of a regular incumbent of the appeals court and shall be reimbursed for expenses incurred while performing such services at any place other than his place of residence. While so serving he shall be entitled to receive such staff support, clerical assistance and facilities as are customarily available to judges of the court on which he serves.

SECTION 110. The General Laws are hereby amended by inserting after chapter 211A the following chapter:-

CHAPTER 211B.

TRIAL COURT OF THE COMMONWEALTH.

Section 1. There shall be a trial court of the commonwealth

which shall consist of the following departments: the superior court department, the housing court department, the land court department, the probate and family court department, the Boston municipal court department, the juvenile court department and the district court department. The trial court, as an administrative unit, shall consist of no more than two hundred fifty associate justices and special justices. There shall be selected, as hereinafter provided a chief administrative justice for the trial court and an administrative justice for each of the departments of the trial court.

Section 2. There shall be forty-six justices appointed to the superior court department, three justices appointed to the housing court department, three justices appointed to the land court department, twenty-seven justices appointed to the probate and family court department, nine justices appointed to the Boston municipal court department, seven justices appointed to the juvenile court department, and one hundred fifty-five justices and special justices, as authorized, appointed to the district court department. Said appointments, in the case of the housing court department, the probate and family court department, the juvenile court department and district court department, shall be made to a particular division of the department and a justice so appointed shall be considered a justice of the department for that division.

Section 3. Any justice appointed to a department, or a division thereof, and assigned to another department, or division thereof, shall have and exercise all the powers and duties which a justice appointed to the department, or division thereof, in which said justice is sitting, has and may exercise.

Section 4. The salaries of the justices of the trial court shall be paid by the commonwealth and are hereby established as follows:-

superior court department - forty-two thousand and fifty-three dollars.

probate and family court department - thirty-seven thousand five hundred and eighty-eight dollars.

land court department - forty-two thousand and fifty-three dollars.

housing court department - forty-two thousand and fifty-three dollars.

district court department - thirty-six thousand and eighteen dollars.

Boston municipal court department - thirty-six thousand and eighteen dollars.

juvenile court department - thirty-six thousand and eighteen dollars.

The administrative justices of the several departments shall receive as a salary forty-two thousand and fifty-three dollars.

The chief administrative justice shall receive as a salary forty-four thousand and five hundred dollars.

The justices of the trial court shall devote their entire time during business hours to their respective duties and shall not, directly or indirectly, engage in the practice of law.

The justices of the trial court shall receive from the commonwealth, in addition to the salary hereinbefore provided, the amount of expenses, including travel, incurred by them in the discharge of their duties. Such expenses must be accounted for upon an itemized statement to the administrative justices of the respective court departments. Such expenses shall be approved and certified by said administrative justices.

Each justice shall be entitled to thirty days vacation and thirty days sick leave in each calendar year. Vacation leave and sick leave not used in any such year may be accumulated, provided that the number of vacation days so accumulated shall not exceed sixty and the total amount of sick leave shall not exceed one hundred and eighty days.

A justice of the trial court appointed to any judicial office before the effective date of this section shall be credited with accrued vacation leave and sick leave with respect to each year of such prior judicial service at the rate and subject to the limitations set forth in the preceding paragraph of this section.

Any justice sitting in a department or a division thereof other than the one to which said justice was appointed shall in addition to the salary hereinbefore provided for said justice be paid such additional amount representing the difference of the rate by the day that a justice of the department in which said justice is sitting receives.

Special justices of the trial court shall be subject to the provisions of section six A of chapter two hundred and eighteen and such other provisions of law as are applicable to special justices in the district court department. Special justices who serve full time under the provisions of said section six A shall have all the powers, duties, rights and responsibilities held by associate justices of the trial court, except those who hold the office of administrative justice or chief administrative justice.

Section 5. The office of administrative justice of a department of the trial court, as provided in section one, shall not be deemed a judicial office as comprehended under the provisions of Article I of Chapter III of Part the Second of the Constitution. Said office of administrative justice shall be filled by appointment, from among the justices appointed to the particular department, by the justices of the supreme judicial court. An administrative justice shall hold said office for a term of five years, but shall not be eligible to succeed himself. A justice appointed to the office of administrative justice shall retain his commission as an associate justice of the trial court, or of a predecessor court to which he was appointed, while serving as administrative justice, and shall continue to perform such judicial duties as he may have exercised as associate justice, and such other responsibilities as otherwise provided by law.

Section 6. The office of chief administrative justice of the trial court, as provided in section one, shall not be deemed a judicial office as comprehended under the provisions of Article I of Chapter III of Part the Second of the Constitution. Said office of chief administrative justice shall be filled in the following manner:-

In each of the departments of the trial court the justices

appointed thereto shall convene, in nineteen hundred and seventy-eight and every seventh year thereafter, in such manner as provided by the justices of the supreme judicial court, for the purpose of nominating a chief administrative justice of the trial court. Said justices in each department shall convene the third Wednesday of June in said years and shall, by secret ballot, select from among the several associate justices of the trial court three justices. The names of the three justices so selected by the justices of each department shall thereupon be transmitted to the justices of the supreme judicial court. The justices of said supreme judicial court shall then determine from among the justices whose names are so transmitted which shall be the chief administrative justice.

The justices of said supreme judicial court shall make such selection within thirty days from receipt of the names of the justices transmitted from the several departments. If said justices fail to make a selection within said thirty days, the justices of the several departments shall reconvene, as soon as reasonably possible thereafter, to select names of justices and submit such names to the justices of the supreme judicial court as hereinbefore provided in this section.

A chief administrative justice shall hold said office for a term of seven years, but shall not be eligible to succeed himself. A justice appointed to the office of chief administrative justice shall retain his commission as associate justice of the trial court, or of a predecessor court to which he was appointed, while serving as chief administrative justice, and shall continue to perform such judicial duties as he may have exercised as associate justice, and such other responsibilities as otherwise provided by law.

Section 7. In the case of a vacancy in the office of administrative justice due to the absence of said administrative justice or due to his inability to perform his duties, including by reason of his selection as chief administrative justice, the office of administrative justice in such event shall be filled as provided in section five. The temporary administrative justice so appointed may hold said office until the incumbent shall resume his duties and subject to the justices of the supreme judicial court, but in no event longer than six months. A temporary administrative justice shall be eligible to serve a consecutive full term as administrative justice.

In the case of a vacancy in the office of chief administrative justice due to the absence of said chief administrative justice or due to his inability to perform his duties, said office shall be filled by the justices of the supreme judicial court until said chief administrative justice shall resume his duties and subject to the justices of said court or until a new chief administrative justice is qualified as hereinbefore provided, but in no event shall such office be so filled for a period in excess of six months. The justice appointed as chief administrative justice under the provisions of this section shall be eligible to serve a consecutive full term as chief administrative justice of the trial court. A chief administrative justice may be removed for cause in such manner as shall be provided by the justices of the supreme judicial court, and after a public hearing if it is so requested by

the chief administrative justice. A vote for removal shall be by a majority of the justices of the supreme judicial court.

Section 8. There shall be an advisory committee on personnel standards of which the chief administrative justice of the trial court shall be chairman, consisting of the chief administrative justice of the trial court, the administrative justices of the superior, land, housing, probate and family, Boston municipal, juvenile and district court departments, a clerk of courts, a district court clerk and a register of probate, all of whom shall be designated by said justices, and the commissioner of probation.

The committee shall advise the chief administrative justice who shall establish and promulgate standards for the appointment, performance, promotion, continuing education and removal of all personnel within the trial court, except judges, clerks and registers of probate, and shall furnish copies of such standards to all divisions or places for holding sessions within the department of the trial court.

Any appointment that is governed by standards promulgated under the provisions of this section shall forthwith be certified in writing for compliance with such standards to the office of the chief administrative justice. The chief administrative justice shall have the power to reject any such appointment within fourteen days after receipt of the certification of compliance by the appointing authority but such power to reject any such appointment shall be limited to non-compliance with the standards for appointment.

Any appointment made by a joint authority shall require a majority of such authority, as provided by section six of chapter four.

An officer or employee whose appointment is subject to the provisions of this section may be removed for cause by the appointment authority. Every removal of an officer or employee whose appointment was subject to the provisions of this section shall be reviewed by the committee, and no such removal shall be final until approved by the committee. If any such officer or employee has served three full years in a position, appointment to which is subject to the provisions of this section, he shall have the right to appear personally before the committee before said committee reaches its decision as to whether or not to affirm his removal. The committee shall also advise the chief administrative justice in the establishment of salaries and pay scales of all court personnel unless otherwise provided by statute.

The members of said committee shall be allowed their necessary expenses, including clerical expenses incurred in the performance of their duties.

Section 9. The chief administrative justice, in addition to his judicial duties and subject to the superintendence power of the supreme judicial court shall be the administrative head of the trial court of the commonwealth. The chief administrative justice shall periodically prepare and submit to the chief justice of the supreme judicial court an estimate, in detail, for the ordinary maintenance of the entire trial court, and all revenue therefrom, as provided in clause (5) of the first paragraph of section three of chapter twenty-nine. Said estimate shall include judicial

salaries and the salaries of all officers and employees within the trial court and shall include estimates of all sums which the commonwealth is obligated to pay under the provisions of chapter twenty-nine A.

The chief administrative justice may assign a justice appointed to any department of the trial court to sit in any other department of the court, for such period or periods of time as he deems will best promote the speedy dispatch of judicial business, provided, however, that:-

(i) prior to making such assignments, said chief administrative justice shall ascertain the respective preferences of the justices of the trial court as to the department or departments, if any, including the department to which he is appointed, to which each such justice desires to be assigned and, in making such assignments to any department of said court shall, to the extent consistent with the effective administration of justice, including the maintenance of the respective specialized functions of the land, housing, probate and family, and juvenile court departments, the administrative responsibilities of any justice, and the speedy dispatch of judicial business in each of the several departments of the trial court, assign to any department on a basis of first priority justices who have expressed as aforesaid their preferences for assignment thereto;

(ii) a justice, if aggrieved for cause by an order of the chief administrative justice assigning him to sit in a particular location or department of the court other than that to which he was appointed may appeal the order of said chief administrative justice to the supreme judicial court, which shall forthwith hear and determine the matter;

(iii) an administrative justice shall notify the chief administrative justice of, and may report to the supreme judicial court, any order made by said chief administrative justice pursuant to this paragraph which, in the opinion of such administrative justice, impairs the orderly operation of his department.

The chief administrative justice may assign any non-judicial personnel among the various departments, divisions or places for holding court, subject, in every case and where appropriate, to the approval of the administrative justice in the case of the superior court department, the Boston municipal court department, and the land court department, the first justice of a division, the clerk of courts, in Suffolk county the clerk for criminal business or the clerk for civil business, or a register of probate out of whose department, division, place, office or registry, as the case may be, such person would be assigned, and in no event shall any such transfer be more than a reasonable distance from the place where such personnel is appointed, assigned or employed. No person holding a commission as a clerk of court, a register of probate or a recorder shall be assigned under the provisions of this paragraph outside of the department or division to which he is appointed or elected without his consent.

Said chief administrative justice may assign any personnel from the office of said chief administrative justice to any department within the trial court and shall insure that the administrative justices have adequate staff for the purpose of assisting such justices in the performance of their duties as administrative

heads of the trial court departments.

The chief administrative justice shall be authorized to visit any department or any division or any place for holding court within such a department. The chief administrative justice may from time to time call conferences of any or all of the administrative justices of the departments.

The chief administrative justice shall review all appointments and dismissals governed by standards promulgated under the authority of section eight of this chapter for non-compliance with such standards and shall rescind any such appointment or dismissal that does not comply with said standards. The chief administrative justice shall be provided with offices in Suffolk county at the expense of the commonwealth.

The chief administrative justice shall make a comprehensive written report of the operations of the trial court at the conclusion of each calendar year, and shall deliver said report together with his recommendations to the chief justice of the supreme judicial court on or before March first of the ensuing year. Such report shall be a matter of public record and shall be printed as a public document. The chief administrative justice shall make such additional reports as may from time to time be required by the justices of the supreme judicial court. The chief administrative justice shall perform such further administrative duties as may from time to time be assigned by the justices of the supreme court.

The chief administrative justice may, after consultation with the administrative justice of a department, promulgate administrative rules or directives concerning the transfer of cases entered for trial in one division to another division of the department in the same or an adjoining county. All rules promulgated by said chief administrative justice shall be subject to the approval of the justices of the supreme judicial court.

Notwithstanding the provisions of the second paragraph of this section, the chief administrative justice, in order to provide for the speedy administration of justice in the counties of Dukes and Nantucket, shall designate, from time to time, justices sitting in the divisions of the district court department for either of said counties as justices of the superior court department sitting in either of said counties, with power to grant injunctive relief to the same extent as a justice appointed to the superior court department.

Section 10. An administrative justice, in addition to his judicial powers and duties as a justice of the trial court, shall, subject to the superintendence power of the supreme judicial court and the administrative authority of the chief administrative justice of the trial court, be the administrative head of his department, its clerks and other officers. Said administrative justice shall exercise his powers as administrative head subject to the approval and direction of the said chief administrative justice.

Said administrative justices shall have responsibility for the administrative management of the personnel, staff services and business of their departments, including financial administration and budget preparation, record-keeping, information systems and statistical controls, purchasing planning, construction, case flow

management, assignments of sittings of the justices of their respective departments, including justices not appointed thereto but assigned, for the time being therein by the chief administrative justice. Each administrative justice may delegate his responsibilities and powers hereunder and as otherwise provided by law to a justice or clerk of his department, for such period of time and with such limitations as he may impose, whenever in his opinion such delegation of authority will expedite the judicial business of the department; provided, that in the exercise or delegation of his powers, he shall in all cases act in a manner consistent with the administrative authority of the chief administrative justice and the general superintendence authority of the supreme judicial court.

Whenever the term "administrative justice" appears in any general or special law, it shall mean the administrative justice described in section one for the department to which, in context, reference is made.

The administrative justice shall be provided with suitable offices. He may, subject to appropriation and with the approval of the chief administrative justice, appoint an executive secretary and also such clerks, assistants or other personnel as he may require and may make such other expenditures for printing, transportation of papers and documents and for other expenses as are incidental to his duties.

In the case of the refusal or failure of any justice to comply with any order of the administrative justice of his department in the performance of his duties, said administrative justice may report such person to the chief administrative justice of the trial court, with a statement of such non-compliance.

An administrative justice shall, within his department, sit and perform judicial duties at least thirty days a year.

Section 11. The chief administrative justice shall investigate all reports of noncompliance as provided by section ten of this chapter and may issue any appropriate order. In the case of the refusal or failure of any justice to comply with any order of the chief administrative justice in the performance of his duties, or pursuant to or as a result of an investigation for noncompliance with an order of an administrative justice, said chief administrative justice may report such person to the supreme judicial court with a statement of noncompliance.

Section 12. There shall be an administrator of courts for the trial court of the commonwealth appointed by the chief administrative justice, with the approval of the supreme judicial court, to serve at the pleasure of said chief administrative justice. Said court administrator shall receive a salary to be fixed by the chief administrative justice and subject to appropriation. The court administrator shall perform such duties and responsibilities as the chief administrative justice may from time to time designate. The court administrator shall be quartered in the office of the chief administrative justice.

The chief administrative justice may appoint such other personnel as are necessary for the administration of the trial court. Said personnel shall receive salaries to be fixed by the chief administra-

tive justice and subject to appropriation.

Section 13. The first justice or presiding justice of each division or court within the superior, probate and family, land, housing, juvenile, Boston municipal and district court departments of the trial court of the commonwealth, or if there is no first or presiding justice the administrative justice, shall periodically prepare and submit to the administrative justice of the department an estimate, in detail, for the ordinary maintenance of the division or place for holding court, and all revenues therefrom as provided in clause (5) of the first paragraph of section three of chapter twenty-nine. Said estimate shall include judicial salaries and the salaries of all officers and employees within the division or place for holding court and shall include estimates of all sums which the commonwealth is obligated to pay under the provisions of chapter twenty-nine A, together with any other information which the administrative justice may require. The clerk of courts for each county, the clerk for criminal business for Suffolk county, the clerk for civil business for Suffolk county and the registers of probate in each county shall periodically prepare and submit to the chief administrative justice an estimate, in detail, for the ordinary maintenance of the office, and all revenue therefrom as provided in clause (5) of the first paragraph of section three of chapter twenty-nine. Said estimate shall include salaries of all officers and employees within the office and shall include estimates of all sums which the commonwealth is obligated to pay under the provisions of chapter twenty-nine A, together with any other information which the chief administrative justice may require.

In the case of the district, juvenile, housing, and Boston municipal court departments the first or presiding justice of a division thereof shall consult with the clerk of his division in the preparation of his budget estimate.

The administrative justice of each department shall review such estimates of the divisions or courts within his department and shall periodically submit to the chief administrative justice for review and approval an estimate of the amount required for all expenses and costs of his entire department, except as otherwise provided in this section.

Section 14. (a) A retired justice of the trial court whose name has been placed on the list of retired justices pursuant to section sixty-five G of chapter thirty-two may be assigned by the chief administrative justice of the trial court to perform, during his term of eligibility, such of the duties of a trial court justice as may be requested of him and which he is willing to undertake, provided that no such single assignment shall be for a term longer than ninety days.

(b) In performing the services requested of him, a retired justice shall exercise all judicial power and authority pertaining to the office in which he acts, in respect of matters as to which he is designated to act, and the fact of such service shall be stated on the record of the court, but need not be separately stated in the record or docket of any particular cause or proceeding. Services under the provisions of this section shall not be counted in determining the number of offices authorized or

required by any applicable statute.

(c) A retired justice so serving shall be paid by the commonwealth an annual salary equivalent to that received by an associate justice of the trial court of the department from which said justice retired and payment of his pension shall be deemed to have been waived, during such service, as provided by section ninety B of chapter thirty-two.

Such retired justice shall be entitled to all other benefits of a regular incumbent of the trial court and shall be reimbursed for expenses incurred while performing such services at any place other than his place of residence. While so serving he shall be entitled to receive such staff support, clerical assistance and facilities as are customarily available to judges of the court on which he serves.

SECTION 111. Chapter 211B of the General Laws is hereby amended by striking out section 1, as appearing in section 110 of this act, and inserting in place thereof the following section:-

Section 1. There shall be a trial court of the commonwealth which shall consist of the following departments: the superior court department, the housing court department, the land court department, the probate and family court department, the Boston municipal court department, the juvenile court department and the district court department. The trial court, as an administrative unit, shall consist of no more than two hundred fifty-eight associate justices and special justices. There shall be selected, as hereinafter provided, a chief administrative justice for the trial court and an administrative justice for each of the departments of the trial court.

SECTION 112. Said chapter 211B is hereby further amended by striking out section 2, as so appearing, and inserting in place thereof the following section:-

Section 2. There shall be fifty-six justices appointed to the superior court department, three justices appointed to the housing court department, three justices appointed to the land court department, twenty-seven justices appointed to the probate and family court department, nine justices appointed to the Boston municipal court department, seven justices appointed to the juvenile court department, and one hundred fifty-three justices and special justices, as authorized, appointed to the district court department. Said appointments, in the case of the housing court department, the probate and family court department, the juvenile court department and district court department, shall be made to a particular division of the department and a justice so appointed shall be considered a justice of the department for that division.

SECTION 113. Said chapter 211B is hereby further amended by striking out section 4, as so appearing, and inserting in place thereof the following section:-

Section 4. The salaries of the justices of the trial court shall be paid by the commonwealth. Each associate justice shall receive a salary forty-two thousand and five hundred dollars.

The administrative justices for the several departments shall

receive as a salary forty-four thousand and five hundred dollars.

The chief administrative justice shall receive as a salary forty-seven thousand dollars.

The justices of the trial court shall devote their entire time during business hours to their respective duties and shall not, directly or indirectly, engage in the practice of law.

The justices of the trial court shall receive from the commonwealth, in addition to the salary hereinbefore provided, the amount of expenses, including travel incurred by them in the discharge of their duties. Such expenses must be accounted for upon an itemized statement to the administrative justices of the respective court departments. Such expenses shall be approved and certified by said administrative justices.

Each justice shall be entitled to thirty days vacation and thirty days sick leave in each calendar year. Vacation leave and sick leave not used in any such year may be accumulated, provided that the number of vacation days so accumulated shall not exceed sixty and the total amount of sick leave shall not exceed one hundred and eighty days. A justice of the trial court appointed to any judicial office before the effective date of this section shall be credited with accrued vacation leave and sick leave with respect to each year of such prior judicial service at the rate and subject to the limitations set forth in the preceding paragraph of this section.

Special justices of the trial court shall be subject to the provisions of section six A of chapter two hundred and eighteen and such other provisions of law as are applicable to special justices in the district court department. Special justices who serve full time under the provisions of said section six A shall have all the powers, duties, rights and responsibilities held by associate justices of the trial court, except those who hold the office of administrative justice or chief administrative justice.

SECTION 114. The General Laws are hereby amended by inserting after chapter 211B, inserted by section 110 of this act, the following chapter:-

CHAPTER 211C.
COMMISSION ON JUDICIAL CONDUCT.

Section 1. There shall be a commission on judicial conduct consisting of nine members. Three judges shall be appointed by the justices of the supreme judicial court, none of whom shall be justices of said court and no two of whom shall be from the same department of the trial court. Three members of the bar shall be appointed by the chief administrative justice of the trial court, none of whom shall be judges. Three members shall be appointed by the governor, none of whom shall be members of the bar. The members of the commission shall serve without compensation, but shall be reimbursed for all expenses reasonably incurred by them in the performance of their duties. Commission membership shall terminate if a member ceases to be qualified for his appointment. A vacancy shall be filled by the appointing power for the remainder of the term. Members initially appointed hereunder shall serve respectively for one, two and three years from the dates of their appointments. Upon the expiration of

the term of office of a member, his successor shall be appointed in the manner aforesaid for a term of three years. A chairman shall be elected from among the members.

Section 2. Notwithstanding any other provision of law, the commission shall investigate, upon complaint of any person, including from its own membership, the action of any judge that may, by consequence of willful misconduct in office, willful or persistent failure to perform his duties, habitual intemperance or other conduct prejudicial to the administration of justice, bring the judicial office into disrepute or constitute a breach of the Canons of Judicial Ethics as promulgated by the supreme judicial court.

Any complaint of whatever nature shall be made to the commission or by the commission in writing and the executive secretary of the commission shall mail or deliver to the judge complained against a copy of said complaint and copies of any other documents which may relate to the complaint and shall inform said judge of his rights under this chapter within twenty-one days from the time said complaint has been received by the commission. The failure to provide a copy as required under this section shall constitute an automatic dismissal of the complaint and the commission shall notify the judge complained against in writing by mail or delivery with a statement concerning said complaint and its dismissal by the commission as required under this section. The commission may however dismiss any such complaint within twenty-one days of its receipt and shall notify said judge that such complaint has been dismissed. Any attorney who assists any person in the preparation of the written complaint shall advise the commission of his involvement in the preparation of said complaint and said notice shall contain a statement of his knowledge of all of the contents of said complaints.

Every complaint shall be signed by the complainant under the pains and penalties of perjury.

Every complainant shall be required to state in the complaint whether or not the matter complained about is the subject of appeal and whether an appeal will be entered. In the event the answer to that question by the complainant is in the affirmative, the commission may delay considering the complaint until termination of the appeal. A judge shall be notified by the commission that the complaint will either be considered forthwith or delayed until the termination of the appeal.

Prior to the determination to commence an investigation of a complaint, the judge shall be given thirty days notice of such complaint and shall within such time have the right to respond, in writing, to the complaint. No investigation shall be undertaken by said commission unless and until the judge has responded in writing or failed to do so and the commission by a majority vote has recommended that an investigation of a particular complaint be conducted or that special counsel to conduct said investigation be appointed by the supreme judicial court.

Except where the commission determines otherwise for good cause, the commission shall not deal with complaints arising out of acts or omissions occurring more than one year prior to the date of the complaint, provided that, when the last episode of an

alleged pattern of recurring judicial conduct arises within the one year period, the committee may consider all prior acts or omissions related to such an alleged pattern of conduct.

The commission shall adopt rules and shall submit said rules to the supreme judicial court for its approval and the provisions of chapter thirty A shall not apply to said rules. Any amendment to said rules shall likewise be submitted to the supreme judicial court for approval and neither the rules originally adopted nor any amendment thereto shall take effect until so approved.

Subject to the rules of said commission, the commission shall have the power to subpoena witnesses and documents, to order depositions be taken, to administer oaths and affirmations, to compel testimony and shall have such additional powers as are necessary and proper to obtain information and to conduct hearings. All commission proceedings shall be confidential and all employees shall be bound by such confidentiality at all times and the commission rules shall provide for the confidentiality of all of its proceedings.

With respect to those complaints where the commission finds sufficient cause exists and that a hearing is warranted, the complainant shall be heard and the judge shall be heard and permitted to present evidence, subpoena and cross-examine witnesses. Upon completion of any investigation, the commission shall recommend an appropriate disposition of the matter under investigation with a statement of its reasons and shall forward its final recommendation with a statement of its reasons to the complainant and to the supreme judicial court in each case for its consideration and further action, if any.

Section 3. The commission shall appoint an executive secretary who shall serve at the pleasure of the commission. The executive secretary shall receive an annual salary of twenty-five thousand dollars and such expenses as are approved by the commission and which are incurred by him in the discharge of his duties. Such executive secretary shall devote his entire time during ordinary business hours to his duties and shall not directly or indirectly engage in the practice of law.

The commission shall be provided with adequate offices and may appoint such other assistants, investigators and clerical assistants which are determined necessary to carry out the provisions of this chapter, subject to appropriation. The commission shall be allowed for such purposes annually such amount as shall be appropriated by the general court, to be paid by the commonwealth upon the certification of the chairman.

Section 4. The commission shall submit annually to the general court and the supreme judicial court a report of its activities together with recommendations. This report shall be a matter of public record and shall be printed as a public document.

SECTION 115. Chapter 212 of the General Laws is hereby amended by striking out sections 1 and 2 and inserting in place thereof the following two sections:-

Section 1. The superior court department of the trial court of the commonwealth as established by section one of chapter two hundred and eleven B shall consist of forty-six justices appointed

to the department. The justice as provided under section one of chapter two hundred and eleven B as the administrative justice for the superior court department, in addition to his judicial powers and duties, shall, subject to the superintendence authority of the supreme judicial court and the administrative authority of chief administrative justice of the trial court, be the administrative head of the superior court department.

Wherever the words "superior court", or wherever in this chapter the word "court" is used in that context, they shall refer to the superior court department of the trial court, and the words "justice of the superior court", or the word "justice", in context, shall mean an associate justice of the trial court appointed to the superior court department.

Section 2. The court shall be held by one of the justices, and when so held shall have and exercise all the power and jurisdiction committed to said court. The administrative justice shall make such assignments for the attendance of a justice at the several times and places appointed for holding the court as will be most convenient and as will insure the prompt performance of its duties.

SECTION 116. Said section 1 of said chapter 212, as most recently amended by section 115 of this act, is hereby further amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

The superior court department of the trial court of the commonwealth, established by section one of chapter two hundred and eleven B, shall consist of fifty-six justices appointed to the department. The justice as provided under section one of chapter two hundred and eleven B as the administrative justice for the superior court department, in addition to his judicial powers and duties, shall, subject to the superintendence authority of the supreme judicial court and the administrative authority of chief administrative justice of the trial court, be the administrative head of the superior court department.

SECTION 117. Section 6 of said chapter 212, as amended by section 24 of chapter 319 of the acts of 1953, is hereby further amended by striking out the first sentence and inserting in place thereof the following sentence:- The court shall have original jurisdiction of all crimes.

SECTION 118. Said chapter 212 is hereby further amended by striking out section 14A, as amended by section 54 of chapter 1114 of the acts of 1973, and inserting in place thereof the following section:-

Section 14A. Subject to section fourteen of chapter two hundred and fourteen, the administrative justice of the superior court department shall establish from time to time a regular sitting or regular sittings of said court at each of the places named in section fourteen of this chapter, may establish special sittings and separate sessions of regular or special sittings at any of said places, may establish sittings for naturalization at any city or town, and may designate the class or classes of business for which any sitting or session is established. Regular sittings

heretofore established by said administrative justice shall, unless changed, be held at the same times and places from year to year, but may be changed at any time by him subject to the provisions of section fourteen. An order establishing or changing the time or place of a sitting in any county shall be entered on the records of the court in such county, and public notice shall be given by posting a copy of such order in the office of the clerk in such county within fifteen days after the date thereof, or otherwise as said administrative justice may direct.

In addition to the powers conferred upon said administrative justice under section ten of chapter two hundred and eleven B and for the purpose of the efficient administration of the business of the department, he may designate, from time to time, from among the justices thereof, a presiding justice for any county or for any group of counties. Such presiding justices shall serve at the pleasure of said administrative justice.

SECTION 119. Sections fourteen B to fourteen F, inclusive, of said chapter two hundred and twelve are hereby repealed.

SECTION 120. Said chapter 212 of the General Laws is hereby further amended by striking out section 19, as appearing in the Tercentenary Edition, and inserting in place thereof the following section:-

Section 19. The clerks of the courts, and in Suffolk county of the superior court department, may maintain regularly established offices in such cities and towns as may be designated by the administrative justice of the superior court department.

SECTION 121. Said chapter 212 is hereby further amended by striking out section 20A and inserting in place thereof the following section:-

Section 20A. The superior court may in counties where more than one session is held simultaneously for civil or criminal business or for civil and criminal business require that jurors be held in a central pool and assigned to the several sessions in such manner as the court shall order. It may in its discretion order that writs of venire facias for jurors issue for the total number of jurors required for all sessions at any sitting without specifying therein that they are required for civil or criminal business. Jurors so drawn shall be subject to be used interchangeably for civil or criminal business.

The administrative justice of the superior court department may designate not more than three officers appointed under section seventy of chapter two hundred and twenty-one to attend the central pool of jurors in the county for which they are appointed. The officers so designated shall perform their duties under the direction of the court, and receive such compensation to be paid by the commonwealth as the chief administrative justice shall establish.

SECTION 122. Section 21 of chapter 212 of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- The administrative justice may, by written order to the sheriff, order a special jury for a sitting for criminal

business to be held in any county at such time and place as may be appointed in such order.

SECTION 123. Section 22 of said chapter 212, as most recently amended by section 3 of chapter 244 of the acts of 1943, is hereby further amended by striking out the first and second sentences and inserting in place thereof the following sentence:- Every Monday shall be a return day in the superior court department for the entry of suits upon recognizances and bonds in criminal cases held in the district court department.

SECTION 124. Said chapter 212 is hereby amended by striking out section 23, as appearing in the Tercentenary Edition, and inserting in place thereof the following section:-

Section 23. The administrative justice may, by written order to the sheriff, cause the grand jury in any county to be assembled at a time and place appointed therein.

SECTION 125. Sections twenty-seven and twenty-eight of said chapter two hundred and twelve are hereby repealed.

SECTION 126. Section 3 of chapter 213 of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by striking out the last sentence and inserting in place thereof the following sentence:-

The rules of the superior court, promulgated under the authority of this section, shall be subject to the approval of the supreme judicial court.

SECTION 127. Chapter 213 of the General Laws is hereby amended by striking out section 8, as so appearing, and inserting in place thereof the following section:-

Section 8. The courts shall, respectively, receive, examine and allow accounts for services and expenses incident to their sittings and order payment thereof out of the state treasury.

SECTION 128. Chapter 215 of the General Laws is hereby amended by striking out section 1, as so appearing, and inserting in place thereof the following section:-

Section 1. The probate and family court department established under section one of chapter two hundred and eleven B shall consist of divisions, one for each county, and wherever the words "probate court", "court of insolvency" or "probate and insolvency court" are used, or similar words importing the same, or wherever in this chapter the word "court" is used in that context, they shall refer to a division of the probate and family court department; and the words "judge of probate", "judge of probate and insolvency" or the word "judge", in context, shall mean an associate justice of the trial court appointed to a division of the probate and family court department; and the words "register of probate", "register of probate and insolvency" or the word "register", in context, shall mean the register of a division of the probate and family court department; and the words "registry of probate", "registry of probate and insolvency" or the word "registry", in context, shall mean the registry of said division.

Probate courts shall be courts of record, and the judge and the register of probate for each county shall be, respectively, the judge and the register of the division within the probate and family court department for that county.

SECTION 129. Said chapter 215 is hereby further amended by striking out section 18, as amended by section 1 of chapter 631 of the acts of 1964, and inserting in place thereof the following section:-

Section 18. At the trial of any issue of fact in a probate court the presiding judge may appoint a stenographer, who shall be sworn and shall attend the trial, or such part thereof as the judge may direct, and perform like duties and receive the same compensation therefor as a stenographer appointed by the superior court who is not on salary; and the sums so payable for his attendance at court and for any transcript of his notes or part thereof furnished to the judge by his direction shall be paid by the commonwealth upon the certificate of the judge. The judges of probate of any county may appoint a stenographer for the probate court of such county. The compensation and expenses of such stenographer shall be paid by the commonwealth.

SECTION 130. Section thirty A of said chapter two hundred and fifteen is hereby repealed.

SECTION 131. Said chapter 215 is hereby further amended by striking out section 53, as appearing in the Tercentenary Edition, and inserting in place thereof the following section:-

Section 53. The commonwealth shall provide and maintain suitable rooms for the use of the probate courts, ample fireproof rooms and suitable alcoves, cases and boxes for the safe keeping of all records, files, papers and documents belonging to the several registries of probate, and shall also provide all books necessary for keeping the records, and all printed blanks and stationery used in probate proceedings.

SECTION 132. Chapter 215 is hereby amended by striking out sections 54 to 56, inclusive, and inserting in place thereof the following three sections:-

Section 54. If in the opinion of the chief administrative justice of the trial court such fireproof rooms are insufficient, he shall certify the need of additional accommodations to the general court.

Section 55. If in the judgment of the administrative justice public convenience so requires, he may, at the expense of the commonwealth, cause the files and records of the probate and family court department, within the respective divisions, to be rearranged, indexed and docketed, worn or defaced dockets renewed and the indexes consolidated, under the direction and supervision of the registers of the respective divisions.

Section 56. The expense of recording probate proceedings in Suffolk county, not exceeding forty-five hundred dollars in any one year, shall be paid by the commonwealth, upon the official certificate of the register, countersigned by a justice appointed

to the division for said county, in the amounts and to the persons named in such certificate.

SECTION 133. Section 56A of said chapter 215, as amended by section 72 of chapter 400 of the acts of 1975, is hereby further amended by striking out the third sentence and inserting in place thereof the following sentence:- The compensation shall be fixed by the court and shall be paid by the commonwealth, together with any expense approved by the court, upon certificate by the judge to the state treasurer.

SECTION 134. Section 56B of said chapter 215, as amended by section 73 of said chapter 400, is hereby further amended by striking out the second sentence and inserting in place thereof the following sentence:- The compensation shall be fixed by the court and shall be paid by the commonwealth, together with any expense approved by the court, upon certificate by the judge to the state treasurer.

SECTION 135. Section 62 of said chapter 215 is hereby amended by striking out the introductory paragraph, as appearing in the Tercentenary Edition, and inserting in place thereof the following paragraph:-

Sessions of the divisions of the probate and family court department shall be held at the following times and in the following towns, at such places therein as the administrative justice for said department shall designate:.

SECTION 136. Chapter 215 of the General Laws is hereby amended by striking out section 63, as so appearing, and inserting in place thereof the following section:-

Section 63. The administrative justice for the probate and family court department, as often as changes are made in the places designated for holding sessions of the divisions of said department, shall give sufficient notice thereof, either by advertisement in some newspaper of general circulation or by posting the same in public places.

SECTION 137. Chapter two hundred and sixteen of the General Laws is hereby repealed.

SECTION 138. Chapter 217 of the General Laws is hereby amended by striking out section 1, as most recently amended by section 1 of chapter 738 of the acts of 1949, and inserting in place thereof the following section:-

Section 1. For each county there shall be a division of the probate and family court department of the trial court, and in each division, except those for Suffolk, Middlesex, Essex, Worcester, Plymouth, Hampden, Bristol and Norfolk counties, one appointment of an associate justice of the trial court shall be made, and he shall be the justice for that division. Wherever the words "probate court", "court of insolvency" or "probate and insolvency court" are used, or similar words importing the same, or wherever in this chapter the word "court" is used in that context, they shall refer to a division of the probate and family court department of the trial court; and the words "judge of probate", "judge of probate and insolvency" or the word

"judge", in context, shall mean an associate justice of the trial court appointed to a division of said probate and family court department; and the words "register of probate", "register of probate and insolvency" or the word "register", in context, shall mean the register of a division of the probate and family court department; and the words "registry of probate", "registry of probate and insolvency" or the word "registry", in context, shall mean the registry of said division.

SECTION 139. Section two A of said chapter two hundred and seventeen is hereby repealed.

SECTION 140. Section three of said chapter two hundred and seventeen is hereby repealed.

SECTION 141. Section three A of said chapter two hundred and seventeen is hereby repealed.

SECTION 142. Said chapter 217 is hereby further amended by inserting after section 3A the following section:-

Section 3B. There shall be an associate justice of the trial court appointed in the division for the county of Hampshire, hereinbefore known as the special judge of probate and insolvency in the county of Hampshire, who shall be and perform the duties of a full-time circuit justice in said county or such other county as the administrative justice may designate, and when so assigned shall receive from the commonwealth the expenses incurred by him. Upon such designation, the register of the division to which said circuit justice is assigned shall certify upon the records of the court, and to the comptroller, the number of days, the dates upon which, and the occasions for which, the circuit justice performed his duties. Nothing in this section shall be construed to establish a new judicial position nor abolish the tenure of the incumbent special judge of probate and insolvency.

SECTION 143. Section six of said chapter two hundred and seventeen is hereby repealed.

SECTION 144. Said chapter 217 is hereby further amended by inserting after section 6 the following section:-

Section 6A. No justice, circuit justice or special justice sitting in a division of the probate and family court department shall be interested in, or be benefitted by, the fees or emoluments which may arise in any matter pending before any probate court or which may arise in any suit or action pending in any court of this commonwealth where the subject matter or cause of action is founded upon or derived from proceedings begun in any of the probate courts nor shall he, except as otherwise provided, be appointed or act as executor, administrator, guardian, conservator, trustee under a will, commissioner, appraiser or assignee of or upon an estate within the jurisdiction of any probate court; nor shall he be interested in the fees or emoluments arising from any of said trusts. Full-time justices, or circuit justices provided for under this chapter shall devote their entire time during ordinary business hours to their duties and shall not, directly or indirectly, engage in the practice of law. The judge of probate for Dukes county and the judge of probate for Nantucket

county shall sit in the division of the probate and family court department for any other county upon designation thereto by the administrative justice for said department pursuant to section eight, and when so assigned shall receive from the commonwealth the expenses incurred by them.

SECTION 145. Said chapter 217 is hereby amended by striking out sections 8 and 8A and inserting in place thereof the following two sections:-

Section 8. The justice provided for under the provisions of section one of chapter two hundred and eleven B as the administrative justice for the probate and family court department, in addition to his judicial powers and duties, shall, subject to the superintendence of the supreme judicial court and the administrative authority of the chief administrative justice of the trial court, be the administrative head of the probate and family court department. The administrative justice may establish forms for the annual reports of the work of the registers of the several divisions; and said registers shall annually on or before October first prepare and file with the administrative justice reports of the work of said divisions during the preceding court year, and said reports shall also be filed with the chief administrative justice. He shall also have the powers and duties described in section ten of chapter two hundred and eleven B, in section thirty A of chapter two hundred and fifteen and section forty-two of this chapter; except that none of the powers herein described or referred to shall be construed as authorizing said administrative justice to alter or affect the provisions of sections fifty-eight, fifty-nine, sixty or sixty-two of chapter two hundred and fifteen.

Section 8A. The administrative justice shall be provided with suitable offices. He may, subject to appropriation, appoint an executive secretary and such clerks, assistants or other personnel as he may require and may make such other expenditures for printing, transportation of papers and documents and for other expenses as are incidental to his duties. He may remove said executive secretary at his pleasure and define his duties.

SECTION 146. Section 15 of said chapter 217, as appearing in the Tercentenary Edition, is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:- He may, with the approval of the administrative justice and at the expense of the commonwealth cause copies of the indexes, or new indexes, to the records which are in his custody, to be printed and sold at a price not less than the cost of paper, printing and binding.

SECTION 147. Said chapter 217 is hereby amended by striking out section 23, as so appearing, and inserting in place thereof the following section:-

Section 23. The judges of the probate and family court department for each county may appoint for a term of three years from the date of their appointment, and may remove, a first assistant register of probate. Before entering upon the performance of his duties, a first assistant register shall take the oath prescribed

by the constitution, and shall give bond to the state treasurer for the faithful performance of his official duties in a sum not less than five hundred nor more than five thousand dollars, as ordered by the judge, with one or more sureties approved by him.

SECTION 148. Said chapter 217 is hereby further amended by inserting after section 23 the following section:-

Section 23A. In addition to the first assistant registers of probate provided for in section twenty-three, the judges of the respective divisions of the probate and family court department for the following counties may appoint assistant registers with the same powers and duties. Said appointments shall be as follows:

Barnstable, one assistant register
 Berkshire, one assistant register
 Bristol, three assistant registers
 Essex, three assistant registers
 Hampden, three assistant registers
 Middlesex, five assistant registers
 Norfolk, five assistant registers
 Plymouth, three assistant registers
 Suffolk, five assistant registers
 Worcester, four assistant registers.

SECTION 149. Sections twenty-four, twenty-four A, twenty-four B, twenty-five and twenty-five A of chapter two hundred and seventeen of the General Laws are hereby repealed.

SECTION 150. Said chapter 217 is hereby further amended by striking out section 27A, as appearing in the Tercentenary Edition, and inserting in place thereof the following section:-

Section 27A. The judges of probate for Suffolk county may appoint and at their pleasure remove a permanent officer to perform the duties prescribed by section fifty-six A of chapter two hundred and fifteen and such other duties as said judges may determine. Such officer shall be allowed such sums for necessary traveling and other expenses as may be approved by the judges. The salary and expenses of such officer shall be paid by the commonwealth.

SECTION 151. Said chapter 217 is hereby further amended by striking out section 28, as amended by chapter 678 of the acts of 1977, and inserting in place thereof the following section:-

Section 28. The register for Suffolk county may, subject to the approval of the judges of probate for said county, appoint a clerk and may remove him at pleasure. Said register may, subject to like approval, designate four employees as deputy assistant registers with the same powers as assistant registers and may revoke any such designation at pleasure. Said deputy assistant registers shall receive a salary of five thousand dollars.

SECTION 152. Section 29 of said chapter 217, as amended by chapter 539 of the acts of 1958, is hereby further amended by adding the following sentence:- Said deputy assistant registers shall receive a salary of five thousand dollars.

SECTION 153. Section 29A of said chapter 217, inserted by chapter 597 of the acts of 1974, is hereby amended by adding the following sentence:- Said deputy assistant register shall receive a salary of one thousand dollars.

SECTION 154. Section 29B of said chapter 217, as so inserted, is hereby amended by adding the following sentence:- Said deputy assistant register shall receive a salary of one thousand dollars.

SECTION 155. Said chapter 217 is hereby further amended by striking out section 30, as most recently amended by chapter 642 of the acts of 1972, and inserting in place thereof the following section:-

Section 30. The judges of probate for the counties of Suffolk, Middlesex, Plymouth and Norfolk may appoint three officers, and the judges of probate for the counties of Essex and Worcester may appoint two officers to attend the sessions of the court for their respective counties. Such officers may be removed at the pleasure of the judge or judges of probate of their respective counties, and said judge or judges may fill any vacancy caused by removal or otherwise. Each court officer appointed hereunder for Suffolk, Middlesex, Worcester, Essex, Norfolk or Plymouth county shall give bond with sufficient sureties approved by a judge of his court for the faithful performance of his duties, in the sum of one thousand dollars, payable to the state treasurer. Each officer appointed hereunder shall serve the orders, precepts and processes issued by the probate court for which he is appointed or by a judge thereof; and shall at the expense of the commonwealth be furnished with a uniform such as the court shall order, which he shall wear while in attendance on said court.

SECTION 156. Said chapter 217 is hereby further amended by striking out section 31, as amended by section 2 of chapter 793 of the acts of 1951, and by inserting in place thereof the following section:-

Section 31. The justices of the respective divisions of the probate and family court department may appoint the following number of messengers for their respective divisions:

- Middlesex, three messengers
- Essex, one messenger
- Suffolk, one messenger
- Hampden, five messengers
- Norfolk, three messengers
- Bristol, two messengers

Said justices may remove said messengers at their pleasure, and may fill vacancies caused by removal or otherwise. Said messengers shall wait upon the court and perform such duties as the judges may direct, including duty as court officers. They shall, while in attendance on the court, wear uniforms, such as the administrative justice shall order, to be furnished at the expense of the commonwealth.

SECTION 157. Sections thirty-one A, thirty-two, thirty-two A, thirty-two B, thirty-two C and thirty-four of said chapter two

hundred and seventeen are hereby repealed.

SECTION 158. Said chapter 217 is hereby further amended by inserting after said section 34 the following section:-

Section 34A. Notwithstanding the provisions of section 4 of chapter 211B, the judge for the division of the probate and family court department for Dukes county shall be paid by the commonwealth a salary of thirteen thousand four hundred and twenty-three dollars.

SECTION 159. Said section 34A of said chapter 217, as inserted by section 158 of this act, is hereby repealed.

SECTION 159A. Said chapter 217 of the General Laws is hereby amended by striking out section 35A, as most recently amended by section 156 of chapter 234 of the acts of 1977, and inserting in place thereof the following section:-

Section 35A. The salaries of the registers in the probate and family court department shall be paid by the commonwealth, and shall be as follows:

Middlesex - Twenty-eight thousand three hundred and twenty-six dollars.

Suffolk - Twenty-eight thousand three hundred and twenty-six dollars.

Essex - Twenty-eight thousand three hundred and twenty-six dollars.

Worcester - Twenty-eight thousand three hundred and twenty-six dollars.

Norfolk - Twenty-eight thousand three hundred and twenty-six dollars.

Hampden - Twenty-eight thousand three hundred and twenty-six dollars.

Bristol - Twenty-eight thousand three hundred and twenty-six dollars.

Plymouth - Twenty-eight thousand three hundred and twenty-six dollars.

Berkshire - Twenty-eight thousand and three hundred and twenty-six dollars.

Barnstable - Twenty-eight thousand three hundred and twenty-six dollars.

Franklin - Twenty-eight thousand three hundred and twenty-six dollars.

Hampshire - Twenty-eight thousand three hundred and twenty-six dollars.

Dukes - Fifteen thousand dollars.

Nantucket - Fifteen thousand dollars.

The registers of probate shall devote their entire time during business hours to their respective duties and shall not directly or indirectly engage in the practice of law.

SECTION 160. Said chapter 217 is hereby further amended by striking out section 35A, as most recently amended by section 159 of this act, and inserting in place thereof the following section:-

Section 35A. The salaries of the registers of the probate and family court department shall be paid by the commonwealth, and

shall be as follows:

Middlesex - Thirty-two thousand dollars.

Suffolk - Thirty-two thousand dollars.

Essex - Thirty-two thousand dollars.

Worcester - Thirty-two thousand dollars.

Norfolk - Thirty-two thousand dollars.

Hampden - Thirty-two thousand dollars.

Bristol - Thirty-two thousand dollars:

Plymouth - Thirty-two thousand dollars.

Berkshire - Thirty-two thousand dollars.

Barnstable - Thirty-two thousand dollars.

Franklin - Thirty-two thousand dollars.

Hampshire - Thirty-two thousand dollars.

Dukes - Fifteen thousand seven hundred and fifty dollars.

Nantucket - Fifteen thousand seven hundred and fifty dollars.

The registers of probate shall devote their entire time during business hours to their respective duties and shall not directly or indirectly engage in the practice of law.

SECTION 161. Said chapter 217 is hereby further amended by striking out section 35B, as most recently amended by section 159 of chapter 234 of the acts of 1977, and inserting in place thereof the following section:-

Section 35B. The salary of a first assistant register of probate shall be eighty per cent of the salary of the register in his county.

The salary of a second assistant register of probate shall be seventy-five per cent of the salary of the register in his county.

The salary of a third assistant register of probate shall be seventy-two per cent of the salary of the register in his county.

The salary of a fourth assistant register shall be seventy per cent of the salary of the register in his county.

The salary of a fifth or sixth assistant register of probate shall be sixty-five per cent of the salary of the register in his county.

The assistant registers of probate shall devote their entire time during business hours to their respective duties and shall not directly or indirectly engage in the practice of law.

SECTION 162. Said chapter 217 is hereby further amended by striking out section 39, as appearing in the Tercentenary Edition, and inserting in place thereof the following section:-

Section 39. The compensation of court officers for attendance at sessions of the probate courts and of messengers for said courts, whose appointment is authorized by law, shall be paid by the commonwealth.

SECTION 163. Section forty of said chapter two hundred and seventeen is hereby repealed.

SECTION 164. Said chapter 217 is hereby further amended by striking out section 42, as most recently amended by section 6 of chapter 819 of the acts of 1963, and inserting in place thereof the following section:-

Section 42. Judges, registers and assistant registers shall

receive from the commonwealth their actual and proper traveling expenses incurred by them in the performance of their official duties in holding and attending court at a place other than that where the registry of probate is situated and any expenses actually incurred in transporting official papers from the registry of probate to another probate office within the same county for court purposes, upon an itemized statement of such expenses being certified to, and approved by, the administrative justice, provided, however, that a justice appointed to the probate and family court in Dukes county or Nantucket county shall receive his actual expenses for travel by land, sea or air from his residence on the mainland to such county and from such county to his residence on the mainland. The traveling expenses necessarily incurred by judges of probate sitting at the direction of the administrative justice in counties other than counties in which they are appointed shall be paid by the commonwealth, upon the certificate of said administrative justice.

SECTION 165. Section 1 of chapter 218 of the General Laws is hereby further amended by striking out the introductory paragraph and inserting in place thereof the following two paragraphs:-

The district court department, established under section one of chapter two hundred and eleven B, shall consist of divisions, one for each of the judicial districts hereinafter enumerated, and whenever the words "district court", "municipal court" or "court" are used in this chapter, unless the context refers exclusively to the municipal court of the city of Boston or a juvenile court, or some other clearly contrary intent, such words shall refer to a division of the district court department. Unless the context refers only to a person appointed to the municipal court of the city of Boston or to a juvenile court, the words "justice" and "special justice" shall mean, respectively, an associate justice and a special justice of the trial court appointed to a division of the district court department; and the words "clerk" or "clerk of court" shall mean the clerk of such division; and the words "assistant clerk", "deputy assistant clerk", "temporary clerk" or "temporary assistant clerk" shall mean, respectively, an assistant clerk, deputy assistant clerk, temporary clerk or temporary assistant clerk of such division.

The judicial districts of the Boston municipal court department and of the several divisions of the district court department shall continue to comprise the following cities, towns, wards and territory, in the following counties, respectively.

SECTION 166. Said section 1 of said chapter 218 is hereby further amended by striking out the six paragraphs under the caption "Berkshire" and inserting in place thereof the following three paragraphs:-

The district court of northern Berkshire, held at Adams, North Adams and Williamstown; Adams, North Adams, Williamstown, Clarksburg, Florida, New Ashford, Cheshire, Savoy, Hancock, and Windsor; the district court of central Berkshire exercising concurrent jurisdiction in Windsor and Hancock.

The district court of central Berkshire, held at Pittsfield; Pittsfield, Hancock, Lanesborough, Peru, Hinsdale, Dalton, Washington, Richmond, Lenox, Becket and Windsor; the district

court of southern Berkshire exercising concurrent jurisdiction in Lenox and Becket and the district court of northern Berkshire exercising concurrent jurisdiction in Windsor and Hancock.

The district court of southern Berkshire, held at Great Barrington and Lee; Sheffield, Great Barrington, Egremont, Alford, Mount Washington, Monterey, New Marlborough, Stockbridge, West Stockbridge, Sandisfield, Lee, Tyringham, Otis, Lenox, Becket; the district court of central Berkshire exercising concurrent jurisdiction in Lenox and Becket.

SECTION 167. Said section 1 of said chapter 218 is hereby further amended by striking out the seventh, eighth and ninth paragraphs under the caption Suffolk and inserting in place thereof the following paragraphs:-

The municipal court of the Roxbury district, held at Roxbury in Boston; wards nineteen, twenty, twenty-one and twenty-two of Boston as they existed on February first, eighteen hundred and eighty-two, excepting ward ten, save as hereinafter provided, as it existed on February first, nineteen hundred and seventy-six; and excepting further, cases of juvenile offenders under seventeen and cases of delinquent children when such cases arise in wards four, five, and precincts one and two of ward twenty-one of Boston as they existed on February first, nineteen hundred and seventy-six; provided however that, notwithstanding any other provision of law, said court shall have jurisdiction over matters arising in precincts one, six and seven of ward ten.

The municipal court of the South Boston district, held at South Boston in Boston; wards thirteen, fourteen and fifteen of Boston as they existed on February first, eighteen hundred and eighty-two.

The municipal court of the West Roxbury district, held at West Roxbury in Boston; ward twenty-three of Boston as it existed on February first, eighteen hundred and eighty-two, the territory comprised within the limits of the former town of Hyde Park which was annexed to Boston by chapters four hundred and sixty-nine and five hundred and eighty-three of the acts of nineteen hundred and eleven, and ward ten, except precincts one, six and seven of said ward ten, as existing on February first, nineteen hundred and seventy-six; and excepting further, cases of juvenile offenders under seventeen and cases of delinquent children when such cases arise in said ward ten.

SECTION 168. Said section 1 of said chapter 218 is hereby further amended by inserting after the ninth paragraph under the caption Suffolk the following paragraph:-

The Boston division of the juvenile court department shall have territorial jurisdiction provided in section fifty-seven, and with respect to children in Suffolk county, shall have exclusive jurisdiction of petitions brought under sections twenty-four and thirty-nine E of chapter one hundred and nineteen.

SECTION 169. Said section 1 of said chapter 218 is hereby further amended by striking out the first paragraph under the caption "Worcester", as most recently amended by section 1 of chapter 713 of the acts of 1970, and inserting in place thereof the following paragraph:-

The central district court of Worcester, held at Worcester; Worcester, Auburn, Millbury, Paxton, West Boylston, Holden, Rutland, Barre, Princeton and Oakham; excepting cases of juvenile offenders under seventeen and cases of neglected, wayward or delinquent children.

SECTION 170. Said section 1 of said chapter 218 is hereby further amended by striking out the eighth paragraph under the caption "Worcester", as appearing in the Tercentenary Edition, and inserting in place thereof the following paragraph:-

The district court of western Worcester, held at North Brookfield; East Brookfield, Brookfield, Spencer, North Brookfield, West Brookfield, Warren, Hardwick, Leicester, and New Braintree. Said court may adjourn to any town within its district other than North Brookfield whenever the public convenience seems to the presiding justice to render such adjournment expedient.

SECTION 171. Said section 1 of said chapter 218 is hereby further amended by striking out the twelve paragraphs under the caption "Middlesex" and inserting in place thereof the following twelve paragraphs:-

The district court of central Middlesex, held at Concord; Concord, Acton, Bedford, Carlisle, Lincoln, Maynard, Stow and Lexington.

The first district court of northern Middlesex, held at Ayer; Ayer, Dunstable, Groton, Pepperell, Townsend, Ashby, Shirley, Westford, Littleton and Boxborough.

The first district court of eastern Middlesex, held at Malden; Malden, Wakefield, Melrose, and Everett.

The second district court of eastern Middlesex, held at Waltham; Waltham, Watertown and Weston.

The third district court of eastern Middlesex, held at Cambridge; Cambridge, Arlington and Belmont.

The fourth district court of eastern Middlesex, held at Woburn; Woburn, Winchester, Burlington, Wilmington, Stoneham, Reading and North Reading.

The first district court of southern Middlesex, held at Framingham; Framingham, Ashland, Holliston, Sudbury, Wayland and Hopkinton.

The district court of Lowell, held at Lowell; Lowell, Tewksbury, Billerica, Dracut, Chelmsford and Tyngsborough.

The district court of Marlborough, held at Marlborough; Marlborough, and Hudson.

The district court of Natick, held at Natick; Natick and Sherborn.

The district court of Newton, held at Newton; Newton.

The district court of Somerville, held at Somerville; Somerville and Medford.

SECTION 172. Said chapter 218 is hereby amended by striking out section 6 and inserting in place thereof the following section:-

Section 6. In each division of the district court department, as provided in section one, one appointment of associate justice of the trial court shall be made; except that the divisions corresponding to the district court of Brockton, the first district court of Barnstable, 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, so-called, shall have two justices each; and the divisions corresponding to the municipal court of the Roxbury district, the third district court of eastern Middlesex and the central district court of Worcester, so-called, shall have three justices each.

The said division corresponding to the municipal court of the Roxbury district, so-called, shall have, in addition to the number of justices authorized in the first paragraph for said division, one associate justice who shall be appointed as justice for the juvenile sessions of said division.

The senior justice in length of full-time service in the division to which he is appointed, whether as justice or as special justice, shall be the first justice of said division. Citations, orders of notice, writs, executions and all other processes issued by the clerk of the division shall bear the teste of the first justice thereof. The first justice shall be the administrative head of his division, and without limiting the foregoing, shall appoint temporary clerks, court officers and probation officers, and shall approve the appointments of assistant clerks and of temporary assistant clerks, with all of such appointments subject to rejection for non-compliance by the chief administrative justice as provided in section eight of chapter two hundred and eleven B.

A special justice in the district court department or the juvenile court department who does not serve full-time in accordance with the provisions of section six A, section fifty-eight B or fifty-eight C shall be paid by the commonwealth for each day's services at the rate by the day of the salary of a justice of the court where he is assigned.

If a justice is absent on Saturday or absent due to an assignment in another division or department within the trial court, no such deduction shall be made therefor from vacation time or sick leave accumulated. During the calendar year of the taking office of a justice no such deduction shall be made for the absence of the justice on that proportion of thirty days corresponding to the proportion of said calendar year remaining after his taking office as justice, nor in addition for the absence of the justice by reason of illness or physical disability for the said proportion of thirty days.

Subject to the provisions of section forty, the special justices in the district court department shall sit in their own divisions and in addition perform such other duties as special justices in such other divisions on such occasions as ordered by the administrative justice for the district court department; and in such other departments of the trial court as authorized by law.

SECTION 173. Said chapter 218 is hereby amended by striking out section 6, as amended by section 172 of this act, and inserting in place thereof the following section:-

Section 6. In each division of the district court department, as provided in section one, one appointment of associate justice of the trial court shall be made; except that the divisions corres-

ponding to the district court of Brockton, the first district court of Barnstable, 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, so-called, shall have two justices each; and the divisions corresponding to the municipal court of the Roxbury district, the third district court of eastern Middlesex and the central district court of Worcester, so-called, shall have three justices each.

The said division corresponding to the municipal court of the Roxbury district, so-called, shall have, in addition to the number of justices authorized in the first paragraph for said division, one associate justice who shall be appointed as justice for the juvenile sessions of said division.

Except as provided by section two of chapter one thousand and ninety of the acts of nineteen hundred and seventy-one, of section two of chapter three hundred and fifty-six of the acts of nineteen hundred and seventy-three, of section two of chapter nine hundred and fifty-nine of the acts of nineteen hundred and seventy-three, and of section two of chapter five hundred and twenty-two of the acts of nineteen hundred and seventy-six, there shall be appointed in each division an additional number of justices equivalent to the number of justices provided for said division in the first paragraph, which additional number shall correspond to the number of special justices authorized on January thirty-first, nineteen hundred and seventy-six for a district court having substantially the same territorial jurisdiction as said division; provided that in no event shall the total number of justices and special justices in the district court department hereby exceed one hundred and fifty-three; and provided further that such appointments made under this paragraph shall be made to those divisions where vacancies first occur in the office of special justice after February first, nineteen hundred and seventy-six, and thereafter where vacancies occur in positions authorized under this paragraph, and in the order of their occurrence.

The senior justice in length of full-time service in the division to which he is appointed, whether as justice or as special justice, shall be the first justice of said division. Citations, orders of notice, writs, executions and all other processes issued by the clerk of the division shall bear the teste of the first justice thereof. The first justice shall be the administrative head of his division, and without limiting the foregoing, shall appoint temporary clerks, court officers and probation officers, and shall approve the appointments of assistant clerks and of temporary assistant clerks, with all of such appointments subject to rejection for non-compliance by the chief administrative justice as provided in section eight of chapter two hundred and eleven B.

A special justice in the district court department or the juvenile court department who does not serve full-time in accordance with the provisions of section six A, section fifty-eight B or fifty-eight C shall be paid by the commonwealth for each day's services at the rate by the day of the salary of a justice of the court where he is assigned.

If a justice is absent on Saturday or absent due to an assign-

ment in another division or department within the trial court, no such deduction shall be made therefor from vacation time or sick leave accumulated. During the calendar year of the taking office of a justice no such deduction shall be made for the absence of the justice on that proportion of thirty days corresponding to the proportion of said calendar year remaining after his taking office as justice, nor in addition for the absence of the justice by reason of illness or physical disability for the said proportion of thirty days.

Subject to the provisions of section forty, the special justices in the district court department shall sit in their own divisions and in addition perform such other duties as special justices in such other divisions on such occasions as ordered by the administrative justice for the district court department; and in such other departments of the trial court as authorized by law.

SECTION 174. Said chapter 218 is hereby further amended by striking out section 6A, inserted by section 6 of chapter 862 of the acts of 1975, and inserting in place thereof the following section:-

Section 6A. (a) Any special justice of a district court holding office on January first, nineteen hundred and seventy-six may, in accordance with the provisions of paragraph (c), certify in writing to the administrative justice for the district courts that upon said certificate becoming effective said special justice shall devote full-time during ordinary business hours to the duties of his office and shall not engage directly or indirectly in the practice of law. Said certificate shall become effective at such time as the administrative justice for the district courts may direct, but in no case later than July first, nineteen hundred and seventy-nine, provided that no special justice shall become full-time before another who has filed a certificate before him; and provided further that a certificate may not be withdrawn after it has been filed.

(b) Upon said certificate becoming effective, said special justice shall be subject to the following provisions: (1) he shall devote full-time during ordinary business hours to the duties of his office, and shall not engage directly or indirectly in the practice of law; (2) he shall be paid the salary provided for justices of the trial court who are required to devote full-time to their duties, said salary to be paid from the same sources and in the same manner as the salary of the other justices of the district courts, and travel and expense allowances to the same extent as is provided for justices of district courts; (3) he shall sit by assignments of the administrative justice for the district courts in the district court to which he was appointed, in district courts in the county in which the district court to which he was appointed is located or in which he resides or in a county adjacent to either of them, and, in instances where exigent circumstances require, in district courts in other counties, and he shall perform such other duties as are assigned him by said administrative justice. He shall be assigned to sit as proximate as reasonably practicable to the district court to which he was appointed, consistent with the public interest in the effective administration of justice; and he shall sit in such other courts and in such

manner as the law provides for justices and special justices of the district courts; (4) except as otherwise provided in this section he shall have the same powers, duties, rights and privileges, including the power to hear and decide civil actions, as a justice of a district court who is required to devote full-time to his duties and who is not the administrative head of his court; and (5) as provided in the preceding section, he shall be eligible to be a first justice of the division to which he is appointed.

(c) The certificate provided for in paragraph (a) of this section may be filed with the administrative justice for the district courts at any time before May thirty-first, nineteen hundred and seventy-nine.

(d) The provisions of section six with regard to vacation and sick leave, including the provisions relative to accumulation, shall be deemed applicable to all justices and special justices who serve full-time in accordance with the provisions of this section. During the calendar year in which his certificate is made effective a special justice shall be entitled to the number of absences for vacation and sick leave corresponding to the proportion of said year remaining after said certificate becomes effective.

Notwithstanding any provisions of the General Laws to the contrary, (1) for the purposes of determining pension responsibilities a special justice appointed, or first appointed, as the case may be, to his office prior to January second, nineteen hundred and seventy-five who serves full-time in accordance with the provisions of this section shall not be subject to the provisions of section sixty-five D of chapter thirty-two; and (2) for purposes of determining the pension rights of a special justice who serves full-time in accordance with the provisions of this section said special justice may elect to waive the provisions of section sixty-five B of chapter thirty-two and his full-time service shall be deemed the service of a justice of a district court, other than the administrative justice, and said special justice shall be entitled to the same credit for his part-time service, if any, as a special justice as is provided in section sixty-five A of chapter thirty-two for a justice of a district court who has previously served as a special justice; provided, however, that nothing herein shall be construed to alter the pension rights and responsibilities applicable to a special justice who does not file a certificate under the provisions of this section.

(e) Any special justice holding office on January first, nineteen hundred and seventy-six who does not file a certificate under the foregoing provisions shall, after July first, nineteen hundred and seventy-nine, be precluded from engaging directly or indirectly in the practice of law.

(f) Except as provided in paragraph (e), nothing in this section shall affect the powers, duties, rights and privileges of any special justice who is holding his office on January first, nineteen hundred and seventy-six and who does not file a certificate under the provisions of paragraph (a).

(g) Any special justice who assumes office after January first, nineteen hundred and seventy-six shall devote full-time during ordinary business hours to the duties of his office and shall not engage directly or indirectly in the practice of law, and shall also be subject to so much of the other provisions of

paragraphs (b) and (d) of this section as are applicable.

(h) Nothing in this section shall be construed to establish a new judicial position nor to abolish the tenure of any incumbent special justice of a district court.

(i) Nothing in this section shall be construed to interfere with the existing administrative powers and duties of a senior justice in a district court.

SECTION 175. Chapter 218 of the General Laws is hereby amended by striking out section 9, as most recently amended by section 4 of chapter 587 of the acts of 1975, and inserting in place thereof the following section:-

Section 9. In case of the absence, death or removal of a clerk of a division of the district court department or of the juvenile court department the first justice of said division may appoint a temporary clerk, to act until the clerk resumes his duties or until the vacancy is filled.

A temporary clerk shall be paid by the commonwealth for each day's service an amount equal to the rate by the day of the compensation of the clerk of such court as established in the salary schedule set forth in section seventy-nine; but compensation so paid to a temporary clerk for service, in excess of the number of days of vacation accumulated by the clerk as provided in section eight in any one year, shall be deducted by the state treasurer from the salary of the clerk; provided, however, that if a clerk is absent, due to his illness or physical disability, for a period not exceeding the number of days of sick leave he has accumulated pursuant to said section eight, no such deduction shall be made. Such thirty days sick leave or any portion thereof not used in any year may be accumulated, but shall, in any event not exceed one hundred and eighty days in any consecutive six-year period. If the person so appointed holds an office or position, the salary or compensation for which is paid out of the treasury of the commonwealth, or of a county, or a municipality, he shall not receive the salary of both office or positions during the period of such temporary service.

SECTION 176. Said chapter 218 is hereby further amended by striking out section 10, as most recently amended by section 1 of chapter 446 of the acts of 1977, and inserting in place thereof the following section:-

Section 10. The clerk of a district court division may, subject to the approval of the justice, appoint one or more assistant clerks for whose official acts the clerk shall be responsible, who shall be paid by him unless salaries payable by the commonwealth are authorized in this section or in section fifty-three. In divisions having one or more assistant clerks the clerk may designate one as the first assistant clerk. An assistant clerk with salaries payable by the commonwealth may be appointed in divisions the judicial districts of which have, according to the national or state census last preceding, a population of sixty thousand or more, and in the following divisions:-

- second district court of Barnstable
- district court of central Berkshire
- district court of southern Berkshire

district court of northern Berkshire
 first district court of Bristol
 district court of Chicopee
 district court of eastern Essex
 district court of Fitchburg
 district court of Franklin
 district court of eastern Hampden
 district court of western Hampden
 district court of Holyoke
 district court of Marlborough
 first district court of eastern Worcester
 first district court of northern Worcester
 first district court of southern Worcester.

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

fourth district court of Bristol
 municipal court of Brookline
 district court of Chelsea
 first district court of Essex
 district court of central Middlesex
 first district court of northern Middlesex
 district court of southern Norfolk
 district court of western Norfolk
 district court of Peabody
 third district court of Plymouth
 fourth district court of Plymouth.

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

first district court of Barnstable
 municipal court of the Brighton district
 second district court of Bristol
 district court of Hampshire
 first district court of eastern Middlesex
 second district court of eastern Middlesex
 fourth district court of eastern Middlesex
 district court of Newton
 second district court of Plymouth
 district court of Somerville.

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

third district court of Bristol
 East Boston district court
 municipal court of the South Boston district
 district court of Brockton
 municipal court of the Charlestown district
 central district court of northern Essex
 district court of southern Essex
 district court of Lowell
 district court of northern Norfolk.

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

district court of Lawrence.

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

first district court of southern Middlesex

district court of East Norfolk
municipal court of the West Roxbury district.
Seven assistant clerks with salaries payable by the commonwealth
may be appointed in:

municipal court of the Dorchester district
central district court of Worcester.

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

district court of Springfield.

Ten assistant clerks with salaries payable by the commonwealth
may be appointed in:

third district court of eastern Middlesex
municipal court of the Roxbury district court.

One of the ten assistant clerks for the municipal court of the
Roxbury district shall be appointed for juvenile sessions.

Assistant clerks appointed under authority of this section, who
are paid by the commonwealth, and who have held said appointment
for three consecutive years, shall hold office during good behavior,
but subject to applicable retirement laws, and may be removed
from office under procedures authorized by section eight of
chapter two hundred and eleven B.

Each assistant clerk appointed under the authority of this
section shall be entitled to thirty days vacation leave and thirty
days sick leave in each calendar year. Vacation and sick leave
not used in any such year may be accumulated, provided that
the total number of vacation days so accumulated shall not exceed
sixty and the total amount of sick leave accumulated shall not
exceed one hundred and eighty days.

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

third district court of eastern Middlesex
district court of Lowell.

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

SECTION 177. Said chapter 218 is hereby further amended by
striking out section 11, as most recently amended by section 6 of
chapter 587 of the acts of 1975, and inserting in place thereof
the following section:-

Section 11. In case of the absence, death or removal of a
salaried assistant clerk of the district court department, the
clerk subject to the approval of the first justice, may appoint a
temporary assistant clerk, to act until such assistant clerk
resumes his duties or until the vacancy is filled. A temporary
assistant clerk shall be paid by the commonwealth for each day's
service an amount equal to the rate by the day of the compensa-

tion of such assistant clerk as established by section eighty, but compensation so paid to a temporary assistant clerk for service, in excess of the number of days of vacation accumulated by the assistant clerk as provided in section ten in any one year, shall be deducted by the state treasurer from the salary of such assistant clerk; provided, however, that if an assistant clerk is absent due to his illness or physical disability for a period not exceeding the number of days of sick leave he has accumulated, no such deduction shall be made. Such thirty day sick leave or any portion thereof not used in any year may be accumulated, but shall, in any event, not exceed one hundred and eighty days in any consecutive six-year period.

SECTION 178. Section 12 of said chapter 218, as appearing in the Tercentenary Edition, is hereby amended by striking out the last sentence and inserting in place thereof the following sentence:- A clerk may make and issue writs and processes, shall make returns of the court, tax bills of costs and receive fines, forfeitures, fees and costs accruing from the civil and criminal business of the court, including fees for blanks and copies.

SECTION 179. Said chapter 218 is hereby further amended by striking out section 13, as most recently amended by section 1 of chapter 157 of the acts of 1939, and inserting in place thereof the following section:-

Section 13. The records, papers and documents of the district courts may, subject to the approval of the supervisor of public records, be stored and kept in fireproof rooms, vaults and safes, provided by the commonwealth in the towns where the divisions are respectively situated, or in the courthouses.

SECTION 180. Said chapter 218 is hereby amended by striking out section 15, as most recently amended by section 2 of chapter 810 of the acts of 1963, and inserting in place thereof the following section:-

Section 15. The administrative justice for the district court department and the administrative justice for the Boston municipal court department, shall prescribe the times for holding civil and criminal trials in their respective departments, and the divisions thereof, except where such times are established by law, and the hours when their respective departments, and divisions, shall open for the transaction of business, and shall also prescribe reasonable daily office hours for the clerks of their respective divisions, during which hours the offices of such clerks shall be open, and may authorize such clerks to operate their offices on Saturdays with reduced personnel. Such hours shall be fixed with reference to the business of said divisions and the convenience of the public and of attorneys, and notice thereof shall be posted in a conspicuous place in the offices of the respective clerks. Clerks shall also keep their offices open whenever the court so orders.

SECTION 181. Section 16 of said chapter 218, as most recently amended by section 5 of chapter 214 of the acts of 1939, is hereby further amended by striking out the first sentence and inserting in place thereof the following sentence:- The clerk of

a division of the district court department before entering upon the performance of his official duties, and thereafter, at intervals of not more than one year, so long as he continues to hold such office, shall give to the commonwealth a bond, conditioned to perform faithfully his official duties, with a surety company authorized to transact business in the commonwealth, as surety, in a sum approved by the administrative justice of the district court department, but in no event less than five thousand dollars.

SECTION 182. Said chapter 218 is hereby amended by striking out section 17, as amended by section 12 of chapter 738 of the acts of 1956, and inserting in place thereof the following section:-

Section 17. A justice, clerk or assistant clerk of a district court shall not be retained or employed as an attorney in an action, complaint or proceeding pending in the division to which he is appointed, or which has been examined or tried therein; and a special justice shall not be so retained or employed in any case in which he acts or has acted as justice. No justice or special justice shall hear or try any case or proceeding in any division of the district court department, if he shall know that a partner or office associate of his has been directly or indirectly retained or employed as attorney in such case or proceeding. No special justice shall practice in a criminal session of any court in the commonwealth, nor shall he practice at all in the division, or predecessor district court, to which he is appointed.

SECTION 183. The first paragraph of section 19B of said chapter 218, as appearing in section 1 of chapter 419 of the acts of 1969, is hereby amended by striking out, in line 10, the word "chief" and inserting in place thereof the word:- administrative.

SECTION 184. Section 19C of said chapter 218, inserted by chapter 582 of the acts of 1970, is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

Subject to the approval of the supreme judicial court, the administrative justice for the district court department may from time to time promulgate rules and prescribe forms for the efficient operation of such equity sessions in the divisions of the district court department; and in the Boston municipal court department the administrative justice for said department may promulgate such rules and prescribe such forms.

SECTION 185. Said chapter 218 is hereby further amended by striking out section 21, as most recently amended by section 21 of chapter 266 of the acts of 1976, and inserting in place thereof the following section:-

Section 21. The administrative justice for the district court department shall make uniform rules applicable to all the divisions within said department, and the administrative justice for the Boston municipal court department shall make rules for the department, in both instances subject to the approval of the supreme judicial 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 seven hundred and fifty dollars, except that said dollar limitation shall not apply to an action for property damage caused by a motor vehicle, and for a review of judgments upon such claims when justice so requires. The procedure shall not be exclusive, but shall be alternative to the formal procedure for civil actions begun by summons and complaint. Actions under this section and sections twenty-two to twenty-five, inclusive, shall be brought in the judicial district where the defendant lives or has his usual place of business or employment; provided, however, that actions brought against a landlord or lessor of land or tenements rented for residential purposes, and arising out of such property or rental, may also be brought in the judicial district in which the property is located; provided, further, that each division within the district court department shall have civil jurisdiction of such actions commenced in such division which should have been brought in some other division, to the extent that the action may be heard and disposed of by the court in the division in which it was begun if the venue of said action is waived or, if venue requirements are not waived, the court may, on motion of any party, order the action, with all papers relating thereto, transferred for hearing and disposition to the division in which the action should have been commenced. Said action shall thereupon be entered and prosecuted in such division as if it had originally commenced therein, and all prior proceedings otherwise regularly taken shall thereafter be valid. An action may be commenced under this section if the initial amount of damages claimed is seven hundred and fifty dollars or less or is an action for property damage caused by a motor vehicle regardless of the amount of the claims notwithstanding that the court may award double or treble 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 alternative week, unless otherwise agreed to by all parties in such actions in accordance with the provisions of section thirty-four O of chapter ninety.

SECTION 186. Section 22 of said chapter 218, as most recently amended by section 10 of chapter 377 of the acts of 1975, is hereby further amended by adding the following paragraph:-

At the commencement of an action under the procedure the plaintiff shall be informed that such action may be submitted to the magistrate for mediation and resolution at the request of either party and with the agreement of both parties. The magistrate shall make appropriate note of any agreement so reached, and entry of judgment shall be made by the court. Any action which is not resolved by agreement may, at the request of any party, be heard by a justice under the preceding paragraph.

SECTION 187. Section 26 of said chapter 218 is hereby amended by striking out the first sentence, as amended by chapter 235 of the acts of 1976, and inserting in place thereof the following sentence:- The district courts and the municipal court of the city of Boston shall have original jurisdiction, concurrent with

the superior court, of the following offenses, complaint of which shall be brought in the division of the district court department, or in the Boston municipal court department, as the case may be, within whose judicial district the offense was allegedly committed or is otherwise made punishable: all violations of by-laws, orders, ordinances, rules and regulations, made by cities, towns and public officers, all misdemeanors, except libels, all felonies punishable by imprisonment in the state prison for not more than five years, the crimes mentioned in sections sixteen, seventeen, eighteen, nineteen, twenty-eight and forty-nine of chapter two hundred and sixty-six, and the crimes of escape or attempt to escape from any penal institution, forgery of a promissory note, or of an order for money or other property, and of uttering as true such a forged note or order, knowing the same to be forged.

SECTION 188. Said chapter 218 is hereby further amended by inserting after section 26 the following section:-

Section 26A. Trial of criminal offenses in the Boston municipal court department and in the divisions of the district court department shall be by a jury of six, unless the defendant files a written waiver and consent to be tried by the court without a jury, subject to his right of appeal therefrom for trial by a jury of six pursuant to section twenty-seven A. Such waiver shall not be received unless the defendant is represented by counsel or has filed a written waiver of counsel. Such trials by jury in the first instance shall be in those jury sessions designated by said section twenty-seven A for the hearing of such appeals. All provisions of law and rules of court relative to the hearing and trial of such appeals shall apply also to jury trials in the first instance.

SECTION 189. Said chapter 218 is hereby further amended by striking out section 27A, inserted by section 1 of chapter 620 of the acts of 1972, and inserting in place thereof the following section:-

Section 27A. (a) Every division of the district court department is authorized to hold jury-of-six sessions for the purpose of hearing appeals by defendants found guilty in the several divisions of criminal offenses over which the district courts have original jurisdiction under the provisions of section twenty-six. The Boston municipal court department shall also be so authorized for the purpose of hearing appeals from convictions in said Boston municipal court department, or in the divisions of the district court department in Suffolk county.

(b) The administrative justice for the district court department shall designate at least one division in each county for the purpose of hearing cases appealed to a jury of six; except that appeals from divisions within Suffolk county shall be held in the Boston municipal court department or district courts in Suffolk county or with the approval of the administrative justice, may be held in such district courts the judicial districts of which adjoin Suffolk county as are designated by said administrative justice; and appeals in the divisions for Dukes county and Nantucket county may be held in Barnstable county or Bristol county; and provided further that, with the approval of the administrative

justice for the superior court department, facilities of said superior court may be designated by the chief administrative justice of the trial court for appeals from divisions of the district court department or from the Boston municipal court department.

(c) A defendant found guilty in any division of the district court department may appeal to a jury-of-six session in the same division if such has been established in said division at the time the appeal is taken. If such session has not been so established, the defendant may appeal to a jury-of-six session as designated in paragraph (b).

(d) The justice presiding over a jury-of-six session shall have and exercise all the powers and duties which a justice sitting in the superior court department has and may exercise in the trial and disposition of criminal cases, but in no case may he impose a sentence to the state prison. No justice so sitting shall act in a case in which he has sat or held an inquest or otherwise taken part in any proceeding therein.

(e) Trials by juries of six shall proceed in accordance with the provisions of law applicable to trials by jury in the superior court except that the number of peremptory challenges shall be limited to two to each defendant. The commonwealth shall be entitled to as many challenges as equal the whole number to which all the defendants in the case are entitled.

(f) For the jury-of-six sessions, the superior court shall make available jurors from the pool of jurors for the jury sessions in either civil or criminal sessions in the superior court.

(g) The district attorney for the district in which the alleged offense or offenses occurred shall appear for the commonwealth in all cases. The administrative justices for the district court department and the Boston municipal court department shall arrange for the sittings of the jury sessions of their respective departments and shall assign justices thereto, to the end that speedy trials may be provided for such appeals. Review may be had directly by the appeals court, by a bill of exceptions, appeal, report or otherwise in the same manner provided for trials of criminal cases in the superior court. The defendant may elect to waive a jury of six in the manner provided by section six of chapter two hundred and sixty-three.

(h) The justice presiding at such jury-of-six session shall, upon the request of the defendant, appoint a stenographer, who shall be sworn, and who shall take stenographic notes of all the testimony given at the trial, and shall provide the parties thereto with a transcript of his notes or any part thereof taken at the trial or hearing for which he shall be paid by the party requesting it at the rate fixed by the administrative justice for the department where the case is tried; provided, however, that such rate shall not exceed the rate provided by section eighty-eight of chapter two hundred and twenty-one. Said administrative justice may make regulations not inconsistent with law relative to the assignments, duties and services of stenographers appointed for sessions in his department and any other matter relative to stenographers. The compensation and expenses of said stenographer shall be paid by the commonwealth.

The request for the appointment of a stenographer to preserve the testimony at a trial shall be given to the clerk of the court

by the defendant in writing not later than forty-eight hours prior to the proceeding for which the stenographer has been requested. If the court is unable, for any reason, to provide a stenographer, the proceedings may be recorded by electronic means upon the filing of written assent by all parties to the proceeding.

(i) In any case heard in a jury-of-six session where a defendant is found guilty and placed on probation, he shall thereafter be supervised by the probation officer of the court in which the case originated.

SECTION 190. Section 31 of said chapter 218, as appearing in the Tercentenary Edition, is hereby amended by striking out, in line 5, the words "the superior court" and inserting in place thereof the words:- a jury session of the district courts.

SECTION 191. Said chapter 218 is hereby further amended by striking out section 33, as so appearing, and inserting in place thereof the following section:-

Section 33. A clerk, assistant clerk, temporary clerk or temporary assistant clerk, may receive complaints, administer to complainants the oath required thereto, and issue warrants, search warrants and summonses, returnable as required when such process are issued by said courts. No other person, except a judge, shall be authorized to issue warrants, search warrants or summonses.

SECTION 192. The second paragraph of section 35 of said chapter 218, added by chapter 552 of the acts of 1975, is hereby amended by striking out, in line 5, the word "chief" and inserting in place thereof the word:- administrative.

SECTION 193. Section 35A of said chapter 218, as amended by chapter 293 of the acts of 1945, is hereby further amended by adding the following paragraphs:-

If such complaint is received, the court, or any of said officers referred to in the preceding paragraph, shall, unless there is an imminent threat of bodily injury, of the commission of a crime or of flight from the commonwealth by the person against whom such complaint is made, give to said person, if not under arrest for the offense for which the complaint is made, notice in writing of such complaint; and said person shall be given an opportunity to be heard in opposition to the issuance of process as provided in the first paragraph. Unless a citation as defined in section one of chapter ninety C has been issued, notice shall also be given of the manner in which he may be heard in opposition as provided herein.

The court, or said officer thereof, may upon consideration of the evidence cause process to be issued unless there is no probable cause to believe that the person who is the object of the complaint has committed the offense charged.

The term district court as used in this section shall include the Boston municipal court department.

SECTION 194. Section 38 of said chapter 218 is hereby amended by striking out the second sentence, as amended by section 2 of chapter 347 of the acts of 1939, and inserting in place thereof

the following sentence:- Sittings of the courts shall be held in the courthouses or other places provided therefor by the judicial branch, at the times and in the towns fixed by law; but if the times are not fixed by law, they shall be prescribed as provided in section fifteen.

SECTION 195. Said chapter 218 is hereby further amended by striking out section 39, as amended by section 4 of chapter 810 of the acts of 1963, and inserting in place thereof the following section:-

Section 39. Justices and clerks of district courts, except the municipal court of the city of Boston, may procure all law books relating to the laws of the commonwealth, including the reports of the supreme judicial court, the Massachusetts digests, all blank books, blanks, stationery and other incidentals required by said courts and approved by the justices. The clerk of a district court in any county other than Suffolk, the judicial district of which has a population exceeding one hundred and twenty thousand as ascertained by the last preceding national or state census and in which there is no county law library, may, with the approval of the administrative justice, procure other law books required by said court. The expenses thereof shall be certified by the justices or clerks monthly, and shall be transmitted to the state treasurer for payment.

SECTION 196. Said section 218 is hereby further amended by striking out section 40, as most recently amended by section 7 of chapter 862 of the acts of 1975, and inserting in place thereof the following section:-

Section 40. A special justice of a district court who does not serve full time in accordance with the provisions of section 6A shall sit in the municipal court of the city of Boston by assignment in the same manner as if he were serving full time. When such a special justice, who is part-time, so-called, holds court, or a session thereof or an inquest, or certifies a bill of costs to the treasurer of the commonwealth, that fact, and the fact which gave him jurisdiction, shall be entered upon the general records of the court, but need not be stated in the record of any case heard by him.

Except in the municipal court of the city of Boston, the district court of Dukes county and the district court of Nantucket, no justice or special justice who does not serve full-time shall hear and determine any civil cases other than supplementary proceedings, summary process, small claims, and proceedings relating to juveniles and insane persons in any district court without the authorization of the administrative justice of the district courts. The administrative justice of the district courts shall give such authorization for specified limited periods of time in specified district courts and only as the public convenience may require, and may give such authorization by general rule applicable to the hearing and determination of interlocutory proceedings, or whenever full-time justices or special justices assigned to hear such civil cases, who serve full-time in accordance with the provisions of section six A, are absent or otherwise unable to sit. No such authorization shall be required for the rehearing

of matters of law arising in civil causes by any justice assigned to the appellate division of a district court.

SECTION 197. Said chapter 218 is hereby further amended by inserting after section 42 the following section:-

Section 42A. The justice provided for under section one of chapter two hundred and eleven B as the administrative justice for the district court department, in addition to his judicial powers and duties, shall, subject to the superintendence authority of the supreme judicial court and the administrative authority of the chief administrative justice of the trial court, be the administrative head of the district court department. In addition to the powers conferred in section ten of said chapter two hundred and eleven B, he shall have the powers and duties prescribed in sections 43 to 43D of this chapter and in such other provision of statute.

SECTION 198. Said chapter 218 is hereby further amended by striking out sections 43 to 43B, inclusive, and inserting in place thereof the following three sections:-

Section 43. The administrative justice shall from time to time make and promulgate uniform rules of practice and procedure, subject to the approval of the supreme judicial court, including rules for the preparation and submission of reports, the allowance of reports which a justice shall disallow as not conformable to the facts, or shall fail to allow by reason of physical or mental disability, death, resignation, retirement or removal and the reporting of cases reserved for report when a justice shall fail to report the same by reason of physical or mental disability, death, resignation, retirement or removal, the granting of new trials, and the practice and the manner of conducting business in cases which are not expressly provided for by law. Such rules shall not apply to the Boston municipal court department.

Section 43A. The administrative justice shall be authorized to require uniform practices, to prescribe forms of blanks and records, and to superintend the keeping of records by clerks. He shall have general superintendence of all the divisions of the district court department, and their clerks and other offices; but, except as otherwise provided by law, shall have no power to appoint any such officers. He shall have the power to prohibit practice of motor vehicle tort cases, so called, by the justices and special justices appointed to the respective divisions.

Section 43B. In addition to the powers set forth in section forty-three A, the administrative justice for the district court department shall prescribe official forms to be used in all divisions of said department. Nothing in this section shall be construed as affecting the provisions of section one hundred and one A of chapter two hundred and seventy-six.

SECTION 199. Section forty-three C of said chapter two hundred and eighteen is hereby repealed.

SECTION 200. Said chapter 218 is hereby further amended by striking out section 43D, inserted by section 3 of chapter 852 of the acts of 1967, and inserting in place thereof the following

section:-

Section 43D. Subject to the approval of the supreme judicial court, the administrative justice for the district court department shall make uniform rules applicable to all the divisions of said department, and the administrative justice for the Boston municipal court department shall make rules applicable to that department, providing for a simple, informal and inexpensive procedure for the determination of claims for compensation of victims of violent crimes, as provided under chapter two hundred and fifty-eight A.

SECTION 201. Section 44 of said chapter 218, as appearing in the Tercentenary Edition, is hereby amended by striking out, in line 4, the words "in the municipal court of the city of Boston, the chief justice" and inserting in place thereof the words:- in the Boston municipal court department, the administrative justice.

SECTION 202. Said chapter 218 is hereby further amended by striking out section 47, as appearing in the Tercentenary Edition, and inserting in place thereof the following section:-

Section 47. Clerks of district courts, except the municipal court of the city of Boston, shall, on or before the tenth day of each month, account for and pay over to the state treasurer all money received by them from civil business, including fees for the blanks and copies, and to city and town treasurers all fines and forfeitures received by them payable to said cities or towns, and render to said treasurers a detailed account on oath of the same. Such payments shall include the balances due and payable at the end of the month last preceding the day of payment. They shall, at the end of a criminal case, pay the fees and expenses of officers entitled thereto from the funds in their hands payable to the city or town liable for the payment of such fees and expenses, if they have sufficient funds therefor, and all such fees and expenses not so paid shall be certified at the end of each month to the treasurer of the city or town liable therefor, who shall pay them to the parties entitled thereto. They shall, at the end of a criminal case or inquest, pay the fees of witnesses for the commonwealth and the fees and expenses of officers at inquests who are entitled thereto, from the funds furnished them by the state treasurer for that purpose, or out of any funds which may be paid into court and are payable to the commonwealth. They shall be allowed for the amounts so paid in their settlement with the state, city and town treasurers. If they do not have in their hands sufficient funds returnable to the commonwealth with which to pay such fees, as herein provided, that may make written requisition therefor upon the state treasurer, who shall pay to them not more than two hundred dollars each in any one month; but if it appears necessary to the commissioner of administration, he may approve in addition thereto a requisition for not more than two hundred dollars in any one month, and, upon receipt of a requisition so approved, the state treasurer may pay to them such amount as may be called for therein. They shall account therefor in their regular settlements with the state treasurer and shall be liable therefor on their official bonds. A clerk violating any provision of this section shall be

punished by a fine of not more than one hundred dollars.

SECTION 203. Section 49 of said chapter 218, as so appearing, is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:- If they do not have sufficient funds in their hands with which to make such payments, they may make written requisition upon the administrative justice and thereupon the state treasurer shall advance to them not more than one hundred dollars each in any one month, for which they shall, before the tenth day of each month, account to the commonwealth and for which they shall be liable on their official bonds.

SECTION 204. Said chapter 218 is hereby further amended by striking out section 50, as most recently amended by section 7 of chapter 587 of the acts of 1975, and inserting in place thereof the following section:-

Section 50. The Boston municipal court department established under section 1 of chapter two hundred and eleven B shall consist of nine associate justices of the trial court appointed to said department. They shall devote their entire time during ordinary business hours to their duties and shall not, directly or indirectly, engage in the practice of law. Said justices shall each be entitled to thirty days vacation and thirty days sick leave in each calendar year. Vacation leave and sick leave not used in any such year may be accumulated, provided that the number of vacation days so accumulated shall not exceed sixty and the total amount of sick leave shall not exceed one hundred and eighty days.

The justices appointed to said department may, subject to the approval of the supreme judicial court, from time to time make rules for regulating the practice and conducting the business therein in all cases not expressly provided for by law.

Unless the context refers only to a district court or a juvenile court, or some other clearly contrary intent, whenever the words "municipal court of the city of Boston", "municipal court", "district court" or "court" are used in this chapter, they shall refer to the Boston municipal court department. And unless the context includes, or refers only to, a person appointed to a district court or to the Boston juvenile court, the words "justice" or "associate justice" shall mean an associate justice of the trial court appointed to the Boston municipal court department; and the words "clerk" or "clerk of court" shall mean a clerk of said department; and the words "assistant clerk", "deputy assistant clerk", "temporary clerk" or "temporary assistant clerk" shall mean, respectively, an assistant clerk, deputy assistant clerk, temporary clerk or temporary assistant clerk of said department.

SECTION 205. Section fifty-one of said chapter two hundred and eighteen is hereby repealed.

SECTION 206. Said chapter 218 is hereby further amended by inserting after section 51 the following section:-

Section 51A. The justice provided for under section one of chapter two hundred and eleven B as the administrative justice for the Boston municipal court department, in addition to his

judicial powers and duties, shall, subject to the superintendence authority of the supreme judicial court and the administrative authority of the chief administrative justice of the trial court, be the administrative head of the Boston municipal court department.

Said administrative justice, or, in case of his death, illness, absence or incapacity, the senior justice in the department, shall allow bills of costs, accounts, charges and expenses which arise in his department, and shall certify to the public officer by whom payable such amounts so allowed.

SECTION 207. Said chapter 218 is hereby further amended by striking out section 52, as most recently amended by section 8 of chapter 587 of the acts of 1975, and inserting in place thereof the following section:-

Section 52. In addition to the powers conferred in section ten of chapter two hundred and eleven B, the administrative justice referred to in section fifty-one A may from time to time make assignments for the attendance of a justice at the several times and places appointed for holding court. Said administrative justice, or, in case of his death, illness, absence or incapacity, the senior justice in the department, if in his opinion the public business so requires, may provide for additional sessions in the department. A special justice appointed in the district court department, with the assent of the administrative justice for that department, may hold any such additional session at the request of the administrative justice or senior justice as aforesaid. During the continuance of such request a special justice shall have and exercise all the powers and duties of a justice. The fact of holding court and the fact which gave him jurisdiction shall be entered upon the general records of the court, but need not be stated in the record of any case heard by him. The compensation of said justice shall be at the rate by the day of the salary of an associate justice of the municipal court of the city of Boston; and, except when holding an additional session as above provided, the compensation for service in excess of the number of days of vacation leave he has accumulated which may be rendered to or for any one justice shall be deducted from the salary of such justice; provided, however, that if such justice is absent due to his illness or physical disability for a period not exceeding the number of days of sick leave he has accumulated, no such deduction shall be made.

SECTION 208. Said chapter 218 is hereby further amended by striking out section 53, as most recently amended by section 9 of said chapter 587, and inserting in place thereof the following section:-

Section 53. There shall be a clerk and twelve assistant clerks of said court for criminal business, and a clerk and twelve assistant clerks of said court for civil business. The assistant clerks shall be appointed by the clerks, respectively, subject to the approval of the justices or a majority of them, and the clerks shall be responsible for the doings of their assistants, and may remove them at pleasure. The salaries of the clerks and the assistant clerks shall be paid by the commonwealth as follows: the clerk of said court for criminal business and the

clerk of said court for civil business shall each receive as a salary a sum equivalent to the salary of a clerk of a Class I division of the district court department established under section seventy-nine; the first assistant clerk and the assistant clerk in charge of jury appeals sessions, so designated by the clerk for criminal business, and the first assistant clerk for civil business shall each receive as a salary a sum equivalent to eighty-seven and one half per cent of the salary of their respective clerks and all other assistant clerks shall each receive as a salary a sum equivalent to seventy-five per cent of the salary of their respective clerks.

The clerks and assistant clerks shall devote their entire time during ordinary business hours to their respective duties and shall not, directly or indirectly, engage in the practice of law.

Each clerk and assistant clerk of said court shall be entitled to thirty days vacation and thirty days sick leave in each calendar year. Vacation leave and sick leave not used in any such year may be accumulated, provided that the number of vacation days so accumulated shall not exceed sixty and the total amount of sick leave shall not exceed one hundred and eighty days.

Assistant clerks appointed under authority of this paragraph who have held said appointment for three consecutive years shall hold office during good behavior, but subject to applicable retirement laws, and may be removed by the clerks, respectively, for cause shown, subject to the procedures authorized by section eight of chapter two hundred and eleven B.

The clerk of said court for civil business and the clerk of said court for criminal business may each designate such employees in his office, as in his judgment may be necessary for the convenience of the public, as deputy assistant clerks of said court who shall have the same authority to administer oaths as the assistant clerks of said court.

SECTION 209. Said chapter 218 is hereby further amended by striking out section 53A, as amended by section 10 of said chapter 587, and inserting in place thereof the following section:-

Section 53A. In case of the absence, death or removal of a salaried assistant clerk of the Boston municipal court department, the clerk of said court for civil business or the clerk of said court for criminal business, as the case may be, may, subject to the approval of the administrative justice, appoint a temporary assistant clerk, to act until such assistant clerk resumes his duties or until the vacancy is filled.

SECTION 210. Said chapter 218 is hereby further amended by striking out section 55, as amended by section 1 of chapter 533 of the acts of 1964, and inserting in place thereof the following section:-

Section 55. The justices of said department may employ stenographic services and provide for recording systems for the court. Said department may secure for its criminal business medical service, and the equipment necessary therefor, and for this purpose may expend annually such sum, not exceeding fifteen thousand dollars, as the justices of said court may from time to time determine, subject to the approval of the chief .

administrative justice of the trial court. Sums so expended shall be paid by the commonwealth upon vouchers approved by the administrative justice for the department.

SECTION 211. Said chapter 218 is hereby further amended by striking out section 56, as appearing in the Tercentenary Edition, and inserting in place thereof the following section:-

Section 56. The clerks shall, on or before the tenth day of each month, account for an pay over to the collector of the city of Boston or to the state treasurer, as the case may be, the balance due and payable at the end of the preceding month of all money received by them payable by law to the city of Boston or to the commonwealth, and shall render to said officers a detail account thereof under oath. Whoever violates this section shall be punished by a fine of not more than one hundred dollars.

SECTION 212. Said chapter 218 is hereby further amended by striking out section 57, as most recently amended by section 15 of chapter 731 of the acts of 1972, and inserting in place thereof the following two sections:-

Section 57. The juvenile court department established under section one of chapter two hundred and eleven B shall be composed of divisions, one for each of the judicial districts hereinafter enumerated, which shall continue to have and exercise jurisdiction over the following cities, towns, wards and territory, respectively:

Boston; within the same territorial limits as are prescribed for the criminal jurisdiction of the Boston municipal court department, and also within the territorial limits of wards four, five, and ten, except precincts one, six and seven of said ward ten, and precincts one and two of ward twenty-one; of Boston, all as existing on February first, nineteen hundred and seventy-six; and also as provided in sections twenty-four and thirty-nine E of chapter one hundred and nineteen relating to children within Suffolk county.

Worcester; within the same territorial limits as are prescribed for the criminal jurisdiction for the central district of Worcester.

Springfield; within the same territorial limits as are prescribed for the criminal jurisdiction of the district court of Springfield.

Bristol county; within the same territorial limits as are prescribed for the criminal jurisdiction of all the districts of Bristol county.

Appeals provided under sections twenty-seven, thirty-nine I and fifty-six of chapter one hundred and nineteen, when taken from a court in Suffolk county, except the municipal court of the city of Boston, shall be to the appeals session of the division of the juvenile court department for Boston, and such appeals from the division of the juvenile court department for Bristol county shall be to said division in its juvenile appeal session. Appeals from courts in Worcester county and Hampden county may be taken to the appeals sessions of the divisions of the juvenile court department for Worcester and Springfield, respectively.

Whenever the words "juvenile court" or "court", when the context indicates a juvenile court, are used in this chapter, they shall refer to a division of the juvenile court department. And when the context indicates personnel appointed to a juvenile

court, the words "justice" or "special justice", provided that he is serving full time under the provisions of sections fifty-eight B or fifty-eight C, shall mean an associate justice of the trial court appointed to a division of the juvenile court department; and the words "clerk" or "clerk of court" shall mean the clerk of said division; and the words "assistant clerk", "deputy assistant clerk", "temporary clerk" or "temporary assistant clerk" shall mean, respectively, an assistant clerk, a deputy assistant clerk, temporary clerk or temporary assistant clerk of said division.

Section 57A. The justice provided for under section one of chapter two hundred and eleven B as the administrative justice for the juvenile court department, in addition to his judicial powers and duties, shall, subject to the superintendence authority of the supreme judicial court and the administrative authority of the chief administrative justice of the trial court, be the administrative head of the juvenile court department.

Said administrative justice may appoint an executive secretary and, for the purpose of coordinating the business of the department, said administrative justice shall define his duties. Said executive secretary shall be a member of the bar and shall receive from the commonwealth a salary equal to seventy per cent of the salary of said administrative justice. Said executive secretary shall devote full time during business hours to his duties and shall not, directly or indirectly, engage in the practice of law.

SECTION 213. Said chapter 218 is hereby further amended by striking out said section 58, as most recently amended by section 1 of chapter 241 of the acts of 1977, and inserting in place thereof the following section:-

Section 58. The Worcester and Springfield divisions of the juvenile court department shall each consist of one justice, the Bristol county division shall consist of two justices, and the Boston division shall consist of three justices, all of whom shall be members of the bar. The administrative justice for the district court department may, upon request of the administrative justice for the juvenile court department, assign a special justice who is not serving full-time under the provisions of section six A from the district court department to sit in any division of the juvenile department.

The senior justice in length of full-time service in the division to which he is appointed, whether as a justice or as special justice, shall be the first justice of said division. Citations, orders of notice, writs, executions and all other processes issued by the clerk of the division shall bear the teste of the first justice thereof. The first justice shall be the administrative head of his division, and without limiting the foregoing, shall appoint temporary clerks, court officers and probation officers, and shall approve the appointments of assistant clerks and of temporary assistant clerks, with all of such appointments subject to rejection by the chief administrative justice for non-compliance as provided in section eight of chapter two hundred and eleven B.

Each division shall have a clerk, who shall be appointed by the governor, with the advice and consent of the council and shall hold office during good behavior, subject, however, to

retirement under the provisions of any applicable general or special law relative to retirement systems. The Boston division of the juvenile court department shall have a first assistant clerk and five assistant clerks, who shall be appointed by the clerk subject to the approval of the first justice.

The salary of the clerks and assistant clerks in the juvenile court department shall be paid by the commonwealth as follows: the clerk of a division of the juvenile court department shall receive as a salary a sum equivalent to the salary of a clerk of a Class I division of the district court department established under section seventy-nine; the first assistant clerk of a division of said department shall receive as a salary a sum equivalent to eighty-seven and one half per cent of the salary of the clerk; and all other assistant clerks shall receive as a salary a sum equivalent to seventy-five per cent of the salary of the clerk. In the Boston division of said department one of the assistant clerks shall be designated by the clerk as an assistant clerk in charge of the appeals session and shall receive the same salary as the first assistant clerk.

The clerks and assistant clerks of the juvenile court department shall devote their entire time during ordinary business hours to their respective duties and shall not, directly or indirectly, engage in the practice of law.

The clerks and assistant clerks of the juvenile court department shall be entitled to thirty days vacation and thirty days sick leave in each calendar year. Vacation leave and sick leave not used in any such year may be accumulated provided that the number of vacation days so accumulated shall not exceed sixty and the total amount of sick leave shall not exceed one hundred and eighty days.

SECTION 214. Said chapter 218 is hereby amended by inserting after section 58B the following section:-

Section 58C. (a) Any special justice of a juvenile court who assumes office after January first, nineteen hundred and seventy-six shall devote full time during ordinary business hours to the duties of his office and shall not engage directly or indirectly in the practice of law.

(b) Said special justice shall be paid the salary provided in section seventy-seven A for justices of the district courts who are required to devote full time to their duties, other than the administrative justice thereof, said salary to be paid from the same source and in the same manner as the salary paid to a justice of a juvenile court, and travel and expense allowance to the same extent as is provided for justices of district courts.

(c) Said special justice shall sit in such other divisions or departments within the trial court as the law provides for a justice of a juvenile court; and he shall have such other powers, duties, rights and privileges as has a special justice under clauses (4) and (5) of paragraph (b) of section six A.

(d) Said special justice shall have the same rights of vacation and sick leave and the same pension rights and responsibilities as are provided a special justice of a district court under paragraph (d) of section six A.

SECTION 215. Section 59 of said chapter 218, as most recently amended by section 16A of chapter 859 of the acts of 1969, is hereby further amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

The administrative justice for the juvenile court department, if in his opinion the public business so requires, may provide for additional sessions within said department.

SECTION 216. Section 60 of said chapter 218, as most recently amended by section 17 of said chapter 859, is hereby further amended by striking out the second sentence and inserting in place thereof the following sentence:- In addition to the powers conferred in section 10 of chapter two hundred and eleven B, the administrative justice for the juvenile court department may, from time to time, provide procedural forms and make general rules in reference to practice and procedure for the conducting of business in the juvenile court department or in the juvenile sessions of the district court department, subject to the approval of the supreme judicial court.

Notwithstanding any provision of law to the contrary, said administrative justice may make and promulgate rules providing for the transfer of petitions brought in the Boston division of the juvenile court department under sections thirty-nine E to thirty-nine J of chapter one hundred and nineteen for hearing in such divisions of the district court department in Suffolk County as may be appropriate.

SECTION 217. Section 62A of said chapter 218, as most recently amended by chapter 509 of the acts of 1974, is hereby further amended by striking out, in lines 3 and 6, the word "chief", and inserting in place thereof, in each instance, the word:- administrative.

SECTION 218. Said chapter 218 is hereby further amended by striking out section 63, as most recently amended by chapter 81 of the acts of 1969, and inserting in place thereof the following section:-

Section 63. Court officers in the district court department shall, while on duty in said department, wear uniforms to be approved by the administrative justice for said department, which shall be furnished at the expense of the commonwealth.

SECTION 219. Section 64 of said chapter 218, as appearing in the Tercentenary Edition, is hereby amended by striking out, in line 4, the word "chief" and inserting in place thereof the word:- administrative.

SECTION 220. Section 67 of said chapter 218, as so appearing, is hereby amended by striking out, in line 5, the word "chief" and inserting in place thereof the following word:- administrative.

SECTION 221. Said chapter 218 is hereby further amended by striking out section 69, as so appearing, and inserting in place thereof the following section:-

Section 69. Clerks of the divisions of the district court department shall be allowed annually for clerical assistance such amount as shall be approved by the administrative justice for said depart-

ment.

SECTION 222. Said chapter 218 is hereby amended by striking out section 70, as most recently amended by section 17 of chapter 731 of the acts of 1972, and inserting in place thereof the following section:-

Section 70. The clerks of the Boston municipal court department for civil business and for criminal business and the clerks of the divisions of the juvenile court department shall each be annually allowed for clerical assistance such amounts as the administrative justice for their respective departments may approve.

SECTION 223. Said chapter 218 is hereby further amended by striking out section 74, as amended by section 11 of chapter 810 of the acts of 1963, and inserting in place thereof the following section:-

Section 74. Salaries of justices and special justices appointed to district courts shall be paid in monthly installments by the commonwealth.

SECTION 224. Sections seventy-five, seventy-five A, seventy-six, seventy-six A, seventy-seven A and seventy-seven B of said chapter two hundred and eighteen are hereby repealed.

SECTION 225. Said chapter 218 is hereby further amended by striking out section 79, as most recently amended by section 2 of chapter 469 of the acts of 1976, and inserting in place thereof the following section:-

Section 79. (1) The salary of the clerks of the following district court divisions shall be paid by the commonwealth in accordance with the schedule as set forth in paragraph (2):

- Class I.
- first district court of Barnstable
 - second district court of Barnstable
 - first district court of Bristol
 - second district court of Bristol
 - third district court of Bristol
 - fourth district court of Bristol
 - municipal court of Brookline
 - district court of Brockton
 - district court of Chelsea
 - district court of Chicopee
 - district court of Dukes county
 - first district court of Essex
 - district court of eastern Essex
 - district court of southern Essex
 - central district court of northern Essex
 - district court of Fitchburg
 - district court of Franklin
 - district court of eastern Hampden
 - district court of western Hampden
 - district court of Hampshire
 - district court of Holyoke
 - district court of Lawrence
 - district court of Leominster
 - district court of Lowell

- district court of central Berkshire
- district court of Marlborough
- district court of central Middlesex
- first district court of eastern Middlesex
- second district court of eastern Middlesex
- third district court of eastern Middlesex
- fourth district court of eastern Middlesex
- first district court of northern Middlesex
- first district court of southern Middlesex
- district court of Newton
- district court of Natick
- district court of East Norfolk
- district court of northern Norfolk
- district court of southern Norfolk
- district court of western Norfolk
- district court of Peabody
- second district court of Plymouth
- third district court of Plymouth
- fourth district court of Plymouth
- first district court of northern Worcester
- first district court of southern Worcester
- municipal court of the Brighton district
- municipal court of the Charlestown district
- municipal court of the Dorchester district
- municipal court of the East Boston district
- municipal court of the Roxbury district
- municipal court of the South Boston district
- municipal court of the West Roxbury district
- district court of Somerville
- district court of Springfield
- first district court of eastern Worcester
- second district court of eastern Worcester
- second district court of southern Worcester
- third district court of southern Worcester
- central district court of Worcester
- Class II. district court of northern Berkshire
- district court of eastern Hampshire
- district court of western Worcester
- district court of southern Berkshire
- Class III. third district court of Essex
- district court of eastern Franklin
- district court of Winchendon
- second district court of Essex
- district court of Nantucket
- district court of Newburyport.

(2) The clerk of a class I district court division shall receive as a salary twenty-four thousand eight hundred and fifty-six dollars; the clerk of a class II district court division shall receive as a salary nineteen thousand and four dollars and fifty cents; and the clerk of a class III district court division shall receive as a salary fifteen thousand four hundred and twenty-eight dollars.

The clerks in the district court department shall devote their entire time during ordinary business hours to their respective duties and shall not, directly or indirectly engage in the practice

of law.

The clerks in the district court department shall be entitled to thirty days vacation and thirty days sick leave in each calendar year. Vacation leave and sick leave not used in any such year may be accumulated, provided that the number of vacation days so accumulated shall not exceed sixty days and the total amount of sick leave shall not exceed one hundred and eighty days.

SECTION 226. Said chapter 218, is hereby amended by striking out section 79, as most recently amended by section two hundred and twenty-five of this act, and inserting in place thereof the following section:-

Section 79. (1) The salary of the clerks of the following district court divisions shall be paid by the commonwealth in accordance with the schedule as set forth in paragraph (2):

- Class I.
- first district court of Barnstable
 - second district court of Barnstable
 - first district court of Bristol
 - second district court of Bristol
 - third district court of Bristol
 - fourth district court of Bristol
 - municipal court of Brookline
 - district court of Brockton
 - district court of Chelsea
 - district court of Chicopee
 - district court of Dukes county
 - first district court of Essex
 - district court of eastern Essex
 - district court of southern Essex
 - central district court of northern Essex
 - district court of Fitchburg
 - district court of Franklin
 - district court of eastern Hampden
 - district court of western Hampden
 - district court of Hampshire
 - district court of Holyoke
 - district court of Lawrence
 - district court of Leominster
 - district court of Lowell
 - district court of central Berkshire
 - district court of Marlborough
 - district court of central Middlesex
 - first district court of eastern Middlesex
 - second district court of eastern Middlesex
 - third district court of eastern Middlesex
 - fourth district court of eastern Middlesex
 - first district court of northern Middlesex
 - first district court of southern Middlesex
 - district court of Newton
 - district court of Natick
 - district court of East Norfolk
 - district court of northern Norfolk
 - district court of southern Norfolk
 - district court of western Norfolk
 - district court of Peabody

second district court of Plymouth
 third district court of Plymouth
 fourth district court of Plymouth
 first district court of northern Worcester
 first district court of southern Worcester
 municipal court of the Brighton district
 municipal court of the Charlestown district
 municipal court of the Dorchester district
 municipal court of the East Boston district
 municipal court of the Roxbury district
 municipal court of the South Boston district
 municipal court of the West Roxbury district
 district court of Somerville
 district court of Springfield
 first district court of eastern Worcester
 second district court of eastern Worcester
 second district court of southern Worcester
 third district court of southern Worcester
 central district court of Worcester

Class II. district court of northern Berkshire
 district court of southern Berkshire
 district court of eastern Hampshire
 district court of western Worcester

Class III. third district court of Essex
 district court of eastern Franklin
 district court of Winchendon
 second district court of Essex
 district court of Nantucket
 district court of Newburyport.

(2) The clerk of a Class I district court division shall receive as a salary twenty-eight thousand dollars; the clerk of a Class II district court division shall receive as a salary twenty-two thousand five hundred dollars; and the clerk of a Class III district court division shall receive as a salary twenty thousand dollars.

The clerks in the district court department shall devote their entire time during ordinary business hours to their respective duties and shall not, directly or indirectly, engage in the practice of law.

The clerks in the district court department shall be entitled to thirty days vacation and thirty days sick leave in each calendar year. Vacation and sick leave not used in any such year may be accumulated, provided that the number of vacation days so accumulated shall not exceed sixty and the total amount of sick leave shall not exceed one hundred and eighty days.

SECTION 227. Section 80 of said chapter 218, as most recently amended by section 2 of chapter 668 of the acts of 1971, is hereby further amended by adding the following two paragraphs:-

The assistant clerks of the district court department shall devote their entire time during ordinary business hours to their respective duties and shall not, directly or indirectly, engage in the practice of law.

The assistant clerks of said department shall be entitled to thirty days vacation and thirty days sick leave in each calendar year. Vacation and sick leave not used in any such year may

be accumulated, provided that the number of vacation days so accumulated shall not exceed sixty and the total amount of sick leave shall not exceed one hundred and eighty days.

SECTION 228. Said chapter 218 is hereby further amended by striking out section 80A, as amended by section 1 of chapter 288 of the acts of 1951, and inserting in place thereof the following section:-

Section 80A. The secretary and assistant secretary to the justices of the municipal court of the city of Boston shall receive from the commonwealth in full for all services performed by them such salaries as shall be fixed by the justices of said municipal court of the city of Boston.

SECTION 229. Said chapter 218 is hereby further amended by striking out section 81, as most recently amended by section 17 of chapter 810 of the acts of 1963, and inserting in place thereof the following section:-

Section 81. A justice of a division of the district court department upon certificate of the administrative justice for the district court department shall quarterly be reimbursed by the commonwealth for the traveling expenses incurred by him when sitting at the order of said administrative justice in a division other than the division to which he was appointed.

If sessions of a division of the district court department are held in more than one town in its district, the administrative justice shall designate in which town the clerk's main office shall be established, and the justices, clerk, assistant clerks, court officers and probation officers of such division shall each be allowed by the commonwealth his traveling expenses necessarily incurred when required to hold or attend sessions of said division at any town in the district other than the town in which said main office is so established, such expenses to be computed either from the town where such office is established to such other town, or from his place of residence within such district to such other town, whichever is the shorter distance, provided, however, that a justice or a special justice appointed to the district court in Dukes county or the district court in Nantucket county shall receive his actual expenses for travel by land, sea or air from his residence on the mainland to such county and from such county to his residence on the mainland.

SECTION 230. Chapter 221 of the General Laws is hereby amended by striking out section 1 as appearing in the Tercentenary Edition, and inserting in place thereof the following section:-

Section 1. The justices of the supreme judicial court shall appoint the clerk of the supreme judicial court for the commonwealth for a term of five years from the date of his appointment, and may appoint an assistant clerk of said court for a term of three years from the first day of January next after his appointment, and may remove him.

SECTION 231. Chapter 221 of the General Laws is hereby amended by striking out section 4, as most recently amended by chapter 1010 of the acts of 1973, and inserting in place thereof

the following section:-

Section 4. The justices of the supreme judicial court shall appoint for a term of three years from the date of their appointment, and may remove, first assistant clerks of courts for the counties of: Barnstable, Bristol, Essex, Hampden, Middlesex, Norfolk, Plymouth, Worcester and in Suffolk, a first assistant clerk of the supreme judicial court.

First assistant clerks of courts except in Suffolk county shall act as assistant clerks of the supreme judicial court, the superior court department and the county commissioners.

SECTION 232. Said chapter 221 is hereby further amended by striking out section 5, as most recently amended by chapter 1055 of the acts of 1975, and inserting in place thereof the following section:-

Section 5. In addition to the assistant clerks provided for in section four, the clerks of the courts for the following counties may appoint assistant clerks with the same powers and duties. Said appointments shall be as follows:

Barnstable, one assistant clerk
 Bristol, five assistant clerks
 Essex, eight assistant clerks
 Hampden, six assistant clerks
 Norfolk, eight assistant clerks
 Middlesex, twenty assistant clerks
 Plymouth, six assistant clerks
 Worcester, ten assistant clerks

Suffolk, (a) superior court department, by the clerk of the superior court department for criminal business, twenty assistants; (b) superior court department, by the clerk of the superior court department for civil business, twenty-one assistants; (c) supreme judicial court, by the clerk of the supreme judicial court for said county, a second assistant clerk, designated from his office force and a third assistant clerk, designated from his office force.

All other counties having no permanent assistant clerks, assistant clerks pro tempore or for a term of one year.

Assistants pro tempore or for the term of one year appointed under this section shall be paid by the commonwealth.

SECTION 233. Said chapter 221 is hereby further amended by inserting after section 5 the following section:-

Section 5A. The assistant clerks appointed under the provisions of sections four and five of this chapter shall devote their entire time during business hours to their respective duties and shall not, directly or indirectly, engage in the practice of law.

SECTION 234. Section six of said chapter two hundred and twenty-one is hereby repealed.

SECTION 235. Section 6A of said chapter 221, as most recently amended by section 75 of chapter 1114 of the acts of 1973, is hereby further amended by striking out, in line 4, the words "section four or".

SECTION 236. Section 6B of said chapter 221, as most recently

amended by section 76 of said chapter 1114, is hereby further amended by striking out, in line 4, the word "four" and inserting in place thereof the word:- five.

SECTION 237. Section 6C of said chapter 221, inserted by chapter 593 of the acts of 1970, is hereby amended by striking out, in line 3, the word "four" and inserting in place thereof the word:- five.

SECTION 238. Section 6E of said chapter 221, as appearing in chapter 118 of the acts of 1971, is hereby amended by striking out, in line 3, the word "four" and inserting in place thereof the word:- five.

SECTION 239. Section 6F of said chapter 221, as so appearing, is hereby amended by striking out, in line 3, the word "four" and inserting in place thereof the word:- five.

SECTION 240. Section 6G of said chapter 221, as so appearing, is hereby amended by striking out, in line 3, the word "four" and inserting in place thereof the word:- five.

SECTION 241. Section 6I of said chapter 221, inserted by chapter 384 of the acts of 1973, is hereby amended by striking out, in line 4, the word "four" and inserting in place thereof the word:- five.

SECTION 242. Section 6K of said chapter 221, inserted by chapter 130 of the acts of 1974, is hereby amended by striking out, in line 4, the word "four" and inserting in place thereof the word:- five.

SECTION 243. Section 6L of said chapter 221, inserted by chapter 165 of the acts of 1974, is hereby amended by striking out, in line 4, the word "four" and inserting in place thereof the word:- five.

SECTION 244. Section 12 of said chapter 221, as most recently amended by section 6 of chapter 214 of the acts of 1939, is hereby further amended by striking out the second sentence and inserting in place thereof the following two sentences:- Each clerk of the courts shall give bond in like manner to the commonwealth, conditioned to perform faithfully his official duties, with a surety company authorized to transact business in the commonwealth, as surety, in a sum not less than five thousand dollars. If the administrative justice shall so prescribe by rule, assistant clerks of the superior court department shall give bond in like manner and in a sum determined by said administrative justice.

SECTION 245. Said chapter 221 is hereby further amended by striking out section 32, as appearing in the Tercentenary Edition, and inserting in place thereof the following section:-

Section 32. The clerks of the courts in the several counties, and of the supreme judicial court and superior court department for Suffolk county, shall keep cash books, which shall be the property of the commonwealth and shall be and remain a part of the records of the courts, in which they shall keep accounts of all fees received by them for their official acts and services, including fees for copies which they are not required by law to

furnish, fees and money in proceedings relative to naturalization or for naturalization certificates, and all fees and money of whatever description or character received by them, or by any assistant or other person in their offices or employment, for any acts done or services rendered in connection with their said offices, and shall on or before the tenth day of each month pay over to the state treasurer all fees received during the preceding calendar month, and shall render therewith a sworn account thereof; provided, that said clerks shall account for and pay over to the United States bureau of naturalization in accordance with the federal laws as to naturalization such part of any moneys received by them under or by authority of such laws as they are required thereby to account for and pay over.

SECTION 246. Chapter 221 of the General Laws is hereby amended by striking out section 34A, as amended by chapter 698 of the acts of 1977, and inserting in place thereof the following section:-

Section 34A. There shall be a judicial council for the continuous study of the organization, rules and methods of procedure and practice of the judicial system of the commonwealth, the work accomplished, and the results produced by that system and its various parts. Said council shall be composed of the chief justice of the supreme judicial court or some other justice or former justice of that court appointed from time to time by him; the chief justice of the appeals court or some other justice or former justice of that court appointed from time to time by him; the administrative justice for each department of the trial court or some other justice or former justice appointed to said department, or division thereof as the case may be, or to a predecessor court of said department or division, appointed from time to time by said administrative justice; and not more than four members of the bar all to be appointed by the governor, with the advice and consent of the executive council. The appointments by the governor shall be for such periods, not exceeding four years, as he shall determine.

SECTION 247. Said chapter 221 is hereby further amended by striking out section 55, as appearing in the Tercentenary Edition, and inserting in place thereof the following section:-

Section 55. The supreme judicial court, the superior court or the probate court shall award reasonable compensation to commissioners, assessors, referees, masters in chancery and special masters, for duties performed under the direction of said court, and to arbitrators appointed under chapter two hundred and fifty-one upon whose awards judgment is entered, which shall be paid by the commonwealth.

SECTION 248. Said chapter 221 is hereby further amended by striking out section 61, as most recently amended by section 19 of chapter 377 of the acts of 1975, and inserting in place thereof the following section:-

Section 61. The court shall award reasonable compensation and allow actual expenses of travel in attending hearings, if said expenses be approved by the court as reasonable, to auditors,

and the same shall be paid by the commonwealth if they are appointed by the supreme judicial court, the superior court or the probate court. If they are appointed by any other court, the compensation awarded and expenses of travel allowed may be paid by either party and taxes in his bill or costs if he prevails; but the plaintiff shall be liable for such payment, and the court may make all orders and decrees, and issue process to enforce the same. No allowance for the expenses of travel shall be allowed by the court, unless the auditor shall file a true and correct account of such expenses, signed and sworn to by him.

SECTION 249. Said chapter 221 is hereby further amended by striking out section 62A, as amended by section 82 of chapter 1114 of the acts of 1973, and inserting in place thereof the following section:-

Section 62A. If an auditor appointed by the probate court becomes incapacitated or dies without having filed his final report the court may award him or his estate reasonable compensation, payable by the commonwealth, upon a finding that he actually performed services which would entitle him to the compensation awarded had he filed a report as provided in section sixty-two; provided, that all his records and memoranda, or copies thereof, in the case in which compensation is sought, are filed with the register of the court.

SECTION 250. Said chapter 221 is hereby further amended by inserting after section 62A under the caption MAGISTRATES IN THE TRIAL COURT the following two sections:-

Section 62B. Clerks of court for the several counties, the clerk of the superior court for criminal business in Suffolk county, the clerk of the superior court for civil business in Suffolk county, clerks of the housing courts, registers of the probate courts, clerks of district courts, clerks of juvenile courts, and clerks of the municipal court of the city of Boston; shall hereafter also have the title of magistrate for their particular department, or division as the case may be, of the trial court.

Magistrates herein provided shall continue to have and exercise all the powers, duties and responsibilities of clerks and registers and shall also have those provided for in section sixty-two C.

An assistant clerk, temporary clerk, temporary assistant clerk, or assistant register, shall also have and exercise the powers, duties and responsibilities of magistrate, subject to specific authorization by the clerk, or register, and specific approval of such authorization by the first justice of the division wherein he serves, or in the case of the superior court department or Boston municipal court department by the administrative justice therefor. Said first justice or administrative justice may place such restrictions on such authorization as is conducive to the effective administration of justice.

Section 62C. A magistrate designated under the previous section, in addition to his powers and duties as clerk, may:

- (a) grant such continuances as are agreed upon by all parties to any proceeding and as may be allowed by rule of court;
- (b) hear and rule on any uncontested non-evidentiary motion

as may be allowed by rule of court;

(c) call such pre-trial conferences as are deemed expedient for the purpose of ascertaining the trial readiness of parties to an action and of establishing a date for trial;

(d) mediate actions under section twenty-two of chapter two hundred and eighteen;

(e) receive citations and hear complaints pursuant to section twenty F of chapter ninety;

(f) receive petitions and review orders pursuant to section one hundred and fifty-seven of chapter one hundred and forty;

(g) hold preliminary hearings to determine whether there is probable cause to believe that a probationer has violated the terms of his probation.

The powers of magistrates as provided herein shall be exercised as allowed by rule of court promulgated by the administrative justice of the appropriate department and approved by the supreme judicial court.

SECTION 251. Said chapter 221 is hereby further amended by striking out section 66, as appearing in the Tercentenary Edition, and inserting in place thereof the following section:-

Section 66. The commonwealth shall provide a safe and convenient place in Boston where the reporter shall keep the written opinions of the court in all law cases argued in the several counties until their publication in the reports, and his dockets and copies of papers in such cases, and where he shall afford due facilities for their examination.

SECTION 252. Said chapter 221 is hereby further amended by striking out sections 69, 70, 71, 71A, 72 and 73 and inserting in place thereof the following seven sections:-

Section 69. Not more than four deputy sheriffs or court officers shall receive compensation for attendance upon any civil sitting of the supreme judicial court or a sitting of the superior court for civil business or for both civil and criminal business unless in the supreme judicial court the presiding justice and in the superior court the presiding justice or the district attorney in writing request the chief administrative justice to procure the attendance for the whole or a portion of such sitting of an additional number. Not more than six deputy sheriffs, court officers or constables shall receive compensation for attendance upon any criminal sitting of the superior court for criminal business unless the district attorney in writing requests the chief administrative justice to procure the attendance for the whole or a portion of such sitting of an additional number. Not more than eight deputy sherrifs or court officers shall receive compensation for attendance upon any sitting of the appeals court unless the presiding justice in writing requests the chief administrative justice to procure the attendance for a whole or a portion of such sitting of an additional number.

The chief administrative justice shall appoint the court officers for attendance upon the sessions of the supreme judicial court and the appeals court.

Section 70. The chief administrative justice may appoint

officers for attendance upon the several sessions of the superior court in the respective counties, as follows:

For Suffolk, not exceeding four for each session for civil business held with juries; three for each session held without juries; six for the session for criminal business; and eight for use as may be necessary; said officers shall be interchanged between the several sessions so as to secure as nearly as may be equal service for all.

For Bristol, four for civil and criminal business, and one for civil business only, who shall, when required by the chief administrative justice attend the sessions of the supreme judicial, appeals or probate court when not in attendance on the superior court.

For Hampden, ten for civil and criminal business, who shall, when required by the chief administrative justice attend the sessions of the supreme judicial, appeals or probate court when not in attendance on the superior court.

For Middlesex, not exceeding four for each session for civil business held with juries; three for each session held without juries, and six for the session for criminal business, who shall, when required by the chief administrative justice attend the sessions of the supreme judicial, appeals or probate court when not in attendance on the superior court.

For Norfolk, nine for civil and criminal business, who shall, when required by the chief administrative justice attend the sessions of the supreme judicial, appeals or probate court when not in attendance on the superior court.

For Worcester, for civil or criminal business, such number as may be necessary, who shall also attend upon the sessions of the supreme judicial, appeals, probate and insolvency and land court.

Each of said officers shall give to the chief administrative justice a bond with sufficient sureties, in the sum of fifteen hundred dollars, for the faithful performance of his duties. They shall have authority of constables to serve venires for jurors and the processes of said courts, and in Worcester county to summon witnesses; and they shall be paid by the commonwealth their actual expenses necessarily incurred in making such services.

Section 71. The chief administrative justice shall designate a court officer to act as chief deputy sheriff for attendance on each superior court in Suffolk, Middlesex, and Hampden counties and one such court officer shall be designated to act as chief deputy sheriff for attendance on the appeals court in Suffolk county. In Hampden, Norfolk and Worcester counties the chief administrative justice may designate one court officer as chief court officer for attendance on the supreme judicial and superior courts. Such officers, under the orders of the chief administrative justice, in addition to their regular duties as court officers, shall supervise, direct and assign the officers of their respective courts.

Section 71A. The chief administrative justice may designate three of the court officers of the superior court to act as assistant chief court officers for attendance on the superior court in Suffolk county. Such officers, in addition to their regular

duties as court officers, shall perform such other duties as from time to time may be prescribed by the chief administrative justice. The chief administrative justice may designate one of the court officers of the appeals court to act as assistant chief court officer for attendance on the appeals court in Suffolk county.

Section 72. Officers appointed as court officers to attend upon the sessions of the supreme judicial, appeals or superior court in any county, including chief deputies, assistant chief deputies and all chief court officers designated under section seventy-one, shall hold office during good behavior but not beyond age seventy years and until they are removed by the chief administrative justice, for cause. In Suffolk county, officers in attendance upon the supreme judicial court or upon the superior court may be interchanged or transferred from any of said courts to another by the chief administrative justice, with the approval in each instance, of the chief justice or the administrative justice of the court to which the transfer is proposed to be made.

Section 73. The officer in attendance upon the land court in Suffolk County shall receive from the commonwealth in full for all services performed by him such salary as shall be fixed by the judges of said court. Each officer in attendance upon the probate court in said county shall receive in full for all services performed by him such salary as shall be fixed by the judges of said court.

Section 73A. Each officer in attendance upon the supreme judicial court in the county of Suffolk shall receive in full for all services performed by him such salary as shall be fixed by the justices of the supreme judicial court, which salary shall be paid by the commonwealth. Each officer in attendance upon the appeals court in the county of Suffolk shall receive in full for all services performed by him such salary as shall be fixed by the justices of the appeals court. Said salary shall be paid by the commonwealth.

SECTION 253. Said chapter 221 of the General Laws is hereby amended by striking out sections 75 to 80, inclusive, and inserting in place thereof the following seven sections:-

Section 75. The compensation of deputy sheriffs not on salary and of constables for attendance upon the supreme judicial, appeals, superior or probate court shall be paid by the commonwealth. The compensation of deputy sheriffs not on salary and of constables for attendance upon the sessions of the county commissioners, shall be paid by the respective counties.

Section 76. The administrative assistant to the justices of the supreme judicial court in Suffolk county shall be appointed by the justices of said court. Said administrative assistant shall be paid by the commonwealth such sum as shall be determined by the justices of said court. The messenger to the justices of the appeals court shall be appointed by the justices of said court and shall also act as clerical assistant of said justices. His salary shall be established by the justices of said court. The messenger of the superior court in said county shall be appointed

by the justices of said court and shall also act as clerical assistant of the justices of said court. His salary shall be established by the justices of said court and shall be paid by the commonwealth.

Section 76A. The justices of the superior court may appoint an assistant messenger of said court sitting in and for the county of Suffolk. His salary shall be established by said justices and shall be paid by the commonwealth.

Section 77. Premiums on bonds of court officers and deputy sheriffs in attendance on the supreme judicial, appeals or superior court in Suffolk county and on the courts in Bristol, Hampden, Middlesex, Norfolk, and Worcester counties shall be paid by the commonwealth.

Section 78. Any officer in attendance upon the supreme judicial court in Suffolk county under section seventy-three, including the messenger of the justices of said court, may be designated by the justices to serve venires for jurors and the processes of said court, and when so designated shall have the authority of constables for said purposes, and shall be paid by the commonwealth his actual expenses necessarily incurred in making such services. He shall first give to the commonwealth a bond with sufficient sureties in the sum of fifteen hundred dollars for the faithful performance of his duties.

Section 79. Officers in attendance upon the sessions of the superior court for criminal business in Suffolk county and the officers appointed for attendance on the sessions of the superior court for civil or criminal business in Worcester county shall summon witnesses on behalf of the commonwealth from any part of the commonwealth, but shall receive therefor no compensation in addition to their salaries except for expenses actually incurred and paid.

Section 80. Court officers receiving stated salaries and deputy sheriffs in attendance upon the supreme judicial, appeals or superior court in Suffolk, Middlesex, Bristol, Norfolk, Hampden and Worcester counties shall, while on duty in said courts, wear uniforms which shall be designated by the chief administrative justice and which shall be furnished at the expense of the commonwealth.

SECTION 254. Said chapter 221 is hereby further amended by striking out section 88, as most recently amended by chapter 261 of the acts of 1969, and inserting in place thereof the following section:-

Section 88. Upon request of the presiding justice or any party, the stenographer shall furnish a transcript of his notes, or any part thereof, taken at a trial or hearing, for which he shall be paid by the party requesting it at the rate of fifty cents a hundred words for one copy, and twenty cents a hundred words for each additional copy if more than one copy is ordered at the same time. In the event that daily copy is ordered by the presiding justice or any party, the rate for the original copy shall be seventy-five cents a hundred words and thirty cents a hundred words for each additional copy. If transcript is ordered

by the presiding justice or, in a criminal case, by the district attorney, payment therefor at the same rate shall be made by the commonwealth upon a voucher approved by him, and, in a criminal case, the charges of transcripts furnished to said justice and to the district attorney shall be taxed like other expenses.

SECTION 255. Said chapter 221 is hereby further amended by striking out sections 90A and 91 and inserting in place thereof the following two sections:-

Section 90A. When a salaried official stenographer renders service in a county other than the one for which he is appointed, the justice shall allow him his reasonable and actual expenses for transportation, food and lodging, to be paid by the commonwealth. At the conclusion of his assignment he shall send a statement of the dates when he rendered service in such county, attested by the clerk of the court, to the state treasurer.

Section 91. Official stenographers, and all additional and temporary stenographers, appointed by the justices of the superior court shall receive salaries which shall be established from time to time by said justices which shall be paid by the commonwealth. Such official stenographers and additional and temporary stenographers shall receive such reasonable and actual expenses for travel, food and lodging as the administrative justice may allow.

SECTION 256. Said chapter 221 is hereby further amended by striking out sections 92 to 93, inclusive, and inserting in place thereof the following three sections:-

Section 92. The justices of the superior court may appoint such official interpreters as they may deem necessary for the sessions of the court. Such interpreters shall hold their positions at the pleasure of the court, shall be paid by the commonwealth, and shall render such additional service as any justice of the court requires. No official interpreter shall request or receive, directly or indirectly, any gratuity, bonus or fee, in connection with any case pending, or in course of preparation for presentation to said court; provided, that upon request of the district attorney such interpreter may, in the discretion of the court, receive additional compensation from the county for his services as an interpreter at such hours or times as the courts are not in session, which shall be paid under section twenty-four of chapter twelve.

This section shall not prevent the justices from employing other interpreters when the services of the official interpreters are not available. Such expenses incurred shall be paid by the commonwealth.

Section 92A. In any proceeding in any court in which a deaf person is a party or a witness, the court shall appoint a qualified interpreter to interpret the proceedings for such person, unless such person waives, in writing, the appointment of such interpreter. For the purposes of this section, a person shall be deemed to be deaf if he has a handicap which prevents him from hearing effectively. The court shall determine a reasonable fee, not to exceed ten dollars per hour in court for the services of such

interpreter who shall be paid by the commonwealth.

Section 93. The clerk of the supreme judicial court for the commonwealth shall receive as a salary a sum equivalent to seventy-five per cent of the salary of an associate justice of the supreme judicial court. The assistant clerk of the supreme judicial court for the commonwealth shall receive as a salary a sum equivalent to seventy per cent of the salary of an associate justice of the supreme judicial court. The clerk of the supreme judicial court for the commonwealth may employ necessary clerical assistance and may expend for said purpose such sums as may be appropriated therefore, subject, however, to the approval of the chief justice.

Said clerk and assistant clerk shall devote their entire time during ordinary business hours to their respective duties and shall not, directly or indirectly, engage in the practice of law.

SECTION 257. Said chapter 221 is hereby further amended by striking out section 94, as most recently amended by section 1 of chapter 423 of the acts of 1977, and inserting in place thereof the following section:-

Section 94. Except as provided in section ninety-three, and except as otherwise provided, the salaries of the clerks of the courts and their assistants and the clerk of the supreme judicial court for Suffolk county and his assistants, the clerk of the superior court department for criminal business in Suffolk county and his assistants, the clerk of the superior court department for civil business in Suffolk county and his assistants shall be paid by the commonwealth, and shall be as follows:

SUPREME JUDICIAL COURT FOR
SUFFOLK COUNTY

Clerk. - A sum equivalent to seventy-five per cent of the salary of an associate justice of the supreme judicial court.

First Assistant Clerk. - A sum equivalent to seventy per cent of the salary of an associate justice of the supreme judicial court.

Second Assistant Clerk. - A sum equivalent to seventy per cent of the salary of an associate justice of the supreme judicial court.

Third Assistant Clerk. - A sum equivalent to sixty per cent of the salary of an associate justice of the supreme judicial court.

SUPERIOR COURT DEPARTMENT FOR CRIMINAL
BUSINESS IN THE COUNTY OF SUFFOLK

Clerk. - Thirty thousand and five hundred dollars.

First Assistant Clerk (so designated by the clerk). - A sum equivalent to eighty-seven and one-half per cent of the salary of the clerk.

Second Assistant Clerk (so designated by the clerk). - A sum equivalent to eighty-five per cent of the salary of the clerk.

All other Assistant Clerks. - A sum equivalent to seventy-five per cent of the salary of the clerk.

SUPERIOR COURT DEPARTMENT FOR CIVIL BUSINESS
IN THE COUNTY OF SUFFOLK

Clerk. - Thirty thousand and five hundred dollars. The clerk shall have and perform the duties as clerk pertaining to proceedings in which equitable relief is sought in the superior court department in his county and as clerk for said department when court is sitting in Boston for the hearing of causes from any other county. He shall receive as salary therefor an amount equal to ten per cent of and in addition to his regular salary.

First Assistant Clerk (so designated by the clerk). - A sum equivalent to eighty-seven and one-half per cent of the salary of the clerk.

Second Assistant Clerk (so designated by the clerk). - A sum equivalent to eighty-five per cent of the salary of the clerk.

Assistant Clerk (so designated by the clerk, in addition to such other duties as the clerk may assign, to assist said clerk in the performance of the duties of said clerk pertaining to proceedings in which equitable relief is sought when court is sitting in Boston for the hearing of causes from any other county) - A sum equivalent to eighty per cent of the salary of the clerk.

All other Assistant Clerks. - A sum equivalent to seventy-five per cent of the salary of the clerk.

In all other counties, the salaries of the clerks of the courts shall be as follows:

Middlesex - Thirty thousand and five hundred dollars.

Essex - Twenty-nine thousand one hundred and one dollars.

Worcester - Twenty-nine thousand one hundred and one dollars.

Norfolk - Twenty-nine thousand one hundred and one dollars.

Hampden - Twenty-eight thousand one hundred and ninety-eight dollars.

Bristol - Twenty-eight thousand one hundred and ninety-eight dollars.

Plymouth - Twenty-seven thousand nine hundred and ninety dollars.

Berkshire - Twenty-three thousand six hundred and forty-six dollars and fifty cents.

Hampshire - Twenty-three thousand six hundred and forty-six dollars and fifty cents.

Barnstable - Twenty-two thousand four hundred and seventy-eight dollars and fifty cents.

Franklin - Twenty-two thousand four hundred and seventy-eight dollars and fifty cents.

Dukes - Fifteen thousand dollars.

Nantucket - Fifteen thousand dollars.

Assistant clerks in such other counties shall receive salaries as follows:

Middlesex - First assistant clerk; eighty-seven and one-half per cent of the salary of the clerk.

- Second assistant clerk; eighty-five per cent of the salary of the clerk.

Hampden - First assistant clerk; eighty-two per cent of the salary of the clerk.

Bristol - First assistant clerk; eighty-two per cent of the salary of the clerk.

Plymouth - First assistant clerk; eighty-two per cent of the salary of the clerk.

Barnstable - First assistant clerk; eighty-five per cent of the salary of the clerk.

Franklin - First assistant clerk; eighty-five per cent of the salary of the clerk.

In all other counties, except Suffolk, the first assistant clerk shall receive as a salary a sum equivalent to eighty-seven and one-half per cent of the salary of the clerk; and, except as otherwise provided herein, all other assistant clerks shall receive as a salary a sum equivalent to seventy-five per cent of the salary of the clerk.

SECTION 258. Said chapter 221 is hereby further amended by striking out section 94, as most recently amended by section 257 of this act, and inserting in place thereof the following section:-

Section 94. Except as provided in section ninety-three and except as otherwise provided, the salaries of the clerks of the courts and their assistants and the clerk of the supreme judicial court for Suffolk county and his assistants, the clerk of the superior court department for criminal business in Suffolk county and his assistants, the clerk of the superior court department for civil business in Suffolk county and his assistants shall be paid by the commonwealth, and shall be as follows:

SUPREME JUDICIAL COURT FOR
SUFFOLK COUNTY

Clerk. - A sum equivalent to seventy-five per cent of the salary of an associate justice of the supreme judicial court.

First Assistant Clerk. - A sum equivalent to seventy per cent of the salary of an associate justice of the supreme judicial court.

Second Assistant Clerk. - A sum equivalent to seventy per cent of the salary of an associate justice of the supreme judicial court.

Third Assistant Clerk. - A sum equivalent to sixty per cent of the salary of an associate justice of the supreme judicial court.

SUPERIOR COURT DEPARTMENT FOR
CRIMINAL BUSINESS IN THE COUNTY OF SUFFOLK

Clerk. - Thirty-three thousand dollars.

First Assistant Clerk (so designated by the clerk). - A sum equivalent to eighty-seven and one-half per cent of the salary of the clerk.

Second Assistant Clerk (so designated by the clerk). - A sum equivalent to eighty-five per cent of the salary of the clerk.

All other Assistant Clerks. - A sum equivalent to seventy-five per cent of the salary of the clerk.

SUPERIOR COURT DEPARTMENT FOR CIVIL BUSINESS
IN THE COUNTY OF SUFFOLK

Clerk. - Thirty-three thousand dollars. The clerk shall have and perform the duties as clerk pertaining to proceedings in which equitable relief is sought in the superior court department in his county and as clerk for said department when court is sitting in Boston for the hearing of causes from any other county. He shall receive as salary therefor an amount equal to ten per

cent of and in addition to his regular salary.

First Assistant Clerk (so designated by the clerk). - A sum equivalent to eighty-seven and one-half per cent of the salary of the clerk.

Second Assistant Clerk (so designated by the clerk). - A sum equivalent to eighty-five per cent of the salary of the clerk.

Assistant clerk (so designated by the clerk, in addition to such other duties as the clerk may assign, to assist said clerk in the performance of the duties of said clerk pertaining to proceedings in which equitable relief is sought when court is sitting in Boston for the hearing of causes from any other county) - A sum equivalent to eighty per cent of the salary of the clerk.

All other Assistant Clerks. - A sum equivalent to seventy-five per cent of the salary of the clerk.

In all other counties, the salaries of the clerks of the courts shall be as follows:

Middlesex - Thirty-three thousand dollars.

Essex - Thirty-two thousand dollars.

Worcester - Thirty-two thousand dollars.

Norfolk - Thirty-two thousand dollars.

Hampden - Thirty-two thousand dollars.

Bristol - Thirty-two thousand dollars.

Plymouth - Thirty-two thousand dollars.

Berkshire - Twenty-six thousand dollars.

Hampshire - Twenty-six thousand dollars.

Barnstable - Twenty-six thousand dollars.

Franklin - Twenty-six thousand dollars.

Dukes - Fifteen thousand seven hundred and fifty dollars.

Nantucket - Fifteen thousand seven hundred and fifty dollars.

Assistant clerks in such other counties shall receive salaries as follows:

Middlesex - First assistant clerk; eighty-seven and one-half per cent of the salary of the clerk.

- Second assistant clerk; eighty-five per cent of the salary of the clerk.

Hampden - First assistant clerk; eighty-two per cent of the salary of the clerk.

Bristol - First assistant clerk; eighty-two per cent of the salary of the clerk.

Plymouth - First assistant clerk; eighty-two per cent of the salary of the clerk.

Barnstable - First assistant clerk; eighty-five per cent of the salary of the clerk.

Franklin - First assistant clerk; eighty-five per cent of the salary of the clerk.

In all other counties, except Suffolk, the first assistant clerk shall receive as a salary a sum equivalent to eighty-seven and one-half per cent of the salary of the clerk; and, except as otherwise provided herein, all other assistant clerks shall receive as a salary a sum equivalent to seventy-five per cent of the salary of the clerk.

SECTION 259. Said chapter 221 is hereby amended by striking out section 99, as appearing in the Tercentenary Edition, and

inserting in place thereof the following section:-

Section 99. Clerks and assistant clerks of courts shall receive from the commonwealth their traveling expenses necessarily incurred when holding sessions of said courts outside of the cities or towns in which the clerks' offices are established and any expenses actually incurred in transporting official papers between clerks' offices for court purposes, upon an itemized statement of such expenses being certified to, and approved by, the administrative justice for the superior court department.

SECTION 260. Said chapter 221 is hereby further amended by striking out section 100, as so appearing, and inserting in place thereof the following section:-

Section 100. Each temporary clerk shall be paid by the clerk for whom he is acting such compensation as the court appointing him may determine. Each temporary assistant clerk appointed under section nine shall receive from the commonwealth the same salary as the assistant clerk for whom he is acting, and the amount so paid shall be deducted from the salary of such assistant clerk.

SECTION 261. Said chapter 221 is hereby further amended by striking out section 102, as so appearing, and inserting in place thereof the following section:-

Section 102. The clerks of the courts in the several counties, the clerks of the supreme judicial court for Suffolk county and the clerks of the superior court for said county shall each be annually allowed for clerical assistance, to be paid by the commonwealth such amounts as shall be approved by the chief administrative justice of the trial court.

SECTION 262. Chapter 231 of the General Laws is hereby amended by striking out section 102C, as most recently amended by section 102A of chapter 377 of the acts of 1975, and inserting in place thereof the following section:-

Section 102C. The superior court may of its own motion or on the motion of a plaintiff or defendant, after determination by said court that if the plaintiff prevails, there is no reasonable likelihood that recovery will exceed seven thousand five hundred dollars, transfer for trial any civil action pending in said court to the court from which such action was previously removed, if any, or if such action was originally entered in the superior court, to any district court, including the municipal court of the city of Boston, in which it could have been brought under the provisions of section two of chapter two hundred and twenty-three.

Clerks of the superior court shall, when a case is so transferred, transmit the order of reference and the original papers in the action, or certified copies thereof, together with a copy of the docket entries, without charge to the clerk of the court to which such action was so transferred.

Such action shall, unless retransferred as hereinafter provided, be pending in the court to which it was transferred and shall be tried by a justice sitting in said court. The parties shall have

the benefits of and be subject to the district-municipal courts rules of civil procedure. Such action while pending in said court may be consolidated for trial with cross actions as provided in section two A of chapter two hundred and twenty-three. The justice shall file a written decision or finding with the clerk who shall forthwith notify the parties or counsel of record. Any party to the transferred action aggrieved by the finding or decision may as of right have the case retransferred for determination by the superior court and any party to an action consolidated for trial with the transferred action aggrieved by the finding or decision may as of right have his case transferred for determination by the superior court. The request for retransfer or transfer, as the case may be, shall be filed with the clerk of said district court within ten days after notice of the finding or decision. If either party neglects to appear at the time appointed for such trial, or at any adjournment thereof, without just cause, or if at any such time either party refuses to produce in good faith the testimony relied on by him, the justice may close the trial and order that judgment be entered for the adverse party and file a finding or decision to that effect, and if both so fail to appear he may order that the action be dismissed.

Upon the filing with the clerk of a request for retransfer, the decision or finding shall be forthwith transmitted, with any original papers received from the superior court and any original papers filed in the district court after transfer of the case by the superior court, to the clerk of the superior court of the county from which the case was referred. If a request for transfer is filed in an action consolidated for trial with the action transferred from the superior court, the finding or decision shall be forthwith submitted, with all original papers filed in the district court, to the clerk of the superior court of the county from which the transferred case was referred. The clerk of the superior court shall forthwith notify the parties or counsel of record of the receipt and filing of said finding or decision.

The action shall thereafter be tried in the superior court. The decision, and the amount of the damages assessed, if any, by a district court shall be prima facie evidence upon such matters as are put in issue by the pleadings, and no other findings of such court shall at any time be admissible as evidence or become part of the pleadings. A party shall be held to waive any right to jury trial previously claimed, unless within ten days after the filing of the finding or decision in the superior court he shall file a statement that he insists on a jury trial.

SECTION 263. Said chapter 231 is hereby further amended by striking out section 104, as most recently amended by section 104 of said chapter 377, and inserting in place thereof the following section:-

Section 104. Any other party, a plaintiff against whom a claim, counterclaim, or cross-claim is brought, and a defendant who asserts a compulsory counterclaim, may, provided that the amount of the claim against such other party, the amount of the claim, counterclaim or cross-claim brought against such plaintiff, or the amount of the compulsory counterclaim asserted by such defendant, as the case may be, exceeds seven thousand five

hundred dollars, file in the district court in which the action is pending a claim of trial by the superior court together with the sum of five dollars for the entry of the claim of each plaintiff in the superior court, and, except as provided in section one hundred and seven, a bond in the penal sum of one hundred dollars, with such surety or sureties as may be approved by the party or parties not asserting such claim of trial by the superior court or by the clerk or an assistant clerk of said district court, payable to the other party or parties, conditioned to satisfy any judgment for costs which may be entered against him in the superior court in said cause within thirty days after the entry thereof. Such claim of trial by the superior court must be filed no later than twenty-five days after service of the pleading which asserts the claim, counterclaim, or cross-claim on which the right to remove is based, provided, however, that in the case of a compulsory counterclaim, the party asserting such counterclaim must file such claim of trial by the superior court no later than five days after the expiration of the time allowed to assert such counterclaim. The clerk shall forthwith transmit the papers and entry fee to the clerk of the superior court and the same shall proceed as though then originally entered there.

Removal of a case under this section shall remove any default and vacate any judgment entered thereon for failure to plead or otherwise defend in the district court, excepting cases in which the ad damnum does not exceed seven thousand five hundred dollars. Cases in which no claims, counterclaims and cross-claims exceed seven thousand five hundred dollars and those in which rights of parties to remove for trial in the superior court as hereinabove provided are not properly exercised shall be tried in the district court. A party who would have been entitled to remove the case for trial in the superior court as hereinabove provided but for the fact that the amount of the claim, counterclaim, or cross-claim, as the case may be, does not exceed seven thousand five hundred dollars shall, if he desires trial by the superior court, file said entry fee and bond within ten days after notice of the decision or finding. Such filing shall have the same effect as a request for retransfer under section one hundred and two C, and the decision shall be transmitted to and the case tried in the superior court subject to the provisions of said section one hundred and two C applicable to retransferred cases.

SECTION 264. Section 108 of said chapter 231, as most recently amended by section 107B of said chapter 377, is hereby further amended by striking out the first two paragraphs and inserting in place thereof the following two paragraphs:-

There shall be an appellate division of each district court for the rehearing of matters of law arising in civil cases therein and in claims for compensation of victims of violent crimes. Said division of the municipal court of the city of Boston shall consist of three justices appointed thereto, to be designated from time to time by the administrative justice therefor. The appellate division of each other district court shall be holden by justices for such other district courts, not exceeding three in number out of five justices assigned to the performance of such duty by the admini-

strative justice for the district courts, subject to the approval of the chief justice of the supreme judicial court, as follows: The administrative justice for the district courts shall assign five justices of district courts within the counties of Essex and Middlesex and that part of Suffolk included in the jurisdiction of the East Boston district court, the district court of Chelsea, the municipal court of the Charlestown district, the municipal court of the Brighton district, the municipal court of the Dorchester district, the municipal court of the Roxbury district, and the municipal court of the South Boston district, to act in the appellate divisions of such district courts within those counties and that part of Suffolk county, which shall be known as the northern appellate division district; shall assign five justices of district courts within the counties of Norfolk, Plymouth, Barnstable, Bristol, Dukes and Nantucket and that part of Suffolk included in the jurisdiction of the municipal court of the West Roxbury district, to act in the appellate divisions of such district courts within those counties and that part of Suffolk county, which shall be known as the southern appellate division district; and shall assign five justices of district courts within the counties of Worcester, Franklin, Hampshire, Hampden and Berkshire to act in the appellate divisions of district courts within those counties, which shall be known as the western appellate division district. Such assignment may be made for such period of time as such administrative justice may deem advisable. In each of the foregoing three districts one of the justices so assigned shall be designated by the administrative justice for the district courts, subject to the approval of the chief justice of the supreme judicial court as presiding justice, who shall from time to time designate those of the appellate justices who shall act on appeals in each district court in that district and direct the times and places of sittings. The presiding justice of any appellate division may call upon a justice of any other appellate division to serve in his division, and when so requested such justice shall serve therein. Two justices shall constitute a quorum to decide all matters in an appellate division.

A justice acting in the appellate division of a district court shall be allowed, in addition to his salary and necessary traveling expenses, incidental expenses and clerical assistance while so acting, which shall be paid by the commonwealth.

SECTION 265. The second paragraph of section 1 of chapter 234 of the General Laws is hereby amended by striking out, in lines 11 and 12, the words "; persons over seventy years of age", as appearing in section 1 of chapter 148 of the acts of 1969.

SECTION 266. Chapter 248 of the General Laws is hereby amended by striking out section 40, as appearing in the Tercenary Edition, and inserting in place thereof the following section:-

Section 40. The fees for the service of process and notices and for summoning witnesses shall, upon the approval of the court or district attorney, be paid by the commonwealth if the petitioner is not able to pay them.

SECTION 267. The first paragraph of section 6 of chapter 258A of the General Laws, as appearing in section 1 of chapter 852 of the acts of 1967, is hereby amended by striking out, in lines 2 and 3, the words "chief justice of the district court and the chief justice of the municipal court of the city of Boston" and inserting in place thereof the words:- administrative justice for the district court department and the administrative justice for the Boston municipal court department, for their respective departments.

SECTION 268. Chapter 261 of the General Laws is hereby amended by striking out section 27B, as amended by chapter 142 of the acts of 1977, and inserting in place thereof the following section:-

Section 27B. Upon or after commencing or answering to any civil or criminal proceeding in the superior court, the land court or any probate, district, municipal, juvenile or housing court, including but not limited to civil actions, proceedings for divorce or separate support, summary and supplementary processes, and proceedings upon petitions to vacate, for review or for a writ of error in a criminal case, any party may file with the clerk or register, serving a copy upon all other parties, an affidavit of indigency and request for waiver, substitution or payment by the commonwealth of fees and costs, upon a form prescribed by the chief justice of the supreme judicial court and in accordance with the standards set forth in sections twenty-seven C to twenty-seven F, inclusive, and sworn to under oath by the affiant.

An indigent party may subsequently file one or more supplementary affidavits requesting the waiver, substitution or payment by the commonwealth of fees and costs not previously granted at any time before a finding of guilt or innocence or a final decree or judgment has been entered.

SECTION 269. Said chapter 261 is hereby further amended by striking out sections 27C to 27G, inclusive, as appearing in section 3 of chapter 694 of the acts of 1974, and inserting in place thereof the following five sections:-

Section 27C. (1) When an affidavit of indigency, or any supplement thereto, is filed, the clerk or register shall forthwith bring it to the attention of the court. If the affidavit appears regular and complete on its face and indicates that the affiant is indigent, the court, upon a finding of the facts alleged therein, may grant such request for waiver, substitution or payment, by the commonwealth, with or without hearing in the case of normal fees and costs, but shall grant such request only after hearing in the case of extra fees and costs. Before making a finding of indigency, the court shall consider the following facts with respect to the applicant as of the time of hearing, in the immediate past and with respect to the immediate future: his age, education, training, physical and mental ability and number of dependents; gross and net income; regular and extraordinary expense, if any; assets and liabilities; whether or not he is a recipient of public assistance and for what purpose; and any other facts which are relevant to the applicant's ability to pay court costs.

If the court makes a finding of indigency, it shall not deny any request with respect to normal fees and costs, and it shall not deny any request with respect to extra fees and costs if it finds the document, service or object is reasonably necessary to assure the applicant as effective a prosecution or defense as he would have if he were financially able to pay. The court shall not deny any request without first holding a hearing thereon; and if there is an appeal pursuant to section twenty-seven D following a denial, the court shall set forth its written findings and reasons justifying such denial, which document shall be part of the record on appeal.

(2) The clerk of each court shall conspicuously post in the part of his office open to the public a notice specifying the indigency limits currently in force, and informing the public in plain language of the availability of waiver, substitution or payment by the commonwealth of fees and costs for indigent persons.

Section 27D. In any case where the court denies a request for waiver, substitution or payment by the commonwealth of fees and costs, the applicant make take an appeal as hereinafter provided. If the matter arises in the superior court, the land court or in a probate court, the appeal shall be to the single justice of the appeals court at the next sitting thereof; and if the matter arises in any district, municipal, juvenile or housing court, the appeal shall be to the superior court then sitting in the same county, if any, or, if not, to the superior court sitting in the nearest county or in Suffolk county. Upon being notified of the denial the applicant shall also be advised of his right of appeal, and he shall have seven days thereafter to file a notice of appeal with the clerk or register. Upon receipt of notice of appeal timely filed with the clerk or register shall forthwith notify the judge or justice, who shall set forth his written findings and reasons as provided in paragraph (1) of section twenty-seven C. The clerk or register shall then forward the affidavit and request, the court's findings and reasons for denial and any other documents on file relevant to the appeal, to the clerk of the court hearing the appeal, who, upon receipt thereof, shall set the matter down for speedy hearing and send notice to the parties. The court denying the request may, with or without motion, stay proceedings pending appeal; and the court hearing the appeal may enter or revoke such a stay. The decision of the court hearing the appeal shall be final with respect to such request.

Section 27E. Any party on whose behalf any fees or costs have been waived or paid by the commonwealth pursuant to sections twenty-seven C or twenty-seven F, or both, shall repay the total amount thereof to the clerk or register of the court if said party shall have recovered, as a result of the proceeding in which said fees or costs were waived or paid, an amount in excess of three times the total amount of said fees and costs. In any case in which any fees or costs have been so waived or paid, the court, upon the waiver or payment of any such fees or costs shall notify all parties of the total amount of said fees and costs to date and that any money judgement or settlement in

favor of the party for whom said fees or costs were waived or paid which exceeds three times the total amount thereof shall be deposited with the clerk or register of the court in the following manner. Any party obligated to pay any judgement or settlement exceeding three times the total amount of said fees and costs, or any portion of such a judgement or settlement, shall pay to the clerk or register the total amount of said fees or costs, or if more than one party is so obligated, his proportional share thereof, and deduct the same from such judgement or settlement. The clerk or register shall notify all parties when the total amount of fees and costs has been so reimbursed. When said notification is received by the party obligated to pay such judgement or settlement or portion thereof, or if no such notification is received after the expiration of thirty days after the payment by said party of such fees or costs or his share thereof, said party shall promptly forward the remainder of the judgement or settlement to the party entitled to it. This procedure shall not be construed to excuse any person on whose behalf any fees or costs have been waived or paid from the obligation to repay the same as provided in this section.

Section 27F. The court may, upon its own motion or that of any party, order that the document, service or object for which a normal or extra fee or cost would be charged shall be provided by an alternative means at lower or no cost, if the substitute thereby provided is substantially equivalent and the provision thereof does not materially impair the rights of any party. In any such order the court may direct payment by the commonwealth of the cost of any substitute to the same extent that the court would but for this section have ordered payment by the commonwealth for the document, service or object in question.

Section 27G. The clerk shall receive from any indigent party or his attorney all bills and vouchers for any document service or object rendered to said party for which an order for payment by the commonwealth has been issued, and shall transmit said bills and vouchers and an attested copy of said order to the state treasurer.

The state treasurer shall keep a record of all payments or waivers made pursuant to this section and of all repayments made pursuant to section twenty-seven E, including therein the name of the party, his attorney if any, the names and addresses of the person or persons to whom payment is made, the dates each was rendered to the party and the charge for each, and the dates payment was made by the state treasurer. This record shall be a public record.

The state treasurer shall on or before December first of each year make a written report to the general court indicating the amounts and purposes of all expenditures under sections twenty-seven A to twenty-seven G, inclusive, and making such recommendations for change in the law as he deems necessary.

SECTION 270. Chapter 262 of the General Laws is hereby amended by striking out section 3, as amended by section 2 of chapter 343 of the acts of 1961, and inserting in place thereof the following section:-

Section 3. A special justice, when not holding court shall be paid by the commonwealth two dollars for each summons or process issued by him, and for each application for a warrant entertained by him.

SECTION 271. Said chapter 262 is hereby further amended by striking out section 25, as most recently amended by section 9 of chapter 415 of the acts of 1977, and inserting in place thereof the following section:-

Section 25. The compensation of traverse jurors impanelled to try cases of murder in the first degree shall be sixteen dollars, and that of all other traverse jurors and of grand jurors fourteen dollars, for each day's service; provided, however, that jurors held under restraint by order of the court shall, in cases of murder in the first degree, receive twenty-two dollars and, in all other cases, twenty dollars for each day's service while under restraint. All jurors shall receive for each day of actual attendance eight cents a mile for travel out and home, but not for such time as the jury is held under restraint, by order of the court, at the expense of the commonwealth. If the expense of a juror who attends court, necessarily and actually incurred for transportation out and home once in each day, exceeds the amount of the said allowance for travel, he shall be allowed the amount of such expense in lieu of the said travel allowance. If a grand or traverse juror is required to be in attendance for five or more consecutive days he shall receive his fees not later than the end of every fifth day of such attendance.

SECTION 272. Said chapter 262 is hereby further amended by striking out section 26, as appearing in the Tercentenary Edition, and inserting in place thereof the following section:-

Section 26. Officers who serve subpoenas or other processes in connection with inquests held by district courts shall be paid their fees and expenses by the commonwealth as in criminal cases, in the same manner as the fees of witnesses are paid in criminal cases in said courts.

SECTION 273. Said chapter 262 is hereby further amended by striking out section 32, as amended by chapter 280 of the acts of 1935, and inserting in place thereof the following section:-

Section 32. District courts may allow reasonable compensation to interpreters for service rendered and to witnesses from without the commonwealth in criminal proceedings before them, which shall be paid by the commonwealth in the same manner as witness fees, and shall allow interpreters ordered by them to attend such proceedings before them but not called upon for service the sum of one dollar for each day of such attendance, which shall be paid in the manner aforesaid.

SECTION 274. Said chapter 262 is hereby further amended by striking out section 50, as amended by section 4 of chapter 48 of the acts of 1958, and inserting in place thereof the following section:-

Section 50. No officer in attendance on any court, sheriff, deputy sheriff, jailer, constable, city marshal or other police

officer who receives a salary or an allowance by the day or hour from the commonwealth or from a county, city or town shall, except as otherwise hereinafter provided, be paid any fee or extra compensation for official services performed by him in any criminal case; or for aid rendered to another officer; or for testifying as a witness in a criminal case during the time for which he receives such salary or allowance; or for services or as a witness at an autopsy or inquest; or in proceedings for commitment of insane persons; but his expenses, necessarily and actually, incurred, and actually disbursed by him in a criminal case shall be paid by the commonwealth. Whoever receives extra compensation or a witness fee in violation of this section shall be punished by a fine of not more than one hundred dollars.

SECTION 275. Said chapter 262 is hereby further amended by striking out section 51, as most recently amended by section 5 of said chapter 48, and inserting in place thereof the following section:-

Section 51. The fees and expenses of officers, other than those named in section fifty, in a criminal case, shall be paid by the commonwealth.

SECTION 276. Section fifty-two of said chapter two hundred and sixty-two is hereby repealed.

SECTION 277. said chapter 262 is hereby further amended by striking out section 62, as most recently amended by section 12 of said chapter 48, and inserting in place thereof the following section:-

Section 62. Whoever, with intent to defraud, signs or procures to be signed a certificate of attendance or travel as a witness before a court, or reference founded upon a rule of court, in any case in which the witness did not so attend, or for a greater number of days than he actually attended, or for a greater number of miles than he actually traveled, upon which certificate the attendance or travel so claimed is allowed as a part of the expenses of prosecution, shall forfeit thirty dollars for each offence, to be recovered on complaint or indictment to the use of the commonwealth or by action or tort to the use of any person against whom such excessive costs were taxed, with four times the whole amount taxed for attendance or travel on such false certificate, and double costs in the action of tort. Such complaint, indictment or action shall be commenced within two years after the offence is committed.

SECTION 278. Chapter 266 of the General Laws is hereby amended by striking out section 135, as appearing in the Tercenary Edition, and inserting in place thereof the following section:-

Section 135. Whoever moors or in any manner makes fast a vessel, scow, boat or raft to a buoy, beacon or floating guide placed by the government of the United States in the navigable waters of the commonwealth shall be punished by a fine of not more than fifty dollars; and whoever wilfully destroys, injures or removes any such beacon or guide shall be punished by a

fine of not more than one hundred dollars or by imprisonment for not more than three months. One third of all fines which accrue under this section shall be paid to the complainant and two-thirds to the commonwealth.

SECTION 279. The fourth paragraph of section 16A of chapter 270 of the General Laws, as amended by chapter 1107 of the acts of 1973, is hereby further amended by striking out, in lines 2 to 5, inclusive, the words "chief justice of the municipal court of the city of Boston may prescribe for said court, and as the chief justice of the district courts may prescribe for district courts other than the municipal court of the city of Boston" and inserting in place thereof the words:- administrative justice for the district court department and the administrative justice for the Boston municipal court department may prescribe for their respective departments.

SECTION 280. Section 9 of chapter 275 of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by striking out, in line 3, the words "superior court" and inserting in place thereof the words:- jury session.

SECTION 281. Section 10 of said chapter 275, as so appearing, is hereby amended by striking out, in line 1, the words "superior court" and inserting in place thereof the words:- justice sitting in the jury session.

SECTION 282. Section 11 of said chapter 275, as so appearing, is hereby amended by striking out, in line 5, the words "superior court" and inserting in place thereof the words:- justice in the jury session.

SECTION 283. Section 13 of said chapter 275, as so appearing, is hereby amended by striking out, in line 2, the words "superior court" and inserting in place thereof the words:- jury session.

SECTION 284. Chapter 276 of the General Laws is hereby amended by striking out section 20M, as appearing in section 1 of chapter 304 of the acts of 1937, and inserting in place thereof the following section:-

Section 20M. If the application for a requisition for the return to this commonwealth of a person charged with crime herein, or for the return of a person who has been convicted of a crime herein and has escaped from confinement or has broken the terms of his bail, probation or parole, is complied with and an agent appointed, the account of such agent shall be paid like other expenses in criminal cases by the commonwealth.

SECTION 285. Said chapter 276 is hereby further amended by striking out section 37A, as amended by section 23 of chapter 313 of the acts of 1959, and inserting in place thereof the following section:-

Section 37A. If a person is brought before a district court for examination upon charge of a capital crime and does not waive examination, the superior court may assign counsel upon his petition and upon certification of the charge to the superior court by the clerk of the district court. The examination shall

thereupon be continued until the assignment of counsel has been made, and certification thereof received by the clerk of the district court, or until the petition for assignment of counsel has been otherwise disposed of. The superior court may allow reasonable compensation for the services at the examination in the district court, of counsel assigned to appear for the accused, if he is otherwise unable to procure counsel, and such compensation shall be paid by the commonwealth.

SECTION 286. Section 58 of said chapter 276, as most recently amended by section 1 of chapter 473 of the acts of 1971, is hereby further amended by striking out the sixth paragraph and inserting in place thereof the following paragraph:-

The administrative justice of the district courts and the administrative justice of the municipal court of the city of Boston shall prescribe forms for use in their respective courts, for the purpose of notifying a defendant of his right to file a petition for review in the superior court, forms for a petition for review and forms for the implementation of any other procedural requirements. The clerk of courts shall forthwith notify the district court of all orders or judgments of the superior court on petitions for review. Costs or expenses of services and transportation under this section shall be ordered paid in the amount determined by the superior court out of the state treasury.

SECTION 287. Section 65 of said chapter 276, as most recently amended by section 2 of said chapter 473, is hereby further amended by striking out, in line 12, the words "superior court" and inserting in place thereof the words:- jury session.

SECTION 288. Said chapter 276 is hereby further amended by striking out section 78, as appearing in the Tercentenary Edition, and inserting in place thereof the following section:-

Section 78. If the court finds that a part of the judgment has been actually paid to or for the commonwealth upon the recognizance or judgment and orders the judgment to be reversed or entered for a less amount than has been so actually paid, it may order the amount of the difference between the payment and the new judgment to be repaid to the person who made the payment or to his legal representatives. The state treasurer shall, upon presentation of a copy of the order certified by the clerk of the court, make said repayment. If, upon such petition, the review is not granted or the original judgment is not altered, the court may award reasonable costs against the petitioner.

SECTION 289. Said chapter 276 is hereby further amended by striking out section 80, as amended by section 27 of chapter 313 of the acts of 1959, and inserting in place thereof the following section:-

Section 80. At any time after default of the defendant, the court may order forfeited the money, bonds or bank books deposited at the time of the recognizance and the court or clerk of the court with whom the deposit was made shall thereupon pay to the state treasurer any money so deposited. The clerk of the court shall immediately proceed to sell any bonds so deposited either at public or private sale, and shall forthwith pay the

proceeds thereof, after deducting all expenses connected with such sale, to the state treasurer and if banks books are so deposited, the said clerk shall collect the amount of bail from the depository, and pay the same, less the expense of collection, to the state treasurer.

SECTION 290. Said chapter 276 is hereby further amended by striking out section 83, as most recently amended by section 22 of chapter 731 of the acts of 1972, and inserting in place thereof the following section:-

Section 83. The superior court, the justices of the probate court for each county, other than for Barnstable, Nantucket, Hampshire and Franklin counties and the county of Dukes County, the administrative justices of the municipal court of the city of Boston, subject to the approval of the associate justices thereof, and the justices of each other district court and of the Boston juvenile court, the Bristol county juvenile court, the Worcester juvenile court and the Springfield juvenile court may appoint such male and female probation officers as they may respectively from time to time deem necessary for their respective courts; provided, that the justice of the probate court of the counties of Barnstable county shall appoint probation officers to serve the probate courts of the counties of Barnstable and Nantucket and the county of Dukes County, and the justice of the probate court for Hampshire county shall appoint probation officers to serve the probate courts of the counties of Hampshire and Franklin; and provided further that any such appointment shall be reviewed by the chief administrative justice of the trial court for compliance with the standards promulgated under section eight of chapter two hundred and eleven B. If the chief administrative justice finds that any such appointment does not comply with said standards he shall rescind the appointment. There shall be appointed, in addition to the number of probation officers authorized for the municipal court of the Roxbury district for its adult sessions, three probation officers for the juvenile sessions of said municipal court. In a probation office of any court, other than the municipal court of the city of Boston, having two or more probation officers, one may be designated as chief probation officer; in any such probation office having five or more probation officers, for each five such officers, one may be designated as assistant chief probation officer; and in any such probation office having three or more assistant chief probation officers, one may be designated first assistant chief probation officer. The superior court shall designate one probation officer as supervisor of probation and one probation officer as assistant supervisor of probation for said court. In the municipal court of the city of Boston the administrative justice of said court, subject to the approval of the associate justices thereof, may designate such probation officers of said court as follows:- chief probation officer, first assistant chief probation officer, second assistant chief probation officer, two deputy probation officers and probation officer. The phrase "probation officer" as used in this section shall, unless the context otherwise requires, be construed to include chief probation officer, assistant chief probation officer, supervisor of probation, assistant supervisor

of probation, first assistant chief probation officer, second assistant chief probation officer and deputy probation officer.

In the superior court department, for such counties as have twenty or more probation officers, there shall be designated by the chief probation officer, from among said probation officers, an administrative assistant to said chief probation officer. Said administrative assistant shall, in addition to his regular duties, perform such other duties as said chief probation officer may determine, and shall receive such compensation as may be provided in section ninety-nine B, or in an applicable provision of a collective bargaining agreement, for probation officers in job group five, or its equivalent, except that such administrative assistant for Suffolk county shall receive such compensation as may be provided in section ninety-nine B or in an applicable collective bargaining agreement for probation officers in job group eight, or its equivalent.

The compensation of probation officers in all of the courts of the commonwealth shall be fixed according to schedules established in section ninety-nine B or in a provision of an applicable collective bargaining agreement. The compensation of each probation officer appointed by the superior court and by the justices of the probate court shall be paid by the commonwealth. The compensation of probation officers in district courts, in the municipal court of the city of Boston and in the Boston juvenile court, the Worcester juvenile court, the Bristol county juvenile court and the Springfield juvenile court shall be paid by the commonwealth on vouchers approved respectively by the justice of such district court, by the administrative justice of the municipal court of the city of Boston or by the respective justices of said juvenile courts.

A probation officer may be removed or demoted for cause by the justices of the court making the appointment; provided that no probation officer shall be removed, demoted or discharged from office by said justices unless such removal, demotion or discharge is authorized by the chief administrative justice after review for compliance with the standards promulgated under section eight of chapter two hundred and eleven B.

Effective as of July first, nineteen hundred and forty-nine, every person serving on said date as a probation officer, junior probation officer, senior probation officer, probation supervisor, or chief probation officer in a district court in Suffolk county, other than the municipal court of the city of Boston, or the Boston juvenile court shall, until designated as a chief probation officer or an assistant chief probation officer under this section, serve as a probation officer subject to the provisions of this section and for services rendered on and after said July first, nineteen hundred and forty-nine, shall be compensated as if the provisions of this section as now in force had been in force at, and continuously since, the time of his original appointment as a probation officer. Every such person shall be given such credit for years of similar service in allied fields as the administrative justice of the district courts may determine.

Effective as of July first, nineteen hundred and fifty-one, every person serving on said date as a probation officer, deputy probation officer, chief probation officer, first assistant chief

probation officer, second assistant chief probation officer in the municipal court of the city of Boston shall, until designated as a chief probation officer, first assistant chief probation officer, second assistant chief probation officer or deputy probation officer under this section, serve as a probation officer subject to the provisions of this section.

SECTION 291. Said chapter 276 is hereby further amended by striking out section 83A, as most recently amended by chapter 88 of the acts of 1969, and inserting in place thereof the following section:-

Section 83A. The administrative justice of the district courts shall designate, and from time to time redesignate, such district courts within each of the counties of the commonwealth as in the opinion of said administrative justice should join in the appointment of probation officer to act exclusively in juvenile cases in each such court, and the district courts so designated or redesignated shall thereupon join in the appointment of full-time probation officers to act as aforesaid; provided, that the foregoing provisions shall not apply to the municipal court of the city of Boston, nor to the Roxbury juvenile court, nor to the other district courts in the county of Suffolk. Each such probation officer shall be appointed by the justices of the courts so joining; provided, that if a majority of said justices fails to agree in the selection of a person for appointment of such probation officers within a period of thirty days after such designation or redesignation by said administrative justice such appointment shall be made by the chief administrative justice of the trial court and provided, further that any such appointment shall comply with the standards promulgated by the personnel standards committee. Each officer appointed under this section shall be removable for cause by the justices of the courts for which such appointment was made; provided, that no such officer shall be removed or discharged from office unless such removal or discharge shall be approved by the chief administrative justice of the trial court for compliance with standards promulgated by the personnel standards committee. Notwithstanding the foregoing provisions of this paragraph, the justice of any such district court, with the approval of the administrative justice of the district courts, may designate any probation officer in his court to act in juvenile cases in such court.

The compensation of probation officers appointed under this section shall be fixed according to a schedule established in section ninety-nine B. The justices of courts having probation officers appointed under this section shall annually, not later than the first Wednesday in December, submit to the administrative justices of their respective departments estimates of the amounts necessary to pay the compensation for the ensuing year of the probation officers appointed hereunder.

The provisions of law applicable to probation officers appointed under section eighty-three or section eighty-nine shall, so far as they may be pertinent and not inconsistent herewith apply to probation officers appointed hereunder. In any case in which he acts, a probation officer appointed hereunder shall be deemed to be a probation officer of the court in which the case is pending

and such court shall be deemed to be the court by which he is appointed.

The district courts so designated or redesignated in accordance with the provisions of this section, shall appoint not less than one male and one female probation officer to act as aforesaid. The judges of the courts so designated may require such female probation officer so appointed to perform such other duties in connection with adult female probation as are not inconsistent with her primary duties as probation officer in juvenile cases.

SECTION 292. Said chapter 276 is hereby further amended by striking out sections 88 to 89A, inclusive, and inserting in place thereof the following three sections:-

Section 88. Every court appointing probation officers may employ such clerical assistance as it deems necessary to keep, index and consolidate the records required to be kept by probation officers and for such other work in connection with its probation service as the court may determine. The compensation for such service, together with such other necessary expenses as the court shall incur in connection with such work, shall be paid by the commonwealth upon vouchers approved by said court.

The administrative justices for the district court and juvenile court departments, in consultation with the commissioner of probation, may designate and redesignate such divisions thereof, including in such term the Boston juvenile court, the Worcester juvenile court, the Bristol county juvenile court and the Springfield juvenile court, within each of the counties of the commonwealth as in the opinion of said administrative justices should join in the establishment of a probation district office for the clerical service of the probation officers of the divisions thereof so designated or redesignated and said divisions so designated or redesignated shall thereupon consult with the chief administrative justice of the trial court and the commissioner of probation as to the establishment of such a probation district office, and shall join in the employment of such clerical assistance as is necessary to keep, index and consolidate the records in such form as may be required by the commissioner of probation in connection with the probation service of the said courts. The compensation for such service, together with such other necessary expenses as the courts shall incur in connection with such work, shall be paid by the commonwealth upon vouchers approved by one of the justices of said courts, designated by said administrative justices.

Section 89. The superior court or the justice of a district court, including in such term the Worcester juvenile court, the Boston juvenile court, the Bristol county juvenile court and the Springfield juvenile court, may, in the case of a vacancy in the position of probation officer or in the absence of a probation officer, appoint a temporary probation officer, who shall have the powers and perform the duties of such probation officer and shall receive as compensation for each day's service an amount equal to the rate by the day of the minimum compensation of a regular probation officer according to the salary schedule established under section eight of chapter two hundred and eleven B.

Compensation so paid to a temporary probation officer for service rendered in the absence of a probation officer, in excess of thirty days in any one year, shall be deducted from the compensation of the probation officer in whose place such service is rendered; provided, however, that if a probation officer is absent, due to his illness or physical disability, for a period not exceeding thirty days in any year, in addition to said thirty days, he shall be deemed to be on sick leave and no such deduction shall be made. Such thirty days' sick leave or any portion thereof not used in any year may be accumulated, but shall, in any event, not exceed ninety days in any consecutive three year period. If the person so appointed holds an office or position, the salary or compensation for which is paid out of the treasury of the commonwealth, or of a county, or of a municipality, he shall not receive the salary of both offices or positions during the period of such temporary service.

The justices of a probate court for any county, except the county of Dukes County and the counties of Nantucket and Franklin, may, in the absence of a probation officer, appoint a temporary probation officer in the same manner and upon the same conditions, with the same powers and duties and the same rate of compensation as is provided in the first paragraph.

The justice of a district court, with the approval of the administrative justice of district courts, may, in the case of the death, removal, resignation or retirement of a probation officer, appoint a temporary probation officer for a single term not to exceed ninety days. Such temporary probation officer shall receive as compensation from the commonwealth an amount equal to that which would have been paid, for a like period of service, to a regular probation officer receiving the minimum compensation according to the salary schedule as established under section eight of chapter two hundred and eleven B. No temporary probation officer appointed under this section shall serve for more than ninety days unless his appointment to such temporary office has been approved by the chief administrative justice of the trial court upon recommendation of the commissioner of probation.

Section 89A. The superior court or the justice of a district court may appoint deputy probation officers who shall serve without compensation as counsellors to children under the age of seventeen who have been placed in the care of probation officers under section eighty-seven in order that such children may receive to a greater degree individual attention and guidance. Deputy probation officers shall perform their services under the direction of probation officers. Deputy probation officers may be reimbursed by the commonwealth upon voucher approved by the court to which they are assigned for necessary expenses incurred by them in the course of their duties.

The administrative justice of the district courts, in consultation with the commissioner of probation, may apply for and accept federal grants or assistance for the purpose of defraying the costs of additional clerical assistance, equipment, books, materials and other expenses incident to the services which such deputy probation officers perform.

SECTION 293. Said chapter 276 is hereby further amended by striking out sections 93 to 95, inclusive, and inserting in place thereof the following three sections:-

Section 93. Except as provided by section one of chapter two hundred and seventy-nine, money collected by a probation officer under order of the court by which he is appointed, if unclaimed after one year from the time of its collection, shall, upon further order of the court, be paid to the treasurer provided, that any part of the said money may be paid to persons establishing before the comptroller a lawful claim thereto within five years of its payment to said treasurer, unless sooner paid over by order of the said commissioners.

Section 94. The reasonable expenses, including supplies and equipment, incurred by probation officers of the superior court and the probate court in the performance of their duties shall be approved and apportioned by the court, and paid by the commonwealth. Such reasonable expenses shall include the traveling expenses necessarily incurred by such a probation officer in connection with attendance at sessions of said court outside of the town in which the principal office of such probation officer is maintained, such expenses to be computed from and to said town. Money to be used for the necessary expenses to be incurred by such a probation officer in going outside the commonwealth for the purpose of bringing back for surrender to the court a person who is on probation shall be advanced by the treasurer of the commonwealth, upon presentation of a certificate signed by the probation officer and approved by said court. After his return such probation officer shall account for such money by filing with said state treasurer itemized vouchers, duly sworn to, approved by the court, setting forth the necessary expenses so incurred and any unexpended balance of such money shall be paid to said state treasurer. Subject to section eighty-one of chapter two hundred and eighteen, probation officers of district courts and of the Boston, Worcester, Bristol county and Springfield juvenile courts shall be reimbursed by the commonwealth for their actual disbursements for necessary expenses incurred while in the performance of their duties, including their reasonable traveling expenses in attending conferences authorized by section ninety-nine, not exceeding four hundred dollars to each in any one year, upon vouchers approved by the court by which they are appointed.

Section 95. The superior courts or the Boston, Springfield, Bristol county and Worcester juvenile courts or a district court, except the municipal court of the city of Boston, may authorize a probation officer to expend such amount as the court considers expedient for the temporary support or transportation, or both, of a person placed on probation. A record of any amount so authorized shall be entered on the clerk's docket of the case.

The chief probation officer of the municipal court of the city of Boston may provide for the temporary support or transportation, or both, of a person placed on probation in said court, or for the relief of the immediate distress of such person, in any manner which he may deem proper, and for these purposes may

annually expend a sum not exceeding two thousand dollars for all such cases of relief. At the end of each month said chief probation officer shall submit to the administrative justice of said court a list of the expenses so incurred, with proper vouchers, and upon approval of the administrative justice the amount thereof shall be paid to the chief probation officer by the commonwealth.

SECTION 294. Said chapter 276 is hereby further amended by striking out sections 98 to 99A, inclusive, and inserting in place thereof the following three sections:-

Section 98. There shall be a commissioner of probation who shall have executive control and supervision of the probation service. He shall be appointed for a term of six years by the chief administrative justice. He shall be paid by the commonwealth a salary equal to step 7 of job group 31, as set forth in section forty-six of chapter thirty as presently amended or as may from time to time be further amended, and shall devote his full time during business hours to the duties of his office.

The commissioner of probation may appoint an administrative assistant. Said administrative assistant shall perform such duties as the commissioner may from time to time define and he shall be paid by the commonwealth a salary equal to step 7 of job group 26, as set forth in section forty-six of chapter thirty as presently amended or as may from time to time be further amended.

The commissioner, with the approval of the chief administrative justice shall appoint five deputy commissioners and may, with like approval, for cause, remove them. The commissioner may designate one deputy commissioner as first deputy commissioner. The first deputy commissioner shall be paid by the commonwealth a salary not to exceed step 7 of job group 30, and each other deputy commissioner shall be paid by the commonwealth a salary not to exceed step 7 of job group 29, both as set forth in section forty-six of chapter thirty, such as established by the commissioner with the approval of the chief administrative justice, as presently amended or as may from time to time be further amended, and each deputy commissioner shall devote his full time during business hours to the duties of his office.

The commissioner of probation shall appoint four supervisors of court probation services and one assistant supervisor of court probation services. The supervisors of court probation services and the supervisor of probation for the superior court shall be paid by the commonwealth a salary not to exceed step 7 of job group 28, and the assistant supervisor of court probation services and the assistant supervisor of probation for the superior court shall be paid by the commonwealth a salary not to exceed step 7 of job group 27, both as set forth in section forty-six of chapter thirty as presently amended or as may from time to time be further amended. Said positions shall not be subject to chapter thirty-one. Said supervisors and assistant supervisor of court probation services shall, in addition to other duties imposed upon them by said commissioner, be responsible for the evaluation of the probation service in each court in the commonwealth, for the recruitment, training, educational development and evaluation

of the work performance of probation officers. They shall plan, initiate and develop volunteer, diversion and other programs in consultation with probation officers throughout the commonwealth and shall supervise and evaluate all programs within the probation service. Said commissioner may appoint a chief administrative clerk and two senior clerk typists to assist the supervisors of services in the performance of their duties.

The commissioner of probation shall be provided with suitable accommodations in the Suffolk county court house or elsewhere, and may, subject to appropriation, employ such assistance, as may be necessary for the performance of his duties including a director of research and other research assistance, and to compile, evaluate and make available for official use and public education the statistical information on delinquency, crime and appropriate family service matters available in his records.

Reasonable expenses for travel and subsistence while engaged in official business within or without the commonwealth shall be paid to the commissioner and deputy commissioners.

Section 99. In addition to other duties that may be imposed upon him, the commissioner of probation shall have executive control and supervision of the probation service and shall supervise the probation work in all of the courts of the commonwealth, and for such purposes, he and his staff shall have access to all probation records of said courts. He shall establish the reports and forms to be maintained in the various tiers of probation offices, the procedures required to be carried out in the various tiers of probation offices, the standards and rules of probation work, including methods and procedures of investigation, mediation, supervision, case work, record keeping, accounting, caseload and case management, to be followed in the various tiers of probation offices, subject to the approval of the chief administrative justice; and shall enforce his requirements regarding reports, procedures, standards and rules to be followed in the various tiers of probation offices by citation for disciplinary action of a probation officer or officers. He shall provide consultation service to all probation offices. He shall qualify or disqualify persons eligible for appointment as probation officers and persons eligible for promotion to the various supervisory probation officer positions, prior to their appointment or designation under section eighty-three, according to standards fixed by the committee on personnel standards, provided, that any applicant disqualified by the commissioner for such appointment or designation shall have the right of appeal to said committee on personnel standards. He shall establish standards and procedures for the performance evaluation of line and supervising probation officers in the various tiers of probation offices. He may recommend to a court or courts the appointment of additional probation or clerical personnel or both, and shall notify the chief administrative justice within thirty days as to the action taken by such court or courts concerning such recommendations. He shall develop and conduct basic orientation and in-service training programs for probation officers, such programs to be held at such times and for such periods as he shall determine. He shall conduct research studies relating to crime and delinquency, and may

participate with other public and private agencies in joint research studies.

The commissioner shall receive all notices of intended disciplinary action against a probation officer or supervising probation officer including reprimand, fine, suspension, demotion or discharge, that may be initiated by a justice, supervisor or chief probation officer, shall cause an investigation to be made and a report, with recommendations, to be written. Copies of the report and recommendations shall be furnished to the initiating justice, supervisor or chief probation officer and to the line or supervising probation officer against whom disciplinary action is proposed. If either the complainant or the person complained against declines to accept the commissioner's recommendation as the order of disposition, there shall be full hearing and disposition by the chief administrative justice or his designee. The commissioner of probation may also, for cause, discipline a probation officer or supervising probation officer including reprimand, suspension, demotion or discharge, shall give him notice of the charge and a hearing on same and shall make an order of disposition. The probation officer so disciplined may appeal and shall be entitled to a full hearing and disposition by the chief administrative justice.

To promote the co-ordination and development of the probation service, the commissioner of probation may hold conferences on probation throughout the commonwealth, and may authorize the attendance of any or all justices of the several courts and of any or all probation officers at such conferences or at any other conference within or without the commonwealth which in his judgment will further the interests of the probation service. The traveling expenses of said justices or officers when authorized to attend any such conference shall be paid as the other expenses of the respective courts or offices are paid. Said commissioner of probation shall not promulgate rules and regulations concerning probation offices unless said rules and regulations have been approved in writing by the chief administrative justice. Said justice shall also review for approval or disapproval any such rule or regulation in effect on July one, nineteen hundred and seventy-eight.

Section 99A. If the commissioner of probation notifies the chief administrative justice that a recommendation by him to any court or courts for the appointment of additional probation or clerical personnel has not been acted upon, the chief administrative justice shall investigate such failure to act and may make such recommended appointments according to standards promulgated under section eight of chapter two hundred and eleven B and such appointees shall be paid in the same manner as are other probation or clerical personnel in said court or courts.

Upon recommendation of the commissioner of probation, the chief administrative justice may recommend to any court of the commonwealth disciplinary action, including removal or discharge for cause, with regard to any probation officer appointed by said court, and, if no action is taken by said court within thirty days, the committee on personnel standards may take or require such action as it deems best. No probation officer shall be

removed or discharged by any court until such removal or discharge shall have been approved by the chief administrative justice for compliance with standards for dismissal promulgated under section eight of chapter two hundred and eleven B and any such action may be appealed, by the aggrieved party, to the personnel standards committee for a hearing before said committee.

SECTION 295. Subdivision (5) of section 99B of said chapter 276, as appearing in section 6 of chapter 875 of the acts of 1970, is hereby amended by adding the following sentence:- Notwithstanding any other provision of this section, no chief probation officer shall receive a salary less than the next increment greater than the salary received by the first assistant chief probation officer in the same court.

SECTION 296. Section ninety-nine C of said chapter two hundred and seventy-six is hereby repealed.

SECTION 297. Said chapter 276 is hereby further amended, by striking out section 101A, as amended by section 24 of chapter 731 of the acts of 1956, and inserting in place thereof the following section:-

Section 101A. The commissioner of probation shall establish uniform forms of blanks and records for use in the probation offices of the district courts, and, upon receipt of competitive bids, the state purchasing agent shall order, at the expense of the commonwealth, and maintain such supply of said forms as the commissioner of probation shall determine to be necessary to meet the requirements of all such offices. The commissioner of probation shall from time to time distribute to the district and juvenile courts such quantities of such forms as he shall, with the probation officers of those courts, determine to be necessary. No forms of blanks and records other than those established and furnished hereunder shall be used in such probation offices unless approved by said commissioner.

SECTION 298. The fourth paragraph of section 47A of chapter 277 of the General Laws is hereby amended by striking out the second sentence, added by section 1 of chapter 765 of the acts of 1965, and inserting in place thereof the following sentence:- Upon an appeal to a jury session from a conviction in a district court, any motion permitted under this section may be filed in said jury session within ten days after the entry of the appeal, or within such reasonable further time as the court may allow by special order or general rule.

SECTION 299. Said chapter 277 is hereby further amended by striking out section 56, as appearing in the Tercentenary Edition, and inserting in place thereof the following section:-

Section 56. The reasonable expenses incurred and paid by counsel assigned by the court for the defence of a person indicted for murder, who is otherwise unable to procure counsel, shall be paid by the commonwealth after approval by a justice sitting at the trial or other proceedings of the case.

SECTION 300. Said chapter 277 is hereby further amended by

striking out section 73, as so appearing, and inserting in place thereof the following section:-

Section 73. Any person in the commonwealth kept in confinement awaiting trial for more than six months after having been indicted, and finally acquitted or discharged without trial, if the delay in trial was not at his request or with his consent, or at the request or with the consent of his attorney of record, may receive compensation for the period of his confinement after the lapse of said six months and until his acquittal or discharge; provided, that the payment of compensation is approved by the justice who presided at the trial, or in the case of a discharge without trial, by a justice of the superior court sitting at a session for criminal business in and for the county where the indictment was found. Such compensation shall be paid by the commonwealth and shall be equivalent to the amount which the indicted person earned or received from his regular employment for any period of equal length during the two years immediately preceding his confinement; and if he had no employment, the compensation shall be such reasonable sum as shall be determined by the justice who presided at the trial, or, in the case of a discharge without trial, by a justice of the superior court sitting at a session for criminal business in and for the county where the indictment was found. The justice, upon application by the person acquitted or discharged, shall give a hearing at which such person or his representative may be present, if he so desires, and the district attorney or other officer representing the commonwealth may also be present, and the person acquitted or discharged and the commonwealth may offer testimony as in any civil case. The decision of the justice shall be final.

SECTION 301. Section 17 of chapter 278 of the General Laws, as so appearing, is hereby amended by striking out, in lines 4 and 5, the words "district court or a trial justice, or before a jury has been sworn in the superior court" and inserting in place thereof the words:- justice sitting jury-waived, or before a jury has been sworn in the superior court or district court jury session.

SECTION 302. Said chapter 278 is hereby further amended by striking out section 18, as most recently amended by chapter 167 of the acts of 1974, and inserting in place thereof the following section:-

Section 18. Whoever is found guilty of a crime before a justice in a district court, or in the municipal court of the city of Boston, having filed the written waiver of trial by jury in the first instance provided by section twenty-six A of chapter two hundred and eighteen, may appeal the finding of guilty or the sentence imposed thereon to a jury-of-six session in accordance with section twenty-seven A of chapter two hundred and eighteen, and at the time of such finding of guilty or sentencing shall be notified of his right to take such appeal. The case shall be entered in the jury-of-six session on the return day next after the appeal is taken, and the appellant shall be released on personal recognizance or committed, in accordance with the procedures set forth in section fifty-eight of chapter two hundred

and seventy-six, until he recognizes to the commonwealth, in such sum and with such surety or sureties as the court requires, with condition to appear at said jury session on said return day and at any subsequent time to which the case may be continued, if not previously surrendered and discharged, and so from time to time until the final sentence, order or decree, and not depart without leave, and in the meantime to keep the peace and be of good behavior. If the appellant is not released on personal recognizance and is committed for failure to recognize, the superior court shall thereupon have jurisdiction of the case only for the purpose of revising the amount of bail required as aforesaid. The appellant shall not be required to advance any fees upon claiming his appeal or in prosecuting the same. Notwithstanding any other provision of law, a defendant after a finding of guilty, jury-waived, in a district court, or the municipal court of the city of Boston, may appeal therefrom and shall thereafter be entitled to a trial de novo in a jury-of-six session in accordance with said section twenty-seven A.

SECTION 303. Section eighteen A of said chapter two hundred and seventy-eight is hereby repealed.

SECTION 304. Said chapter 278 is hereby further amended by striking out section 20, as most recently amended by section 29 of chapter 827 of the acts of 1974, and inserting in place thereof the following section:-

Section 20. Upon such appeal, the clerk of the court sitting without a jury shall transmit to the jury session a copy of the complaint and of the record of conviction, the original recognizances, a list of the witnesses, the appearance of the attorney for the defendant, if any is entered, and a statement of the expenses, and the report of any examination pursuant to the provisions of section forty-seven or forty-eight of chapter one hundred and twenty-three; and no other papers need be transmitted, except as deemed necessary by the administrative justice for the court where the case was originally tried.

SECTION 305. Said chapter 278 is hereby further amended by striking out sections 22 to 25, inclusive, and inserting in place thereof the following four sections:-

Section 22. Upon such appeal, the copies and records sent to the jury-of-six session shall contain the details of all fees and expenses allowed or paid in the court in which the trial before the justice was held.

Section 23. At the trial of a criminal case in the superior court, upon indictment, or in a jury-of-six session in a district court, the fact that the defendant did not testify at any preliminary hearing in the first court, or that at such hearing he waived examination or did not offer any evidence in his own defense, shall not be used as evidence against him, nor be referred to or commented upon by the prosecuting officer.

Section 24. If the appellant fails to enter and prosecute his appeal, he shall be defaulted on his recognizance and the jury-of-six session may impose sentence upon him for the crime of

which he was convicted, as if he had been convicted in said court, and, if he is not then in custody, may issue process to bring him into court to receive sentence.

Section 25. The appellant may, at any time before the next sitting of the jury session for criminal business and at any time thereafter if no action shall have been taken in the jury session except continuance, come personally before the court from whose judgment the appeal was taken and withdraw his appeal. If the appellant has been committed, the officer in charge of the jail, within forty-eight hours after his commitment, shall notify him of his right to withdraw his appeal and shall furnish him with a blank form of withdrawal, which, if signed by him, shall be witnessed by said officer; thereupon, or if prior to said notice the appellant notifies the said officer of his desire to withdraw his appeal, the said officer shall forward the defendant, with the signed form of withdrawal, to the court before whom the appeal was taken. In such case the court may order the appellant to comply with the sentence appealed from, in the same manner as if it were then first imposed, or may revise or revoke the same if satisfied that cause for such revision or revocation exists; provided, that the court shall not increase the sentence as first imposed, and if sureties had recognized with the appellant to prosecute his appeal they shall be discharged. If the copy of the record of conviction has been transmitted to the jury session, the court shall notify the clerk of the court holding said session of the withdrawal of the appeal, who shall thereupon make a memorandum thereof upon the record of the jury session.

SECTION 306. Section 28A of said chapter 278, as most recently amended by section 1 of chapter 666 of the acts of 1968, is hereby further amended by striking out the third and fourth paragraphs and inserting in place thereof the following two paragraphs:-

The clerk of the superior court for criminal business in Suffolk county shall be the clerk of the appellate division of the superior court. The first assistant clerk of superior court for criminal business in Suffolk county shall be the first assistant clerk of the appellate division of the superior court; the second assistant clerk of the superior court for criminal business in Suffolk county shall be the second assistant clerk of the appellate division of the superior court.

The clerk or an assistant clerk of the appellate division of the superior court shall attend all sittings of the appellate division wherever such sittings are held and shall record the proceedings thereof. The clerk shall have the care and custody of all records, books and papers which pertain to said appellate division. The clerk and the assistant clerks of the appellate division shall have all the power and authority of a clerk of courts in any county of the commonwealth in any and all matters pertaining to the appellate division or to any criminal case in which an appeal for a review of a sentence imposed in any county has been filed.

SECTION 307. Said chapter 278 is hereby further amended by striking out section 28D, as amended by section 4 of said chapter 666, and inserting in place thereof the following section:-

Section 28D. The clerk, the first assistant clerk and the second assistant clerk of the appellate division shall receive from the commonwealth as salary an amount equal to ten per cent of and in addition to the salaries established and paid to them as clerk, first assistant clerk and second assistant clerk respectively of the superior court for criminal business in the county of Suffolk.

An employee of the office of the clerk of the superior court for criminal business in the county of Suffolk shall be designated by the clerk as a clerical assistant in matters pertaining to the business of the appellate division. The clerical assistant, so designated, shall receive from the commonwealth as salary an amount equal to ten per cent of, and in addition to, the salary established and paid to said employee in the position held by said employee in the office of the clerk.

The clerk and the assistant clerks of the appellate division shall receive for travelling expenses necessarily incurred in the performance of their official duties such sum as shall be approved by a justice of the appellate division to be paid by the commonwealth. The clerk shall receive for office expenses necessarily incurred in the conduct of the business of the appellate division such sums as shall be approved by a justice of the appellate division to be paid by the commonwealth.

SECTION 308. Said chapter 278 is hereby further amended by striking out section 33, as most recently amended by section 350 of chapter 1114 of the acts of 1973, and inserting in place thereof the following section:-

Section 33. Copies and papers relative to a question of law which arises in a criminal case in the superior court upon appeal, exception, report or otherwise shall be prepared by the clerk of the court at the expense of the commonwealth and shall thereupon be transmitted to and entered in the law docket of the supreme judicial court for the commonwealth, or for the proper county, as soon as may be after such question of law has been reserved and duly made matter of record in the superior court. The clerk shall prepare one copy of every paper on file in the case necessary to a full presentation of all questions of law intended to be raised before the full court, except papers used in evidence only, and of all papers made part of the case by reference in the record, for the use of the chief justice, and a like copy for the clerk of the supreme judicial court which shall be kept on file in said court; five typewritten copies of any opinion or statement of reasons for decision filed by the court below, for the use of the full court; one copy of the record of the court below which transmits the questions of law, for the use of each associate justice, each party and the reporter of decisions. Original papers used in the trial in the court below which are needed before the full court of the supreme judicial court shall be transmitted to its clerk to be kept on file by him until the rescript in such case is sent. In preparing the record, a brief descriptive title of any paper to be contained therein shall be included, but the title of the court, name of the county, names of parties and other formal parts need not appear more than once. No bond, citation, verification, appearance or formal

paper shall be deemed a necessary part of the record unless some question in regard thereto is in issue but the contents thereof may be indicated. Matter which appears in two or more papers or portions thereof forming part of the record need be set forth only once therein, and at each place where such matter is omitted there shall be printed a notation of the omission, with a cross reference to the place in the record where such matter appears. Entry of a case hereunder shall not transfer the case, but only the question to be determined.

SECTION 309. The second paragraph of section 1A of chapter 279 of the General Laws, added by section 2 of chapter 459 of the acts of 1975, is hereby amended by striking out, in lines 4 and 5, the words "superior court" and inserting in place thereof the words:- a jury session.

SECTION 310. Section 3 of chapter 279 of the General Laws, as most recently amended by chapter 300 of the acts of 1974, is hereby further amended by adding the following paragraph:-

In no case where a provision of this chapter provides for a finding, disposition or other order to be made by the court, or for a warrant to be issued, shall such be made or issued by any person other than a justice, special justice or other person exercising the powers of a magistrate.

SECTION 311. Chapter 280 of the General Laws is hereby amended by striking out section 2, as amended by section 2 of chapter 843 of the acts of 1975, and inserting in place thereof the following section:-

Section 2. A fine or forfeiture imposed by a court shall, except as otherwise provided, be paid over to the state treasurer. Twenty per cent of the fines imposed under the provisions of chapter three hundred and fifty-four of the acts of nineteen hundred and fifty-two shall be paid over to the state treasurer. If the whole or any part of a fine is by law payable to a complainant or informant or to a person or corporation as beneficiary, the court may apportion the fine or forfeiture between such complainant, informant or other beneficiary and the commonwealth, respectively. Fines imposed under the provisions of chapters eighty-nine and ninety, or forfeitures imposed under the provisions of section 141 of chapter 140, shall be paid over to the treasury of the city or town wherein the offense was committed.

SECTION 312. Said chapter 280 is hereby further amended by striking out section 4, as amended by section 5 of chapter 694 of the acts of 1974, and inserting in place thereof the following section:-

Section 4. Expenses arising in a criminal prosecution, including fees of grand and traverse jurors for travel and attendance therein, shall be paid by the commonwealth.

Fees and costs of indigent defendants in criminal prosecutions except attorneys' fees, shall or may be waived or substituted by the court or paid by the commonwealth in accordance with the provisions of sections twenty-seven A to twenty-seven G, inclusive, of chapter two hundred and sixty-one.

SECTION 313. Said chapter 280 is hereby further amended by striking out sections 7 to 11, inclusive, as appearing in the Tercentenary Edition, and inserting in place thereof the following five sections:-

Section 7. At the end of every sitting of the superior court for the transaction of criminal business, the clerk shall make and deliver to the state treasurer certificates of all fines imposed by the court, to the use of the commonwealth or to the treasurer of a city or town under the provisions of section two of this chapter.

Section 8. The clerk of the superior court for the transaction of criminal business for Suffolk county, the clerks of the municipal courts in Boston, the sheriff, master of the house of correction or other officer, except those named in the following section, upon receiving fines, fees or other money in any criminal proceedings, payable to the commonwealth or to a city or town shall, before the tenth day of every month, pay over to the state treasurer and account, on oath, for all fines, fees or other money so received during the preceding calendar month, and make the detailed statements required by law.

Section 9. The clerks of all courts in Suffolk county, except those named in the preceding section, who are required to account to the commonwealth shall, on or before the tenth day of each month, pay over to the state treasurer and account, on oath, for all fines, fees and other money received by them in any criminal proceedings during the preceding calendar month remaining after the payments therefrom allowed by law.

Section 10. The state treasurer shall pay to the persons entitled therein all witnesses fees or other money due for services rendered or expenses incurred in any of the courts named in section eight, or for any of the aforesaid officers, upon presentation to him of a certificate stating the name of the claimant, of the court and of the case, the nature of the services rendered or expenses incurred and the amount due therefor, signed by the clerk of the court or by the officer for whom the service was rendered.

Section 11. Except as otherwise provided in section eighty of chapter two hundred and seventy-six, fines and forfeitures imposed in criminal prosecutions by the superior court to the use of the commonwealth, and all amounts found to be due on forfeited recognizances, shall under the direction of the court, be certified by the clerk and paid to the commonwealth.

SECTION 314. Said chapter 280 is hereby further amended by striking out section 13, as so appearing, and inserting in place thereof the following section:-

Section 13. If a sheriff neglects to make such payment for thirty days, the state treasurer shall recover of him in contract the amount of such fines, forfeitures and forfeited recognizances, with interest at the rate of twelve per cent from the time he is held to have received the same and costs.

SECTION 315. Said chapter 280 is hereby further amended by

striking out section 15, as so appearing, and inserting in place thereof the following section:-

Section 15. Every keeper of a jail and master of a house of correction shall, on the first days of January, April, July and October, pay over to the state treasurer all money received by him under the preceding section during the preceding three months, and render to said state treasurer an account, on oath, showing the names of prisoners by whom payments have been so made, the court by which each was committed and the amount received from each.

SECTION 316. Said chapter 280 is hereby further amended by striking out section 16, as amended by section 38 of chapter 319 of the acts of 1953, and inserting in place thereof the following section:-

Section 16. The state treasurer shall pay over to the persons entitled thereto all amounts allowed to them for expenses or fees in criminal prosecutions, or allowed by the courts as rewards or compensations to prosecutors, which have been duly certified by the clerks, if demanded within three years after the allowance thereof; but he shall pay no such amounts to a clerk of a district court, until the clerk has rendered a written account of all fines received by him since his last return, and of all fees which have remained in his hands for one year after their allowance.

SECTION 317. Notwithstanding any provision of law to the contrary, the first justice, first judge or presiding justice of each district court, probate court, juvenile court or housing court, as the case may be; shall continue to be the first justice of the division of the applicable department of the trial court which is the successor to, and whose judicial district corresponds to, any of said courts.

SECTION 318. Notwithstanding any provision of law to the contrary, the justice who is senior in length of full-time service among the justices and special justices of the fourth district court of Berkshire, the district court of northern Berkshire and the district court of Williamstown; shall become and have the powers and duties of first justice of the northern Berkshire division of the district court department, and all justices and special justices appointed to any of said courts shall become and have the powers, rights and duties of a justice or special justice, as the case may be, of the trial court appointed to said northern Berkshire division. All clerical assistants, probation officers, court officers and other personnel appointed to said courts shall be transferred to said northern Berkshire division and shall then be subject to such provisions of chapter two hundred and eleven B as are applicable. The first justice of said division may designate from among said probation officers a chief probation officer.

SECTION 319. Notwithstanding any provision of law to the contrary, the justice who is senior in length of service among the justices and special justices of the district court of southern Berkshire and the district court of Lee; shall become and have the powers and duties of first justice of the southern Berkshire

division of the district court department, and all justices and special justices appointed to any of said courts shall become and have the powers, rights and duties of a justice or special justice, as the case may be, of the trial court appointed to said southern Berkshire division; and the person who is senior in service in performing the duties of clerk of court in any of said courts shall become and have the powers and duties of clerk of said southern Berkshire division. All clerical assistants, probation officers, court officers and other personnel appointed to said courts shall be transferred to said southern Berkshire division and shall then be subject to such provisions of chapter two hundred and eleven B as are applicable. The first justice of said division may designate from among said probation officers a chief probation officer.

SECTION 320. Upon the effective date of this act the superior court, the land court, the probate courts, and courts of insolvency, the housing courts, the district courts, the municipal court of the city of Boston and the juvenile courts shall be consolidated into the trial courts of the commonwealth and all the judicial powers and duties heretofore exercised by the chief justice or a justice of the superior court, a chief judge or judge of a housing court, a judge or associate judge of the land court, the chief judge, or judge or a special judge of probate, the chief justice, or a justice or a special justice of a district court, a justice or special justice of a juvenile court and a chief justice or an associate justice of the municipal court of the city of Boston shall vest in the justices of the respective departments of the trial court. All such aforementioned chief justices, justices, associate justices, chief judges, special judges, judges and special justices shall, upon said effective date be transferred to the trial court of the commonwealth without loss of vacation, sick leave, seniority or retirement rights, and shall become associate justices or special justices, in the case of special justices of district courts, of said trial court appointed to the department, or division thereof, representing their predecessor court, and shall thereafter exercise the powers and perform the duties of such associate justices or special justices in said departments, or divisions thereof. Notwithstanding any other provision of this act, appointive personnel employed in the judicial system of the commonwealth shall continue to serve therein without reduction in compensation and without loss of seniority, vacation or retirement rights.

SECTION 321. Any criminal or juvenile case appealed to the superior court, the Boston juvenile court, a six-man jury session in a district court, or a twelve-man jury session in the municipal court of the city of Boston, in any of said cases for a trial de novo, so-called, prior to the effective dates of sections fifty-one, fifty-four, fifty-seven, one hundred and eighty-nine and three hundred and two of this act; shall not be affected by said sections except as follows:-

(a) Any defendant, juvenile or other aggrieved party in such a case may, at any time before trial on such appeal, claim a trial in a jury-of-six session, or juvenile appeals session, in the appropriate division of the district court department, or juvenile

court department as the case may be, as set forth in section twenty-seven A of chapter two hundred and eighteen of the General Laws, or section twenty-seven, thirty-nine I or fifty-six of chapter one hundred and nineteen of the General Laws. By so doing, said defendant, juvenile or other aggrieved party shall be deemed to have waived any right to a trial by jury in the superior court or such other court hereinbefore mentioned or other disposition in any of said courts. When a claim for a trial in a jury-of-six session or a juvenile appeals session has been made under the provisions of this paragraph, the clerk of the court having custody of the papers in the case shall forward them forthwith to the clerk of the jury-of-six session, or juvenile appeals session, as the case may be.

(b) Any defendant or juvenile in such a case may come personally before said district court and withdraw his appeal, pursuant to the provisions of section twenty-five of chapter two hundred and seventy-eight or other applicable provision of law.

SECTION 322. Notwithstanding the provisions of sections fifty-three, fifty-four, fifty-six, fifty-seven, one hundred and eighty-eight, one hundred and eighty-nine and three hundred and two of this act, or other section thereof providing for jury sessions in criminal or juvenile cases in the district or juvenile court departments, or in the Boston municipal court department, the supreme judicial court may suspend the effect of said sections if it finds, and so certifies to the general court, that circumstances have arisen which seriously delay the trial of such cases and seriously impede the administration of justice. Pursuant to said authority to suspend, such suspension shall be continued only so long as necessary, and trial of such cases during said period shall be, in the first instance, without a jury but subject to a right of appeal for de novo trial in a jury session in a district or a juvenile court.

SECTION 323. All civil actions and criminal, juvenile and probate proceedings and processes or any matter pending in the courts consolidated into the trial court of the commonwealth pursuant to section three hundred and twenty of this act on the effective date of such consolidation, and all writs issued out of and returnable to said courts, shall continue with the same force and effect in and be returnable to the department or division or place for holding court thereof of the trial court representing such predecessor courts, and all rights and liabilities of the parties to such civil actions and criminal, juvenile and probate proceedings commenced prior to the effective date of said consolidation shall continue in full force and effect.

SECTION 324. Whenever used in any statute, the words "superior court" shall mean the superior court department and "chief justice" or "justice of the superior court" shall mean an associate justice of the trial court appointed to the superior court department; "land court" shall mean the land court department, and "judge" or "associate judge of the land court" shall mean an associate justice of the trial court appointed to the land court department; "housing court of the city of Boston" and "housing court for Hampden county" shall mean, respectively,

the city of Boston division and the Hampden county division of the housing court department and "judge of the city of Boston housing court" and "judge of the Hampden county housing court" shall mean, respectively, an associate justice of the trial court appointed to the city of Boston division and Hampden county division of the housing court department; "Boston juvenile court", "Bristol county juvenile court", "Springfield juvenile court", "Worcester juvenile court" shall mean, respectively, the Boston juvenile division, the Bristol county juvenile division, the Springfield juvenile division and the Worcester juvenile division of the juvenile court department and "justice" or "special justice of the Boston juvenile court", "justice of the Bristol county juvenile court", "justice of the Springfield juvenile court", "justice of the Worcester juvenile court" shall mean, respectively, an associate justice of the trial court appointed to the Boston juvenile division, the Bristol county juvenile division, the Springfield juvenile division, or the Worcester juvenile division of the juvenile court department; "municipal court of the city of Boston" shall mean the Boston municipal court department and a "chief justice" or "associate justice" of the "municipal court of the city of Boston" shall mean an associate justice of the trial court appointed to the Boston municipal court department; the various district courts shall mean, respectively, divisions for the district court department of the trial court having like territorial jurisdiction as the predecessor court, and "chief justice", "justice", or "special justice" of a district court shall mean an associate justice, or, in the case of a special justice, special justice of the trial court appointed to the division of the district court department of like territorial jurisdiction as his predecessor court; the various probate courts or probate and insolvency courts shall mean, respectively, divisions of the probate and family court department of the trial court of like territorial jurisdiction as the predecessor court, and "chief justice" or "justice" of the probate court or probate and insolvency court shall mean an associate justice of the trial court appointed to a division of the probate and family court department having like territorial jurisdiction as his predecessor court.

SECTION 325. Incumbents of the office of first assistant clerk, or assistant clerk where that title refers to the position and duties of first assistant clerk, of a district, municipal, juvenile or housing court or of the land or superior court; shall, under the provisions of this act, become the first assistant clerk of the division or department, as the case may be, of the trial court which is the successor to any of the aforementioned courts, and such other assistant clerks of said courts shall hereunder become assistant clerks of said successor division or department.

SECTION 326. Incumbents of the office of first assistant register, or assistant register where that title refers to the position and duties of first assistant register, of a probate court, shall, under the provisions of this act, become the first assistant register of the division of the probate and family court department which is the successor to the aforementioned court, and such other assistant registers shall hereunder become assist-

ant registers of said successor division.

SECTION 327. For the purposes of this act the words "predecessor court" or "predecessor courts" shall mean in each instance the court or courts consolidated into the trial court having the same territorial jurisdiction, or geographical designation and corresponding subject matter jurisdiction as a department, or a division thereof, of the trial court.

SECTION 328. Notwithstanding any other provision of this act, appointive personnel employed in the judicial system of the commonwealth shall continue to serve therein without reduction in compensation and without loss of seniority, vacation or retirement rights.

No person who is not a resident of the commonwealth shall serve as an officer in or an employee of the judicial branch; provided, however, that this provision shall not apply to those persons serving as officers in or employees of the judicial branch prior to the effective date of this section.

The provisions of this section shall not be interpreted so as to prevent any person employed by the judicial branch from being removed for cause in the manner provided by law or otherwise provided on the effective date of this act.

Notwithstanding any general or special law to the contrary, all employees of Suffolk county who are paid by the city of Boston immediately prior to the effective date of this act, including but not limited to, the employees of the supreme judicial court, superior court, housing court of the city of Boston, the probate court of Suffolk county, the Boston municipal court and all of the district courts in said county, shall be allowed to remain as members of the city of Boston employees credit union with all rights and benefits including payroll deductions. Employees desiring to remain as members shall notify their immediate superiors as well as said credit union in writing within sixty days and the said immediate supervisor shall make all necessary arrangements including the necessary deductions from the employees paycheck.

All pensions and retirement allowances payable to judges, clerks, court officers and all other persons employed in the judicial branch of the commonwealth on or after the effective date of this section, who retire or resign after such date, or to beneficiaries or dependents of such persons, shall be deemed to be a cost of maintenance and operation of the judicial branch and shall be paid by the commonwealth, subject to the provisions of chapter thirty-two of the General Laws. All questions relating to retirement rights shall be determined by the state board of retirement; provided, however, that no person shall be assigned to a different group for retirement purposes under the provisions of section three of chapter thirty-two of the General Laws, as a result of any provision of this act; and providing, further, that notwithstanding any other provision of law, no judicial employee shall be required to retire from his office or position before he has reached the age of seventy.

SECTION 329. Effective upon the passage of this act, the procedure provided for by section six of chapter two hundred and eleven B, inserted by section one hundred and ten of this

act, shall be operative.

The chief administrative justice referred to in said section one hundred and ten shall be selected by the said justices of the supreme judicial court no later than sixty days after the passage of this act, and nominations for such selection may be made from among any of the judicial officers referred to in section three hundred and twenty-four of this act.

SECTION 330. In order to comply with the provisions of section five of chapter twenty-nine A, the chief administrative justice of the trial court shall appoint a commission which shall, not later than June thirtieth, nineteen hundred and eighty, file with the chief justice of the supreme judicial court, with the governor, and with the clerks of the house of representatives and senate, a report on the status of all buildings occupied by the judicial branch. Said report shall include, but not be limited to, estimates of (1) the present and projected space needs for all courts, (2) necessary renovations to existing buildings or other new construction, (3) the fair market value of each building, and (4) the cost of maintenance, repair and necessary operating expenses of each building. Said report shall also include recommendations as to whether any court building should be acquired by the commonwealth.

SECTION 331. All county employees who become state employees on the effective date of this act shall, for the purpose of continuation of group insurance coverages as provided in chapter thirty-two B of the General Laws, be considered employees of the county in which they were employed prior to said date and their respective county treasurer shall pay the full premium for all said employees including their dependents or surviving spouses. The county treasurer shall provide the group insurance commission with information requested by said commission relative to the monthly insurance premiums applicable to each employee or surviving spouse including the county's share therefor. The state treasurer upon certification by the commission shall reimburse said counties from appropriation account number 1120-2000 for the cost of any premiums paid under the provisions of this section. All such transferred employees and surviving spouses shall pay to said commission their employee or survivor share of the monthly group insurance premium in a manner determined by said commission consistent with the provisions of chapter thirty-two A. The commission shall credit all such premium receipts to appropriation account number 1120-2000. This section shall cease to be in effect on March thirty-first, nineteen hundred and seventy-nine.

SECTION 331A. All personnel employed in the judicial branch of the commonwealth on the effective date of this section, including their dependents or surviving spouses, who are eligible for group insurance coverages as provided under chapter thirty-two B or who are insured under said chapter shall on said effective date have said eligibility and insurance transferred to the jurisdiction of the group insurance commission as established by chapter thirty-two A and said persons shall cease to be eligible or insured under the provisions of chapter thirty-two B. Said

commission shall provide uninterrupted coverages for group life and accidental death and dismemberment insurance and group general or blanket insurance providing hospital, surgical, medical, dental, and other health insurance benefits to the extent authorized by the commonwealth under the provisions of said chapter thirty-two A. All questions relating to group insurance rights shall be determined by the commission and shall include the manner and method for the payment of all required premiums applicable to all such coverages.

SECTION 332. Upon the effective date of this act the incumbents of the offices of chief justice of the superior court, of the district courts and of the municipal court of the city of Boston, and of the offices of chief judge of the probate courts, and of judge of the land court and the senior justices of the juvenile and housing courts, respectively, shall have the title of, and exercise the powers, duties and responsibilities of, administrative justice for the department of the trial court which is successor to said court or courts. Said incumbents shall continue to hold the offices of administrative justice until they vacate their judicial office, or until they decline to hold the office of administrative justice. Said incumbents may also be properly addressed in speech as, and may properly be styled and style himself in correspondence as "chief justice" of his department.

SECTION 333. For the fiscal year beginning July first, nineteen hundred and seventy-eight the cost of maintenance and operation of the judicial branch of the commonwealth shall be borne by the counties; provided, however, that funds shall be appropriated for said fiscal year for payment to each county in the proportion that the net costs of the several courts borne by the county in the fiscal year nineteen hundred and seventy-seven bears to the net costs of the several courts borne by all counties in said fiscal year; and provided further, that the commonwealth shall assume the entire amount of said cost as provided in the following paragraph. Amounts made available under this section shall be used to reduce the cost to the county of maintenance and operation of the court system by a reduction in the assessments on the cities and towns within each county.

It is hereby declared to be the intention of the general court that there be a single state budget for the entire judicial branch for the fiscal year beginning July first, nineteen hundred and seventy-nine, and that the period of time and method for shifting all of the remaining expenses of the courts now borne by the counties to the commonwealth be established by law for the fiscal year beginning July first, nineteen hundred and seventy-eight.

SECTION 334. Notwithstanding any other provision of this act, each county shall continue to make all payments relative to the maintenance and operations of the judicial system which said county was required to make under the provisions of law in effect prior to the effective date of this act; said payments shall continue until such time as the commonwealth provides for the full funding of the judicial system or July first, nineteen hundred and seventy-nine whichever occurs first.

SECTION 335. If any section of this act, or any provision of

such section, or the application of any such section or provision thereof to any person or circumstance shall be held invalid or unconstitutional, the other sections of this act and other provision of said section, or the application of such section or provision to any person or circumstance other than that as to which it is held invalid or unconstitutional, shall not be affected thereby.

SECTION 336. There shall be created a special legislative committee consisting of three members of the senate to be appointed by the president and five members of the house of representatives to be appointed by the speaker, for the purpose of preparing a plan for a redrawing of the jurisdiction lines of the respective division of the district and juvenile court departments, so as to provide for a more effective use of the resources of said departments.

Said committee shall direct special attention to the availability of judicial and other resources throughout Suffolk county in relation to children who are the subjects of proceedings under chapter one hundred and nineteen.

Said committee shall hold public hearings before submitting its report, but in no event shall it submit its report to the clerk of the house of representatives later than June thirtieth, nineteen hundred and seventy-nine.

SECTION 337. The supreme judicial court shall, not later than June thirtieth, nineteen hundred and seventy-nine, file with the clerks of the house and senate a report on the fees charged by the courts of the commonwealth. Said report shall include, but not be limited to the amount of revenue generated by each fee and in total, the disposition of revenue from each fee, the current standards employed to determine indigency for the purposes of waiver of court fees, and the amount of fees so waived, and the fees charged in other states for similar actions and services; and recommendations for a new fee schedule which more nearly reflects the cost of the services represented by the fees, and more nearly reflects the court fees charged in other states with similar or greater court case loads, and uniform standards of indigency to be employed by each court in the commonwealth.

SECTION 338. That a special committee to consist of three members of the senate, five members of the house of representatives, is hereby established to make an investigation and study of the probation system in the commonwealth. Said commission shall investigate and study all aspects of the probation system including rules, regulations and procedures of the various divisions of probation service including the committee on probation, the commissioner and deputy commissioners of probation and all probation offices and officers within the judicial system of the commonwealth in order that their effectiveness may be determined. Said committee shall also investigate and study the salary schedules of all probation officers.

Said committee shall be provided with quarters in the state house or elsewhere, may hold hearings, may travel within the commonwealth, and may expend for clerical and other services and expenses such sums as may be appropriated therefore. Said

committee 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 on or before the last Wednesday of December, nineteen hundred and seventy-nine.

SECTION 339. Notwithstanding any provision of this act to the contrary, any appointment of executive secretary to an administrative justice requiring the approval of the chief administrative justice may be made without said approval during the period prior to the selection of said chief administrative justice, as provided in section three hundred and twenty-nine of this act, except however, that disapproval thereof may be exercised by said chief administrative justice upon his selection.

SECTION 340. Amounts appropriated for the office of the executive secretary may be used for administration staff to the supreme judicial court and the office of the chief administrative justice of the trial court.

All regulations, rulings, decisions and other determinations made by the office of the executive secretary and in effect prior to the effective date of this act shall continue in effect until they are subsequently altered, amended, modified or revoked by the supreme judicial court or the chief administrative justice of the trial court, as the case may be.

All duly existing contracts, leases and obligations of any office, commission, board, committee, administrative or governmental unit from which powers and duties are transferred to any other office, commission, board, committee, administrative or governmental unit by the provisions of this act, which relate to the exercise of such powers for the performance of such duties, and which are in force immediately prior to the effective date of this act shall thereafter be performed by such office, commission, board, committee, administrative or governmental unit. This section shall not affect any renewal provision or option to renew contained in any such lease in existence on said effective date, all of which may thereafter be exercised by such other office, commission, board, committee, administrative or governmental unit.

All questions regarding the identification of such contracts, leases and obligations and of the offices, commissions, boards, committees, administrative or governmental units to which the performance thereof is so transferred shall be determined by the supreme judicial court or the chief administrative justice of the trial court, as the case may be.

SECTION 341. Notwithstanding any other provision of law to the contrary, the provisions pertaining to contributions by justices of the supreme judicial court referred to in sections 65A and 65D of chapter 32 of the General Laws and contained in sections 13 and 14 of this act shall take effect as of May first, nineteen hundred and seventy-six.

SECTION 342. Notwithstanding any other provision of this act, any judicial officer recalled for temporary service under the provisions of sections 65E and 65F of chapter 32 of the General

Laws in effect on June 30, 1978, shall continue to serve under said authority and may be assigned according to appropriate provisions of law also then in effect, until July 31, 1978 and shall have the powers, rights and benefits of such appropriate provisions during such period.

SECTION 343. Sections 41, 51, 53, 54, 56, 57, 58, 59, 61, 63, 64, 65, 68, 143, 144, 159, 163, 188, 189, 190, 280, 281, 282, 283, 287, 298, 301, 302, 303, 304, 305, 309, 321, 322, or so much of any section of this act providing for jury sessions in divisions of the district court department or of the juvenile court department, in lieu of in the superior court, shall take effect as of January 1, 1979.

Sections 89, 102, 106, 111, 112, 113, 116, 160, 173, 226, and 258 of this act shall take effect as of July 1, 1979.

Section 331A of this act shall take effect as of March 31, 1979.

Sections 98 and 99 of this act shall take effect sixty days after the selection of the chief administrative justice as provided in section 329 of this act.

Section 72 of chapter 221 of the General Laws, as appearing in section 252 of this act, shall take effect as of June 1, 1978. Sections 73 and 73A of chapter 221 of the General Laws, as appearing in section 252 of this act, shall take effect as of July 1, 1978. All other provisions of section 252 and sections 31 and 253 of this act shall take effect thirty days after the selection of the chief administrative justice as provided in section 329 of this act.

All other sections of this act shall take effect as of July one, nineteen hundred and seventy-eight.

Approved July 18, 1978

Chap. 479. AN ACT EXTENDING THE TIME WITHIN WHICH THE TOWN OF AMESBURY MAY BORROW MONEY IN ANTICIPATION OF STATE GRANTS.

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 a state aid anticipation note of said town in the amount of thirty-nine thousand dollars, payable in not more than one year from the date thereof, in order to pay the state aid anticipation note of the town dated October seventh, nineteen hundred and seventy-six in the amount of thirty-nine thousand dollars and which was most recently renewed on January twentieth, nineteen hundred and seventy-eight and payable on June fifth, nineteen hundred and seventy-eight. 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 18, 1978

Chap. 480. AN ACT PROVIDING FOR THE PROMPT AND FAIR RESOLUTION OF CREDIT BILLING DISPUTES.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide for the prompt and fair resolution of credit billing disputes, 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 140C of the General Laws is hereby amended by inserting after subsection (f), as appearing in section 1 of chapter 517 of the acts of 1969, the following subsection:-

(f₂) "Billing error", (1) A reflection on or with a periodic statement of an extension of credit which (i) was not made to the customer, or (ii) was made to a person who did not have actual, implied, or apparent authority of the customer to use the account and from which use the customer received no benefit, or (iii) if made, was misidentified, insufficiently identified, or was not in the amount indicated or on the date specified on or with the periodic statement, or

(2) A reflection on a periodic statement of an extension of credit or indebtedness for which the customer requests explanation or clarification, including requests for copies of documentary evidence of the indebtedness reflected thereon, or

(3) A reflection on a periodic statement of an extension of credit for property or services and accepted by the customer or his designee, or not delivered to the customer or his designee in accordance with any agreement made in connection with the transaction, or

(4) Any failure to properly reflect, on a periodic statement, a payment or other credit to the customer's account, or

(5) A computational error or similar error of an accounting nature made by the creditor on a periodic statement, including errors in computing finance charges, late payment charges, or other charges, or

(6) A failure to mail or deliver a customer's periodic statement to his current designated address, if the creditor has received notification of any change of address at least ten days prior to the closing date of the billing cycle for which the periodic statement was incorrectly mailed or delivered.

The delivery of property or services different from that described in any agreement, the delivery of the wrong quantity, late delivery, or delivery to the wrong location shall be considered to be a billing error subject to clause (3), but any dispute with respect to the quality of property in the physical possession of the customer or services performed for the customer shall not be considered to be a billing error under said clause (3).

SECTION 2. Said section 1 of said chapter 140C is hereby further amended by inserting after subsection (g₂), inserted by section 1 of chapter 52 of the acts of 1977, the following subsec-

tion:-

(g 3/4) "Cardholder", any person to whom a credit card is issued for personal, family, household, agricultural, business, or commercial purposes, or any person who has agreed with the card issuer to pay obligations arising from the issuance of a credit card to another person for such purposes.

SECTION 3. Said section 1 of said chapter 140C is hereby further amended by inserting after subsection (v), as appearing in section 1 of chapter 517 of the acts of 1969, the following subsection:-

(v¹/₂) "Proper written notification of a billing error", any written notification, other than notice on a payment medium or other material accompanying the periodic statement if the creditor so stipulates in the disclosure required by Section 127(a)(8) of the Federal Consumer Credit Protection Act, received at the address disclosed under clause (9) of subsection (b) of section six within sixty days of the first mailing or delivering to the customer's current designated address as required by said subsection (b) of said section six, of the periodic statement on which the disputed item or amount is reflected in which the customer

(1) Sets forth or otherwise enables the creditor to identify the name and account number, if any, of the customer,

(2) Indicates the customer's belief that the periodic statement contains a billing error and the suspected amount of such error, and

(3) Sets forth the reasons for such belief, to the extent applicable or known by the customer.

SECTION 3A. Section 5 of said chapter 140C is hereby amended by inserting after subsection (h), as so appearing, the following subsection:-

(h¹/₂) Each creditor shall maintain and retain for a period of two years from the date the creditor receives a written notification, other than notice on a payment medium, of a billing error relative to an open end credit account a copy of such notification.

SECTION 4. Subsection (b) of section 6 of said chapter 140C, as amended by section 10 of chapter 52 of the acts of 1977, is hereby further amended by adding the following clause:-

(9) An address to be used by the creditor for the purpose of receiving billing inquiries from customers. Such address shall be preceded by the caption "Send Inquiries To:", or other similar language indicating that the address is the proper location to send such inquiries.

SECTION 5. Subsection (c) of said section 6 of said chapter 140C, as amended by section 11 of said chapter 52, is hereby further amended by inserting after clause (2) the following clause:-

(2¹/₂) The disclosure required by clause (9) of subsection (b) may be made on the reverse side of the periodic statement, and.

SECTION 6. Said chapter 140C is hereby further amended by inserting after section 9A, inserted by chapter 109 of the acts of 1975, the following section:-

Section 9B. (a) After the creditor receives proper written notification of a billing error, unless the customer has subsequently agreed that the periodic statement is correct, the creditor shall:

(1) Not later than thirty days after receipt of such notification, mail or deliver written acknowledgment thereof to the customer's current designated address, unless the appropriate actions in clause (2) are taken within such thirty day period; and

(2) Resolve the dispute not later than two complete billing cycles, in no event more than ninety days, from the date of receipt of the notice of billing error and prior to any action by the creditor to collect any portion of the amount indicated by the customer as being a billing error or other charges computed on such disputed amount by:

(i) Correcting the customer's account in the full amount indicated by the customer to have been erroneously billed in accordance with clause (2) of subsection (b) and mailing or delivering to the customer a written notification of corrections; or

(ii) Correcting the customer's account by a differing amount from that indicated by the customer as being erroneously billed in accordance with clause (2) of subsection (b) and mailing or delivering to the customer an explanation of the change, accompanied by copies of documentary evidence of the customer's indebtedness if such evidence is requested by the customer; or

(iii) Mailing or delivering a written explanation or clarification to the customer, after having conducted a reasonable investigation, setting forth, to the extent applicable, the reasons why the creditor believes the amount was correctly shown on the periodic statement and, if the customer so requests, furnishing copies of documentary evidence of the customer's indebtedness with respect to the alleged billing error. In any case where the customer alleges that the periodic statement reflects property or services not delivered to the customer or his designee in accordance with any agreement made in connection with the transaction giving rise to the disputed amount, a creditor may not construe such amount to be correctly shown on the periodic statement unless the creditor determines, upon investigation, that such property or services were actually delivered, mailed, or otherwise sent to the customer or his designee and provides the customer with a written statement explaining such determination. In any case where the customer alleges that an amount of a transaction reflected on the periodic statement is incorrect because the person honoring the credit card has made an incorrect report to the card issuer of the amount which should have been charged, the card issuer may not construe such amount to be correctly reflected on the periodic statement unless the creditor determines, upon investigation, that the correct amount is shown on the periodic statement and provides the customer with a written statement explaining such determination.

(3) If, despite the establishment by the creditor of procedures reasonably adapted to assure compliance with clause (2) the creditor or his agent, within two business days after receiving proper written notification of a billing error pursuant to this section, inadvertently takes action to collect in contravention of said clause (2), such inadvertent action to collect will not be

considered in violation of said clause (2).

(4) A notice on a subsequent billing statement clearly identifying any amount credited to the customer's account in response to a proper written notification of a billing error is one type of a proper transmittal of a written notification of corrections.

(b) (1) When a minimum periodic payment is permitted, the customer may withhold that portion of the minimum periodic payment which the customer believes is related to the amount in dispute. When the disputed amount is only a part of the total amount of an item, the customer remains obligated to pay the amount not in dispute, and any minimum periodic payment and finance charges, late payment charges, or other charges may be collected on the undisputed amount. If, at the completion of the procedure pursuant to subsection (a), it is determined that the customer owes some or all of the disputed amount, the creditor may require payment of any minimum periodic payment amounts which the customer did not pay because of the dispute. The creditor may not accelerate the customer's entire debt solely because the customer has exercised rights provided by this chapter.

(2) With respect to billing error, the creditor must credit the customer's account in any amount the customer does not owe, plus any finance charges, late payment charges, or other charges imposed as a result of such billing error.

(3) After or upon completion of the dispute procedure prescribed by subsection (a):

(i) If the initial periodic statement is determined to be without error with regard to the disputed item, the creditor shall promptly mail or deliver to the customer written notification of the amount owed with regard to the disputed item, unless such notification is not required by subsection (a), or

(ii) If the initial periodic statement is determined to be in error with regard to the disputed item and the creditor normally allows a period for the customer to pay such an item without incurring additional finance charges, late payment charges, or other charges, the creditor shall mail or deliver to the customer written notification of the total amount which the customer owes with regard to the disputed item and shall allow the customer the same number of days thereafter as he customarily or by credit agreement allows, whichever is longer, but in no case less than ten days, for the customer to pay undisputed amounts, or

(iii) If the initial periodic statement is determined to be in error with regard to the disputed item and the creditor normally does not allow a period for the customer to pay such an item without incurring additional finance charges, late payment charges, or other charges, the creditor shall promptly mail or deliver to the customer a notice of the total amount which the customer owes with regard to the disputed item.

(4) Nothing in this subsection shall be construed to prohibit the mailing or delivery of periodic statements, which include disputed amounts, to the customer, provided that the creditor indicates on the face of the periodic statement that payment of the amount in dispute is not required pending the creditor's compliance with the provisions of this section.

(5) Nothing in this subsection shall prohibit any action by a

creditor to collect any amount which has not been indicated by the customer to contain a billing error.

(c) (1) In the case of credit card plans where the cardholder has agreed to permit the card issuer to periodically pay the cardholder's indebtedness by deducting the appropriate amount from the cardholder's deposit account held by the card issuer, if the card issuer receives a proper written notification of a billing error within sixteen days from the date of mailing or delivery of the periodic statement on which the suspected billing error first appears, the card issuer shall:

(i) Prevent the automatic debiting of any disputed amounts if receipt of such notification precedes the automatic debiting of the cardholder's account or

(ii) Restore, no later than two business days after receipt of the notice, to the cardholder's deposit account any portion of the disputed amount which was previously deducted, if receipt of such notification follows the automatic debiting of the cardholder's account for any disputed amounts.

(2) Nothing in this subsection shall limit the cardholder's right to dispute an amount he believes to be in error within sixty days of the mailing or delivery of the erroneous periodic statement, as otherwise provided in this section.

(d) A creditor may not, prior to complying with the requirements of subsections (a) and (b), restrict or close an account with respect to which the customer has indicated a belief that such account contains a billing error solely because of the customer's refusal or failure to pay the amount indicated to be in error. This subsection shall not prohibit the creditor from applying any such amount to the customer's credit limitations.

(e) (1) After receiving a proper written notification of a billing error pursuant to this section neither the creditor nor his agent may directly or indirectly threaten to report adversely to any person on the customer's credit standing or credit rating because of the customer's failure to pay the amount specified in such notification as being a billing error, or any finance charges, late payment charges, or other charges imposed thereon, nor shall such amount be reported as delinquent to any third person unless such amount remains unpaid after the creditor has complied with all the requirements of this section and has allowed such customer the same number of days thereafter to pay as he customarily or by credit agreement allows, whichever is longer, but in no case less than ten days, for such customer to pay undisputed amounts so as to avoid the imposition of additional finance charges, late payment charges, or other charges. If, after establishment by the creditor of procedures reasonably adapted to assure compliance with this clause, the creditor or his agent, within two business days after receiving proper written notification of a billing error pursuant to this section, inadvertently takes action in contravention of this clause, such inadvertent action will not be considered in violation of this clause. Nothing in this clause prohibits a creditor from reporting the disputed amount or account as being in dispute; provided, that the creditor notifies the customer in writing of the name and address of each party to whom the creditor is reporting information concerning the disputed amount.

(2) If, within the time limit allowed for payment in clause (1), the creditor receives a further written notification from the customer that any portion of a billing error resolved under subsection (a) is still in dispute, the creditor may not report to any third party that such disputed amount is delinquent unless the creditor also reports that the amount or account is in dispute and, at the same time, notifies the customer in writing of the name and address of each party to whom the creditor is reporting information concerning the disputed amount. If, pursuant to clause (1) and this clause, a creditor has reported a disputed amount as being delinquent to any third person, the creditor shall report promptly in writing to any such person subsequent resolution of the reported delinquency. In writing shall include transmission by computer communication.

(3) If a creditor has reported an amount as being delinquent to any third person who is in the business of collecting and disseminating information relating to the credit of customers, and such amount is subsequently disputed by the customer in accordance with the requirements of subsection (v $\frac{1}{2}$) of section one, the creditor shall, within one billing cycle after receipt of proper written notification of the billing error, mail or deliver a written notice to each such third person to whom the delinquency was reported that the amount is in dispute. Written notice shall include transmission by computer communication.

(f) (1) Any creditor who fails to comply with the requirements of this section forfeits any right to collect from the customer the amount indicated by the customer to be a billing error and any finance charges, late payment charges, or other charges imposed thereon, provided that the amount so forfeited under this section shall not exceed fifty dollars for each item or transaction on a periodic statement indicated by the customer to be a billing error. In no case shall a creditor forfeit any amount for an error in a total figure or subtotal figure reflected on a statement which is caused solely by an error in another item which is the subject of a dispute, nor shall a creditor suffer any forfeit more than once for any item or transaction which may appear on a periodic statement.

(2) Nothing in this subsection shall be construed to limit a customer's right under the provisions of section ten.

(g) This section does not apply to credit other than open end, whether or not a periodic statement is mailed or delivered, unless it is consumer credit extended on an account by use of a credit card.

SECTION 7. Chapter ninety-three C of the General Laws is hereby repealed.

Approved July 18, 1978

Chap. 481. AN ACT RELATIVE TO EDUCATIONAL COLLABORATIVES.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately change the composition of educational collaboratives, 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 fifth paragraph of section 4E of chapter 40 of the General Laws is hereby amended by striking out the second sentence, as appearing in chapter 797 of the acts of 1974, and inserting in place thereof the following sentence:- The department of education shall be represented on each such board by the coordinator of the regional center, or his designee, in which the majority of such member municipalities are located, but such coordinator, or his designee, shall not be entitled to vote.

SECTION 2. The sixth paragraph of said section 4E of said chapter 40, as amended by section 2 of chapter 323 of the acts of 1975, is hereby further amended by striking out the third and fourth sentences and inserting in place thereof the following sentence:- Said collaborative board may contract for the purchase of supplies and materials and for the services of such persons as it deems necessary in order to carry out its functions.

SECTION 3. Said section 4E of said chapter 40 is hereby further amended by inserting after the sixth paragraph the following two paragraphs:-

Each educational collaborative board shall appoint a treasurer, who may be a treasurer of a city, town or regional school district belonging to the collaborative. Said board may compensate such treasurer for his services as treasurer of the collaborative board in such amount as it may determine. Notwithstanding any provision of this section to the contrary, no member of the collaborative board shall be eligible to serve as treasurer of said board.

Each collaborative treasurer shall give bond annually for the faithful performance of his duties as collaborative treasurer in a form approved by the commissioner of corporations and taxation and in such sum, not less than the amount established by said commissioner, as shall be fixed by the collaborative board. Said treasurer shall receive and disburse any monies of the trust fund of the educational collaborative board he serves without further appropriation.

SECTION 4. Said section 4E of said chapter 40 is hereby further amended by adding the following paragraph:-

Notwithstanding any provision of law to the contrary, no educational collaborative agreement between or among the school committees of two or more cities, towns or regional schools districts requiring the approval of the department of education, shall be made except under the provisions of this section. Any educational collaborative heretofore formed under the provisions of section four of chapter seventy-one B or formed under the provisions of this section in effect prior to the effective date of chapter seven hundred and ninety-seven of the acts of nineteen hundred and seventy-four shall amend its agreement to conform to the provisions of this section. A copy of said amended agreement shall be filed with the department of education.

Approved July 18, 1978

Chap. 482. AN ACT AUTHORIZING THE TOWN OF HULL TO BORROW UNDER THE FEDERAL COMMUNITY DISASTER LOAN PROGRAM.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, the town of Hull, upon being determined to be eligible under the Community Disaster Loan Program under Section 414 of the Disaster Relief Act of 1974 (Public Law 93-288, Appendix 1) and Federal Regulations, 24 CFR 2205.56 (Appendix 2) under a Presidentially declared major disaster, may, with the approval of the emergency finance board borrow a sum not to exceed two million five hundred thousand dollars from the Federal Disaster Assistance Administration.

The treasurer of the town of Hull, with the approval of the board of selectmen, is hereby authorized to execute a promissory note for a term not to exceed three years at an interest rate to be determined by the Secretary of the Treasury of the United States; provided that the term of said loan may be extended with the approval of the Federal Disaster Assistance Administration, but in no case shall the total term of any such loan exceed ten years.

The indebtedness incurred under the provisions of this act shall be deemed to be outside of the debt limit as defined in section ten of chapter forty-four of the General Laws; provided, however, that such indebtedness shall be authorized by a two-thirds vote as defined in section one of chapter forty-four of the General Laws.

SECTION 2. Any action taken by the town of Hull in applying for assistance under the Community Disaster Loan Program is hereby validated and confirmed to the same extent as if section one had been in full force and effect at the time of the posting of the warrant for the meeting at which such action was taken.

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

Approved July 18, 1978

Chap. 483. AN ACT ESTABLISHING PROGRAMS FOR DISPLACED HOMEMAKERS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to establish immediately a program for displaced homemakers, 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 23 of the General Laws is hereby amended by inserting after section 11 O, under the caption DISPLACED HOMEMAKERS' EQUAL OPPORTUNITY, the following four sections:-

Section 11P. As used in sections eleven Q to eleven T, inclusive, the following words shall have the following meanings:-

"Displaced homemaker", an individual who has worked in the home for a substantial number of years providing unpaid household

services for family members; has had, or would have, difficulty in securing employment; has been dependent on the income of another family member but is no longer supported by such income, has been dependent on government assistance but is no longer eligible for such aid, or is supported as the parent of minor children by government assistance or spousal child support payments but whose children are within two years of reaching their majority; and is not gainfully employed or is underemployed. "Secretary", the secretary of the executive office of economic development and manpower affairs.

Section 11Q. The secretary shall establish multi-purpose service centers for displaced homemakers including (1) job counseling services which shall be specifically designed for a person seeking employment after a number of years as a homemaker and operate to counsel displaced homemakers with respect to appropriate job opportunities; (2) job training and job placement services which shall develop, by working with government agencies and private employers, training and placement programs for jobs in the public and private sectors, assist displaced homemakers in gaining admission to existing public and private job training programs and opportunities, and assist in identifying community needs, seeking funding for new public sector jobs, and creating new jobs in both public and private sectors; (3) educational services, including outreach and information about courses offering credit through secondary or post-secondary education programs, including bilingual programming where appropriate and information about such other programs which are determined to be of interest and benefit to such displaced homemakers by the secretary; (4) outreach and information services with respect to government employment, education, health, legal and unemployment assistance programs which the secretary determines would be of interest and benefit to such displaced homemakers.

Supervisory, technical and administrative positions relating to multipurpose service programs established under this act shall, to the extent feasible, be filled by such displaced homemakers.

Section 11R. The secretary is authorized to enter into contracts and agreements with, and accept gifts, grants, contributions, and bequests of funds from, any department, agency, or subdivision of federal, state, 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 its work. Such funds shall be deposited with the state treasurer and may be expended by the board in accordance with the conditions of the gift, grant, contribution, or bequest, without specific appropriation.

Section 11S. The secretary shall annually report to the governor and file a copy thereof with the state secretary, the clerk of the senate and the clerk of the house of representatives on the work of the program. Such report shall include the number of people trained in each center, the type of training received, the number of people placed in employment, follow-up data on such

programs, the number of people serviced by the centers, and the cost effectiveness of the center programs.

SECTION 2. The secretary of elderly affairs shall establish a multi-service pilot program providing the training, counseling, and services as set forth in section eleven Q of chapter twenty-three of the General Laws, inserted by section one of this act, in a community with a significant number of displaced homemakers who could benefit from such a program. Said pilot program shall be in operation for one year.

Within three months after the termination of the pilot program the secretary shall submit to the general court a report on the operation of such pilot program, including the number of people trained, the type of training received, the number of people placed in employment, follow-up data on such program, the number of people serviced by the program, and the cost effectiveness of the program.

SECTION 3. The secretary of elderly affairs shall promulgate rules and regulations for the operation of an adequate number of multipurpose service centers for displaced homemakers to meet the needs, as determined by the secretary, of said displaced homemakers, and including recommendations for state funding and the use of appropriate federal programs and funds for the operation of said multipurpose service centers. Said secretary shall file a copy of such rules and regulations with the clerks of the senate and the house of representatives, who shall refer such rules and regulations to the joint legislative committee on commerce and labor. Within thirty days of such filing said joint committee may hold a public hearing on the said rules and regulations and shall issue a report. The executive office of economic development and manpower affairs shall adopt final rules and regulations, making such revisions in the rules and regulations as it deems appropriate in view of such report and shall forthwith file a copy of the rules and regulations with the chairpersons of said committee. Not earlier than thirty days after the date of such filing the secretary shall file the final rules and regulations with the state secretary, and the said rules and regulations shall thereupon take effect.

SECTION 4. Section one of this act shall take effect on October thirteenth, nineteen hundred and seventy-eight.

Approved July 18, 1978

Chap. 484. AN ACT RELATIVE TO THE TERMS OF CERTAIN BONDS AND NOTES TO BE ISSUED BY THE COMMONWEALTH.

Whereas, The deferred operation of this act would cause great inconvenience in the issues of bonds and notes to carry out the purposes of various acts passed during the regular annual legislative session of the year nineteen hundred and seventy-seven, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public safety and convenience.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any provision of law to the contrary, the bonds which the state treasurer is authorized to issue under section nine of chapter seven hundred and eighty of the acts of nineteen hundred and seventy-seven, providing for the acquisition of agricultural preservation restrictions by the commonwealth, shall be issued for maximum terms of ten years, the initial maturities of which shall be payable not later than one year from the date of issue thereof and the entire issue not later than June thirtieth, nineteen hundred and ninety-two, as recommended by the governor in a message to the general court dated May second, nineteen hundred and seventy-eight, in pursuance of Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth.

SECTION 2. Notwithstanding any provisions of law to the contrary, the notes which the state treasurer is authorized to issue under the provisions of section nine of chapter nine hundred and twenty of the acts of nineteen hundred and seventy-seven, providing for a capital outlay program for the commonwealth, shall be issued and may be renewed one or more times for terms not exceeding one year and the final maturities of such notes, whether original or renewal, shall be not later than June thirtieth, nineteen hundred and eighty-two; and that the bonds provided for in sections ten, eleven, twelve and thirteen of said chapter nine hundred and twenty shall be issued for maximum terms of twenty years, the initial maturities of which shall be payable not later than one year from the date of issue thereof and the entire issue not later than June thirtieth, two thousand and two, as recommended by the governor in a message to the general court, dated May second, nineteen hundred and seventy-eight, in pursuance of Section 3, of Article LXII of the Amendments to the Constitution of the Commonwealth.

Approved July 18, 1978

Chap. 485. AN ACT RELATIVE TO THE CONTROL AND ERADICATION OF BRUCELLOSIS IN BOVINE ANIMALS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately control and ultimately eradicate brucellosis in bovine animals, therefor 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. Section 36B of chapter 129 of the General Laws, as most recently amended by section 1 of chapter 91 of the acts of 1966, is hereby further amended by striking out the first sentence and inserting in place thereof the following sentence:- The director shall cause all female calves, to be used for breeding, to be vaccinated against brucellosis when they are from the ages of two to six months, inclusive.

SECTION 2. Said chapter 129 is hereby further amended by striking out sections 36D to 36F, inclusive, and inserting in

place thereof the following three sections:-

Section 36D. Vaccinated animals which are over eighteen months of age may be imported into the commonwealth if within thirty days prior to entry they have reacted negatively to an approved blood test conducted in a laboratory approved by the state of origin. Vaccinated animals eighteen months of age and under may be imported into the commonwealth without such blood test if accompanied by a certificate stating the animals have been vaccinated between the ages of two to six months, inclusive, by a veterinarian duly licensed by the state of origin.

Section 36E. No person shall import into the commonwealth, for breeding purposes, female cattle over five months of age without an official certificate of vaccination stating such female cattle have been vaccinated for brucellosis from the ages of two to six months, inclusive.

Section 36F. The director, his authorized agent or a duly licensed veterinarian designated by the director may conduct such blood tests for brucellosis of all cattle imported into the commonwealth which are over five months of age, as will aid in the effective control of brucellosis.

SECTION 3. Section thirty-six E of chapter one hundred and twenty-nine of the General Laws, as amended by section two of this act, shall take effect on July first, nineteen hundred and eighty.

Approved July 18, 1978

Chap. 486. AN ACT CREATING THE BAYSIDE RESOURCE RECOVERY COUNCIL.

Be it enacted, etc., as follows:

SECTION 1. There is hereby created the Bayside Resource Recovery Council as a body corporate and politic and a public instrumentality. The council shall be subject to, and have the powers and duties conferred by, the provisions of this chapter.

SECTION 2. It is hereby declared that there currently exists a need for modern resource recovery facilities throughout the commonwealth, and especially in Essex county and its environs. Present facilities, including sanitary landfills, have proved to be inadequate and communities are unable to dispose of waste in a manner such that the environment is and will be properly maintained. In addition, since energy is currently in short supply and available only at high cost in the area, there is a need for the creation of new energy sources which reduce the demand for reliance on fossil fuels, a depletable resource. Solid waste is a reliable fuel, a renewable resource and increasing in quantity. In an effort to find new ways and means to meet the needs of the commonwealth, a new resource recovery facility is proposed to be constructed in the city of Beverly. Cities and towns in the vicinity propose to enter into long-term contracts with the facility for the disposal of solid waste and the sale of energy. It is the purpose of this chapter to create a council especially

empowered to oversee, administer, and, as necessary, amend and extend such contracts in order to promote the public welfare of the region by facilitating the resolution of any environmental, structural, economic, or other problems which may arise from time to time concerning operations at the facility.

SECTION 3. The following words as used in this chapter shall, unless the context otherwise requires, have the following meanings:

"Council", the Bayside Resource Recovery Council, created by this chapter to carry out the purposes expressed in section two hereof. The council shall be deemed to be an instrumentality within the meaning of chapter one hundred and eighteen C of the General Laws but chapter thirty-one of the General Laws and rules made thereunder shall not apply to any officer, agent or employee of the council.

"Facility", the resource recovery plant to be constructed in the city of Beverly on a site adjoining Elliott Street in said city and to have a planned maximum capacity of disposing of an average of approximately five hundred tons of solid waste in a twenty-four hour period.

"Long-Term Contract", a contract between a city or town and the operator of the facility, which commits the city or town to usage of the facility for a period of twenty or more years and which is authorized by a majority vote as defined in section one of chapter forty-four of the General Laws.

"Operator", the entity which operates the facility.

SECTION 4. The city of Beverly and any other city or town may enter into a long term contract; provided, however, that no such other city or town shall enter into a long term contract if, in the judgment of the operator of the facility, after making appropriate allowance for anticipated growth in production of solid waste from such cities and towns, any tonnage commitments under such a contract, when added to the tonnage commitment under the long term contract into which the city of Beverly shall have entered, will exceed the maximum capacity of the facility.

SECTION 4A. The council shall be composed of representatives of those cities and towns which enter into long term contracts. The council shall have no power to act under this act unless and until the city of Beverly becomes a member by entering into a long term contract.

The representatives of each city which has entered into a long term contract shall be the mayor of such city or a financial officer of such city designated by the mayor. The representative of each town which has entered into a long term contract shall be the chairman of the board of selectmen of such town or another selectman or financial officer of such town designated by the board of selectmen.

The representative of the city of Beverly shall be the chairman of the council. The council shall have the power to appoint agents, subcommittees and officers, including a secretary.

Meetings of the council shall be held at times and places to be designated by the chairman, by a majority of the council, or as stated in a written request to the chairman by the operator ten

days prior to the requested date of the meeting. The provisions of sections twenty-three A to twenty-three C, inclusive, of chapter thirty-nine of the General Laws shall apply to the meetings of the council.

The council shall meet at least once annually, in February, at Beverly city hall unless the chairman or a majority of the council shall specify another place. Within ninety days after each June thirtieth, the council shall publish and mail to each member, the city or town designating each member, the operator and all other parties requesting the same, an annual report setting the activities of the council during the preceding year.

Individual members shall not be liable for their actions on the council except for gross negligence or willful misconduct.

Members shall not be entitled to compensation for their services on the council whether as members, officers or otherwise, but shall be entitled to reimbursement from the city or town appointing them to the council for all necessary out-of-pocket expenses, including travel expenses, incurred in the course of their duties as such members.

SECTION 5. The council is hereby authorized and required, within the limitations stated herein:-

(i) To cooperate with the owner of the facility and the operator in efforts to promote proper treatment of solid waste in the region and comply with pertinent environmental standards relating thereto;

(ii) To act on behalf of all cities and towns which have entered into long term contracts with the operator in administering, overseeing and, subject to the provisions of section six, amending and extending one or more of the long term contracts with the operator; such amendments may include, but are not limited to, adjustments in the rates charged by the operator for solid waste disposal;

(iii) To accept contributions of funds for any lawful purpose;

(iv) To employ attorneys, accountants, consultants and other agents or employees and to compensate them with any available funds;

(v) To do all things necessary or convenient in order to fulfill the purposes of this chapter.

All actions of the council shall be taken by a vote of a majority of the entire membership of the council. Each member shall have one vote except that the chairman shall have a second vote on any question as to which there is a tie vote after the chairman has cast his first vote. All votes shall be taken by recorded roll call. If the operator shall conclude that an amendment to one or more of the long term contracts is necessary to permit the continued safe and efficient operation of the facility, the operator shall submit the amendment to the council. If the council shall approve such amendment, it shall submit the amendment to each city or town which is a party to the contract or contracts to be amended. Each such city or town shall, by majority vote, accept or reject the amendment within sixty days.

The council shall determine at its annual meeting but in any event not later than February twenty-eighth in each year the amount required for the performance of its duties under the first

paragraph of section 5 for the twelve month period commencing the following July first and shall certify such amount to the operator and to the cities and towns designating the members of the council. A majority of such cities and towns may, by action of the city council in the case of a city or of the board of selectmen in the case of a town, amend the amount so determined by instructing their representatives to so vote not later than the March thirty-first next following such February twenty-eighth. Not later than the April fifteenth next following such March thirty-first the council shall certify the amended amount to the operator and to the cities and towns designating the members of the council. The amount or the amended amount, as the case may be, so certified shall be apportioned among the cities and towns designating the numbers of the council in the same proportions as the tonnages of solid waste to be delivered to the facility or otherwise paid for by each such city and town during such twelve month period under the long term contract to which each such city and town is respectively a party are of the aggregate tonnages of solid waste to be so delivered or otherwise paid for during such twelve-month period under all such long term contracts. Not later than the April fifteenth mentioned above the council shall certify to each such city and town the amount so apportioned to it. Amounts so payable shall be paid to the treasurer of the city of Beverly for the account of the council. The amounts so received by said treasurer shall be held by him separate and apart from other funds in his custody and shall be disbursed by him in payment of expenses incurred by the council as certified by its chairman with respect to such twelve month period in the exercise of its powers and performance of its duties hereunder.

SECTION 6. At or before the expiration of any long term contract, a member city or town may elect to extend, for a period not to exceed ten years, its participation in the council and to enter into an extension of a long term contract. Any amendment to a long term contract, except as provided in section five, shall be approved by each city and town which is a party to such contract and the operator; provided, however, that the council may without the approval of the member city or town amend a long term contract only as necessary to comply with any general or special law of the commonwealth, and any federal law or rule or regulation promulgated by the United States Environmental Protection Agency or any other agency of the United States having jurisdiction over the operation of the facility or the disposal of solid waste.

Nothing in this act, however, shall be deemed to obviate the necessity of procuring the consent to any amendment or extension of a long term contract, wherever the same is required by law or existing contracts, indentures, bonds or other legal instruments, of the city of Beverly acting by and through its Industrial Development Financing Authority, the trustee for holders of bonds issued by the city of Beverly, the operator and other parties in interest other than the cities and towns which are parties to long term contracts.

Notwithstanding the provisions of section four of chapter forty of the General Laws, a city or town is authorized to enter into a

long term contract for an initial period not in excess of thirty-five years, or into an extension or extensions of a long term contract for a period or periods which together with the initial period do not exceed thirty-five years, or into an amendment of a long term contract extending the initial period thereof not in excess of thirty-five years.

SECTION 7. The chairman or secretary of the council shall keep a record of each action of the council, shall periodically notify each city and town of such actions, and shall maintain a central registry of all long term contracts and other contracts and amendments and extensions thereto which shall be available for public inspection.

SECTION 8. No member of the council shall either directly or indirectly be in any manner personally interested in any contract or agreement with the operator for any matter or cause whatsoever other than in his representative capacity.

SECTION 9. Notwithstanding any provision of chapter sixteen of the General Laws to the contrary, the council may agree that the operator should make payments to the city of Beverly out of payments received by the operator from users of the facility and the city may receive such payments from the operator in lieu of taxes and assessments, which payments from the operator may be based upon valuation of the property, gross receipts, net receipts, a combination of these factors or any other similar basis. Any in lieu of tax payments to be made by the operator pursuant to any such agreement shall be added to the price paid by users of the facility on the basis of the tonnage of solid waste which such user delivers to the facility or some other reasonable basis. The provisions of the first paragraph but not the provisions of the succeeding paragraphs of section twenty of chapter forty D of the General Laws shall apply to the facility and the operator.

SECTION 10. This act, being necessary for the welfare of the commonwealth and its inhabitants, shall be liberally construed to accomplish its purpose.

SECTION 11. This act shall take effect upon its passage.

Approved July 18, 1978

Chap. 487. AN ACT ESTABLISHING THE MASSACHUSETTS PORT AUTHORITY EMPLOYEES' RETIREMENT SYSTEM.

Be it enacted, etc., as follows:

SECTION 1. The paragraph defining "Employee" in section 1 of chapter 32 of the General Laws, as most recently amended by section 12 of chapter 708 of the acts of 1975, is hereby amended by adding the following sentence:- "Employee", as applied to persons whose regular compensation is paid by the Massachusetts Port Authority, shall mean any person, whether employed for a stated term or otherwise, who is engaged in duties which require that his time be devoted to the service of the authority in each year during the ordinary working hours of regular and permanent

employees, but shall not include any member of the state police force assigned to the Massachusetts Port Authority under the provisions of chapter two hundred and seventy-four of the acts of nineteen hundred and fifty-nine.

SECTION 2. Said section 1 of said chapter 32 is hereby further amended by striking out the paragraph defining "member", as most recently amended by section 2 of chapter 1003 of the acts of 1973, and inserting in place thereof the following paragraph:-

"Member", any employee included in the state employees' retirement system, in the teachers' retirement system or in any county, city, town, the Massachusetts Turnpike Authority, the Massachusetts Housing Finance Agency, or the Massachusetts Port Authority contributory retirement system and the Massachusetts Bay Transportation Authority police retirement system established under the provisions of sections one to twenty-eight, inclusive, or under corresponding provisions of earlier laws, and if the context so requires, any member of any contributory retirement system established under the provisions of any special law.

SECTION 3. Said section 1 of said chapter 32 is hereby further amended by striking out the paragraph defining "Political subdivision", as most recently amended by section 13 of chapter 708 of the acts of 1975, and inserting in place thereof the following paragraph:-

"Political subdivision", the metropolitan district commission or any county, hospital district, city, town, district or housing authority, established under the provisions of section five of chapter one hundred and twenty-one B, the Massachusetts Turnpike Authority, the Massachusetts Parking Authority, the Old Colony Planning Council, the Massachusetts Bay Transportation Authority, the Massachusetts State College Building Authority, the University of Lowell Building Authority, the Massachusetts Housing Finance Agency, the Massachusetts Port Authority or any other public unit in the commonwealth.

SECTION 4. Said section 1 of said chapter 32 is hereby further amended by striking out the paragraph defining "System", as most recently amended by section 4 of chapter 1003 of the acts of 1973, and inserting in place thereof the following paragraph:-

"System", the state employees' retirement system, the teachers' retirement system, the Massachusetts Turnpike Authority employees' retirement system, the Massachusetts Housing Finance Agency employees' retirement system, the Massachusetts Bay Transportation Authority police retirement system, the Massachusetts Port Authority employees' retirement system, or any county, city, or town contributory retirement system, as the case may be, established under the provisions of sections one to twenty-eight, inclusive, or under corresponding provisions of earlier laws and subject thereto, in which any member is included, and if the context so requires, any contributory retirement system established for the employees of any governmental unit under the provisions of any special law.

SECTION 5. Section 2 of said chapter 32 is hereby amended by striking out the fourth sentence, as most recently amended

by section 14 of chapter 708 of the acts of 1975, and inserting in place thereof the following sentence:- Subject to said sections, an employee of the commonwealth or of the metropolitan district commission or of the Massachusetts State College Building Authority or of the University of Lowell Building Authority or of the Massachusetts Parking Authority or of the Old Colony Planning Council or of the Boston Arena Authority shall be included in the state employees' retirement system, except that a register of probate shall be included in the system of the county in which he is elected, a teacher as defined in section one shall be included in the teachers retirement system, an employee of a county or of a hospital district, an employee of a mosquito control district or a mosquito control project, located within a county shall be included in the system of such county, an employee of a city or town other than a teacher as defined in section one shall be included in the system of or which pertains to the municipality by which he is employed, an employee of the Massachusetts Turnpike Authority shall be included in the Massachusetts Turnpike Authority employees' retirement system, an employee of the police department of the Massachusetts Bay Transportation Authority shall be included in the Massachusetts Bay Transportation Authority police retirement system, an employee of the Massachusetts Housing Finance Agency shall be included in the Massachusetts Housing Finance Agency employees' retirement system, an employee of the Massachusetts Port Authority shall be included in the Massachusetts Port Authority employees' retirement system, and an employee of a district shall be included in a system as provided for in subdivision (4) of section twenty-eight, except that in the case of a district which comprises cities and towns located in more than one county, or in the case of a district in which the cities and towns comprising such district may vary from time to time, the employees of such district may become members of the state employees' retirement system, subject to the provisions of subdivision (4) of section twenty-eight.

SECTION 6. Paragraph (b) of subdivision 4 of section 7 of said chapter 32 is hereby amended by striking out the last sentence, added by section 8 of chapter 1003 of the acts of 1973, and inserting in place thereof the following sentence:- This subdivision shall not be applicable to the Massachusetts Turnpike Authority or its employees' retirement system, to the Massachusetts Housing Finance Agency or its employees' retirement system, or to the Massachusetts Port Authority or its employees' retirement system.

SECTION 7. Subdivision (3) of section 11 of said chapter 32 is hereby amended by striking out the second paragraph, as amended by section 9 of said chapter 1003, and inserting in place thereof the following paragraph:-

No check which has been issued by the state treasurer in payment of any obligation of the state board of retirement or the teachers' retirement board under authority of sections one to twenty-eight, inclusive, or which is issued by any county, city or town treasurer, by the secretary-treasurer of the Massachusetts Turnpike Authority, by the treasurer of the Massachusetts Housing Finance Agency, or by the secretary-treasurer of the

Massachusetts Port Authority in payment of any obligation of any retirement system established under this chapter shall be payable later than six years after its date, and the obligation of the commonwealth or of any county, city, town, the Massachusetts Turnpike Authority, the Massachusetts Housing Finance Agency or the Massachusetts Port Authority represented by any such check shall not be enforceable if such check is not presented for payment within such period. The amount represented by such check shall thereupon be transferred to the pension fund of the retirement system under whose authority the check was originally issued.

SECTION 8. Subdivision (1) of section 14 of said chapter 32 is hereby amended by striking out the first paragraph of subdivision (a), as amended by section 11 of chapter 597 of the acts of 1967, and inserting in place thereof the following paragraph:-

Any employee who was a member in service at the time of sustaining an injury or undergoing a hazard on account of which he becomes entitled to payments under the provisions of chapter one hundred and fifty-two, shall, during the period while he is receiving weekly payments for total incapacity under the provisions of sections sixty-nine to seventy-five, inclusive, of said chapter or of section thirty-four, thirty-four A, thirty-five A or thirty-six of said chapter in the case of an employee of the Massachusetts Turnpike Authority or the Massachusetts Port Authority, or during any period, determined as set forth in paragraph (c) of this subdivision, represented by the allocation of the amount of any lump sum settlement payable directly to him under the provisions of section forty-eight of such chapter in lieu of such weekly payments, and also in either event during a further period of thirty days, retain all the rights of a member in service while he is living, unless and until a retirement allowance becomes effective for him under the provisions of sections one to twenty-eight, inclusive. During such periods, however, no deductions for the annuity savings fund of the system shall be made from payments such members shall receive under the provisions of chapter one hundred and fifty-two, nor shall he withdraw his accumulated total deductions therefrom.

SECTION 9. Section 15 of said chapter 32 is hereby amended by striking out subdivision (2), as amended by section 10 of chapter 1003 of the acts of 1973, and inserting in place thereof the following subdivision:-

(2) Initiation of Proceedings. Proceedings under this section may be initiated by the board, by the head of the department or by the commission or board of the commonwealth or of any political subdivision thereof wherein the member is employed or was last employed if not then in service, or in a county by the county commissioners, in a city by the mayor, in a town by the board of selectmen, in the Massachusetts Turnpike Authority by the authority, in the Massachusetts Housing Finance Agency by the agency, or in the Massachusetts Port Authority by the authority. The procedure set forth in subdivision (1) of section sixteen relative to delivery of copies, statement of service thereof, notice, hearing if requested, and the filing of a certificate of findings and decision, so far as applicable, shall apply to any

proceedings under this section.

SECTION 10. Section 20 of said chapter 32 is hereby amended by inserting after subdivision (4 3/4) the following subdivision:

(4 7/8) (a) The contributory retirement system established for the Massachusetts Port Authority under the provisions of sections one to twenty-eight, inclusive, shall be known as, and all of its business shall be transacted under the name of, the "Massachusetts Port Authority Employees' Retirement System".

(b) Said system shall be managed by a retirement board which shall have the general powers and duties set forth in subdivision (5) of the section. Said board shall consist of three members as follows: the secretary-treasurer of the Authority who shall be a member ex officio, a second member who shall be elected by the members in service of such System from among their number in such manner and for such term, not exceeding three years, as the chairman of the Authority shall determine, and a third member who shall be chosen by the other two for a term of three years. Future elections of the second member shall be held under the supervision of said retirement board and the term of the second member shall be arranged so as not to expire in the year of expiration of the term of the third member. If a third member is not chosen by the other two members within thirty days after the expiration of the term of the third member, the Authority board shall appoint a third member for a term of three years. Each member of said retirement board shall continue to hold office until the expiration of his term and until the qualification of his successor. Upon the expiration of the term of office of any elected or appointed member or in case of a vacancy in either of said offices, his successor shall be elected or appointed as aforesaid for a three-year term or for the unexpired portion thereof, as the case may be, except that in no event shall the term of the second member expire in the same year as the term of the third member.

(c) The members of the board shall serve without compensation, but they shall be reimbursed from the expense fund of the system for any expense or loss of salary or wages which they may incur through service on said board. Nothing in this paragraph shall prevent the secretary-treasurer, or any other person who serves in the active administration of the system in lieu of the secretary-treasurer, from being compensated for services rendered in the active administration of the system; provided, that the compensation for such services shall not be less than two hundred nor more than fifteen hundred dollars per annum, and shall be payable from the expense fund of the system.

(d) The board by majority vote shall elect one of its members to serve as chairman until the election of his successor and shall appoint a secretary who may be, but need not be, one of its members. The board shall employ such clerical and other assistants as may be required to transact the business of the system.

(e) The chief legal counsel of the Authority shall be the legal advisor of the board; provided, that in such cases as the board deems necessary it may employ other counsel whose fees shall be paid from the expense fund of the system.

(f) The secretary-treasurer may be compensated for services rendered as custodian of the funds of the retirement system, provided that the compensation for such services shall not be more than fifteen hundred dollars per annum and shall be payable from the expense fund of the system.

SECTION 11. Paragraph (i) of subdivision (5) of section 20 of said chapter 32 is hereby amended by inserting after the eighth sentence, added by section 12 of chapter 1003 of the acts of 1973 the following sentence:- The retirement board of the Massachusetts Port Authority employees' retirement system shall file a copy of its report with the Authority for publication in the Authority's annual report to the governor and to the general court.

SECTION 12. Paragraph (c) of subdivision (1) of section 21 of said chapter 32 is hereby amended by striking out the last sentence, as most recently amended by section 13 of said chapter 1003, and inserting in place thereof the following sentence:- Upon the completion of such examination, verification and valuation, the commissioner shall make a report in writing of his findings to the board, and shall send a copy thereof to the governor and state treasurer, the county commissioners, the mayor, the board of selectmen, the Massachusetts Turnpike Authority, the Massachusetts Bay Transportation Authority, the Massachusetts Housing Finance Agency, or the Massachusetts Port Authority, as the case may be.

SECTION 13. Subdivision (2) of said section 21 of said chapter 32, as most recently amended by section 14 of said chapter 1003, is hereby further amended by adding the following sentence:- The Massachusetts Port Authority shall reimburse the commonwealth for such proportion of such expenses attributable to its retirement system as shall be determined just and proper by the commissioner of insurance, which sum shall be paid to the state treasurer upon notice from the commissioner.

SECTION 14. Subdivision (7) of section 22 of said chapter 32 is hereby amended by adding the following paragraph:-

(h) The retirement board of the Massachusetts Port Authority employees' retirement system shall, on or before October fifteenth in each year, furnish the actuary with such information as he may require to enable him to determine the amount to be paid for the pension fund of said system by the Authority for the fiscal year commencing on the next following July first. The actuary shall, on or before the December fifteenth immediately preceding such fiscal year, determine such amount and specify in a written notice to said board the amount so required to be paid. The board shall, at least ten days before the January first next following the receipt of such notice from the actuary, certify to the Authority the amount necessary to be paid for such fiscal year for the three aforesaid funds of said system and the amount so certified shall be included by appropriate items in the Authority's budgets for such fiscal year and shall be paid by the Authority to the treasurer-custodian of said system in twelve equal monthly installments to be credited to the several funds thereof. Such amounts as the actuary deems necessary to cover

the requirements of the retirement system for the fiscal year prior to the beginning of the next fiscal year after this section shall become effective shall be paid into the several funds thereof in equal monthly installments by special payments of the Authority.

SECTION 15. Paragraph (a) of subdivision (2) of section 23 of said chapter 32 is hereby amended by striking out the first sentence, as most recently amended by section 16 of said chapter 1003, and inserting in place thereof the following sentence:- The county, city or town treasurer, the secretary-treasurer of the Massachusetts Turnpike Authority, the treasurer of the Massachusetts Bay Transportation Authority, the treasurer of the Massachusetts Housing Finance Agency, and the secretary-treasurer of the Massachusetts Port Authority shall be the treasurer-custodian of the system established under the provisions of sections one to twenty-eight, inclusive, or under corresponding provisions of earlier laws, in any county, city, or town, the Massachusetts Turnpike Authority, the Massachusetts Bay Transportation Authority, the Massachusetts Housing Finance Agency or the Massachusetts Port Authority, as the case may be, and shall have the custody of the funds of any such system.

SECTION 16. Subdivision (1) of section 24 of said chapter 32 is hereby amended by striking out the first sentence, as most recently amended by section 17 of said chapter 1003, and inserting in place thereof the following sentence:- If the commissioner of insurance is of the opinion that any governmental unit or any officer or employee thereof, or the state board of retirement, the teachers' retirement board or any other retirement board subject to the provisions of sections one to twenty-eight, inclusive, or any member or employee of any such board, has violated or neglected to comply with any provision of such sections, or the rules and regulations established thereunder, he shall give notice thereof to the governor, county commissioners, the mayor, the board of selectmen, the Massachusetts Turnpike Authority, the Massachusetts Bay Transportation Authority, the Massachusetts Housing Finance Agency, or the Massachusetts Port Authority, as the case may be, and to the retirement board, and thereafter, if such violation or neglect continues, shall forthwith present the facts to the attorney general who shall take appropriate action.

SECTION 17. Section 25 of said chapter 32 is hereby amended by striking out subdivision (4), as most recently amended by section 18 of said chapter 1003, and inserting in place thereof the following subdivision:-

(4) The payment of all annuities, pensions, retirement allowances and refunds of accumulated total deductions and of any other benefits granted under the provisions of sections one to twenty-eight, inclusive, are hereby made obligations of the commonwealth in the case of any such payments from funds of the state employees' retirement system or the teachers' retirement system and obligations of the governmental unit in which the system is established in the case of payments from funds of any system established in any county, city or town or in the Massachusetts Turnpike Authority, the Massachusetts Bay Transportation Authority, the Massachusetts Housing Finance Agency, or

the Massachusetts Port Authority.

SECTION 18. Section 100 of said chapter 32 is hereby amended by striking out the third paragraph, as most recently amended by chapter 685 of the acts of 1973, and inserting in place thereof the following paragraph:-

The benefits payable under this section to the widow of such deceased firefighter, police officer or corrections officer shall be paid as follows:- If her husband was a member of the state employees' retirement system, the Massachusetts Port Authority employees' retirement system or any county, city or town contributory retirement system, as the case may be, established under the provisions of sections one to twenty-eight, inclusive, or under corresponding provisions of earlier laws, and subject thereto, or any contributory retirement system established for the employees of any governmental unit under the provisions of any special law, from the same appropriation, and in the same manner, as accidental death benefits payable under the provisions of section nine; if her husband was not a member of a contributory retirement system, from the same appropriation, and in the same manner, as annuities to dependents payable under the provisions of section eighty-nine or section eighty-nine A.

SECTION 19. Paragraph (a) of section 102 of said chapter 32 is hereby amended by striking the second and third sentences, as most recently amended by section 1 of chapter 126 of the acts of 1976, and inserting in place thereof the following two sentences:-

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 or 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 Massachusetts Port 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 county, city, town, district, housing or redevelopment authority, or of the Massachusetts Turnpike Authority, or the Massachusetts Port 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.

SECTION 20. Chapter 465 of the acts of 1956 is hereby amended by striking out section 22, as most recently amended by section 1 of chapter 525 of the acts of 1960, and inserting in place thereof the following section:-

Section 22. Upon the control of the Mystic River bridge, the airport properties or the port properties becoming vested in the

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

Every employee who upon transfer to the Authority is covered by the group insurance provided by chapter thirty-two A of the General Laws shall continue in uninterrupted coverage and all other employees of the authority are hereby likewise made eligible for said group insurance to the same extent as if they were employees of the commonwealth; provided, that the share of the commonwealth of the cost of such insurance shall, with respect to the employees of the Authority, be borne by said Authority. The Authority shall forward its contribution, together with all amounts withheld from the salaries or wages of its employees as provided in paragraph (a) of section eight of said chapter thirty-two A and all amounts paid by an employee as provided in paragraph (b) of said section, to the state employees group insurance commission at such time and in such manner as said commission may prescribe.

Each employee of the Authority as of January first, nineteen hundred and seventy-nine, and each employee of the Authority thereafter shall become a member of the Massachusetts Port Authority employees' retirement system. All others who are members of the state employees' retirement system on account of employment by the Authority shall continue to be members thereof and subject to the laws applicable thereto. The Massachusetts Port Authority employees' retirement system shall reimburse the commonwealth for the Authority's proportionate share of any amounts expended by the commonwealth under the provisions of chapter thirty-two of the General Laws for retirement allowances to or on account of the Authority's employees.

Whenever a person who is a member of the state employees' retirement system on account of employment by the Massachusetts Port Authority shall become a member of the Massachusetts Port Authority employees' retirement system pursuant to this section, that employee shall be entitled to all creditable service and all rights and benefits to which he was entitled as a member of the state employees' retirement system. Within ninety days of such transfer by a member of the state employees' retirement system to the Massachusetts Port Authority employees' retirement system, the amount of the accumulated total deductions credited to his account in the annuity savings fund of the state employees'

retirement system shall be transferred and credited to the annuity savings fund of the Massachusetts Port Authority employees' retirement system.

Anything to the contrary in section twenty-two of chapter thirty-two of the General Laws notwithstanding, the amount to be appropriated by the Massachusetts Port Authority for any fiscal year for the pension fund as described in subparagraph (3) of said section 22 shall be the sum of (a) the normal pension cost, as hereinafter defined, incurred by the authority for that year plus (b) the amount necessary to amortize in equal annual installments over a period of twenty years the unfunded past service liability of the authority as of July first, nineteen hundred and seventy-eight. For purposes of this section the term "past service liability" of the Authority shall mean the excess of the present value of all future pension benefits payable by the Massachusetts Port Authority employees' retirement system as determined under the entry age normal actuarial cost method with frozen initial liability over the present value of all future normal costs. The terms "unfunded past service liability" shall mean the past service liability less the assets of the system. The term "normal pension cost" as applied to the authority for any year shall mean the amount, as determined under the entry age normal actuarial cost method with frozen initial liability, required to finance pension benefits earned by Authority employees during that year as members of the Massachusetts Port Authority employees' retirement system.

Any funds paid into the Massachusetts Port Authority employees' retirement system pursuant to this section or any provision of chapter thirty-two of the General Laws shall be used solely for the purpose of paying the costs of operation of the system. The provisions of this paragraph shall be deemed to constitute a contractual right and benefit on behalf of members of the system who are or may be retired pursuant to said chapter thirty-two, and no amendment or alteration shall be made which would result in a diversion of said fund for other purposes.

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

SECTION 21. Chapter 465 of the acts of 1956 is hereby amended by striking out section 25 and inserting in place thereof the following section:-

Section 25. (a) When all payments due on account of the port properties, as provided in section six, shall have been

made, and when all bonds issued under the provisions of this act and the interest thereon shall have been paid or a sufficient amount of the payment of all such bonds and the interest thereon to the maturity thereof shall have been set aside in trust for the benefit of the bondholders, and contributions shall have been made to the several funds of the Massachusetts Port Authority employees' retirement system established under sections one to twenty-eight, inclusive, of chapter thirty-two of the General Laws such as are sufficient, in the opinion of the actuary, as defined in section one of said chapter thirty-two, to provide for the payment of all amounts payable by the system after that date with respect to all persons then receiving allowances from the Massachusetts Port Authority employees' retirement system and with respect to all persons who are then employees, as defined in said section one, of the Authority, whether or not any such amount is or becomes payable to any such person or the spouse or other beneficiary of any such person, such opinion to be based upon the assumption, among others, that such persons who are then employees are then or thereafter become entitled to receive retirement allowances in the amounts then provided by sections five, six and seven of said chapter thirty-two on the basis of the regular compensation received by, and the years of creditable service of, such persons at such date, all projects then under the control of the Authority shall be operated and maintained in such manner as may be provided by the general court.

(b) Should the general court dissolve the Authority under the provisions of subparagraph (a), the members of the Massachusetts Port Authority employees' retirement system on the effective date of the dissolution of the authority who do not then transfer to or enter service in a governmental unit in which a contributory retirement system established under the provisions of sections one to twenty-eight, inclusive, of said chapter thirty-two, or under corresponding provisions of earlier laws or of any special law, shall continue to be members of the Massachusetts Port Authority employees' retirement system and shall then be entitled to apply for and receive retirement allowances from such system in the amounts, upon the terms, subject to the conditions and with all of the related rights provided by and under sections six, seven, ten and twelve of said chapter thirty-two.

(c) Effective upon the date of dissolution of the Authority (1) the Massachusetts Port Authority employees' retirement system shall continue under the provisions of sections 1 to 28 inclusive of said chapter 32; (2) the management of the Massachusetts Port Authority employees' retirement system shall be transferred to the state board of retirement provided for in section eighteen of chapter ten of the General Laws which board shall have with respect thereto the general powers and duties set forth in subdivision (5) of section twenty of said chapter thirty-two; (3) all data, files, papers and records and other materials of the retirement board provided for in paragraph (b) of subdivisions (4 7/8) of said section twenty shall be transferred to and held by the state board of retirement; (4) the funds of the Massachusetts Port Authority employees' retirement system in the custody of the secretary-treasurer of the Authority shall be transferred to

the state treasurer who shall thereafter be and perform the duties of the treasurer-custodian of such funds which shall then be held by him for the exclusive benefit and use of the members of the Massachusetts Port Authority employees' retirement system and their beneficiaries; and (5) the retirement board provided for in said paragraph (b) of subdivision (4 7/8) shall be abolished; provided, however, that the members and officers thereof shall continue to be authorized to do all such things and take all such action as may be necessary or desirable to be done or taken by them to effectuate the transfers to be made pursuant to this section.

(d) Effective upon the date of dissolution of the Massachusetts Port Authority or a default in its obligations under chapter thirty-two of the General Laws, the payment of all annuities, pensions, retirement allowances and refunds of accumulated total deductions and of any other benefits granted under the provisions of sections one to twenty-eight, inclusive, of said chapter thirty-two are hereby made obligations of the commonwealth in the case of any such payments from funds of the Massachusetts Port Authority employees' retirement system.

SECTION 22. Section 73 of chapter 152 of the General Laws is hereby amended by striking out the first sentence, as most recently amended by section 15 of chapter 1012 of the acts of 1971, and inserting in place thereof the following sentence:- Any person entitled under section sixty-nine to receive compensation from the commonwealth or from such county, city, town or district and any person entitled under section thirty-one, thirty-four, thirty-four A, thirty-five, thirty-five A or thirty-six to receive compensation from the Massachusetts Turnpike Authority or the Massachusetts Port Authority and any police officer of the Massachusetts Bay Transportation Authority so entitled to compensation under said sections and who is also entitled to a pension by reason of the same injury, shall elect whether he will receive such compensation or such pension, and shall not receive both, except in the manner and to the extent provided by section fourteen of chapter thirty-two.

SECTION 23. Nothing in this act shall be deemed to repeal, decrease, abridge or in any way change the annuities, pensions, retirement allowances, refunds of accumulated total deductions or any other right or benefit to which a person transferred to the Massachusetts Port Authority employees' retirement system pursuant to this act would have been entitled had he remained a member of the state employees' retirement system.

Approved July 18, 1978

Chap. 488. AN ACT PROVIDING FOR THE CONSTRUCTION AND EQUIPMENT OF A COURT HOUSE FOR THE THIRD DISTRICT COURT OF BRISTOL AND THE BRISTOL COUNTY JUVENILE COURT.

Be it enacted, etc., as follows:

SECTION 1. For the purpose of providing new and adequate facilities for the Bristol county juvenile court and the third

district court of Bristol, the county commissioners of Bristol county are hereby authorized to construct on a site to be selected by the county commissioners a building to be known as the third district court of Bristol and office building and equip the same. Said building shall contain courtrooms and facilities for the district court, the juvenile court established by chapter seven hundred and thirty-one of the acts of nineteen hundred and seventy-two and the various departments associated therewith. Said commissioners may take by eminent domain under chapter seventy-nine of the General Laws, or acquire by purchase or otherwise, any land that might be necessary for the purposes of this act, including a sufficient area for parking of motor vehicles of persons in attendance upon said court. Said commissioners may expend for the purpose of this act including the preparation of plans and specifications in connection therewith and for landscaping such sums as may be necessary not exceeding, in the aggregate, three million six hundred thousand dollars.

Any sums received by the federal government for the purpose of this act shall be included in and considered part of the total amount authorized to be expended.

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, three million six hundred thousand dollars and may issue bonds or notes of the county therefor, which shall bear on their face the words, Third District Court of Bristol Court House Loan, Act of 1978. 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 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. The county treasurer of said county, with the approval of the county commissioners, may issue temporary notes of the county, payable in not more than one year from their dates, in anticipation of the issue of serial bonds or notes under this act, but the time within which such serial bonds or notes shall become due and payable shall not, by reason of such temporary notes, be extended beyond the time fixed by this act. Any notes issued in anticipation of the serial bonds or notes shall be paid from the proceeds thereof.

SECTION 4. Upon the completion of the building as provided for in section one, the county commissioners are hereby authorized to utilize for county business all facilities vacated as the result of the removal to said building of county offices as authorized by said section one; provided, however, in the event the county commissioners feel that the vacated facilities are not suitable for county business, they may sell said vacated premises at public or private sale or may demolish such facilities and make such use

of the property, as in their opinion, is in the best interest of said county.

Approved July 18, 1978

Chap. 489. AN ACT PROVIDING THAT AN INSPECTOR OF WIRES BE A LICENSED ELECTRICIAN.

Be it enacted, etc., as follows:

SECTION 1. Chapter 166 of the General Laws is hereby amended by striking out section 32, as amended by chapter 529 of the acts of 1949, and inserting in place thereof the following section:-

Section 32. A city or town shall, by ordinance, vote or by-law, appoint an inspector of wires. Said inspector shall be a licensed electrician. Two or more cities or towns may vote to form a district and shall appoint an inspector of wires, whose compensation shall be fixed by the district and paid for by each city and town comprising such district as the city and town members thereof shall determine and who shall have the same powers and duties of an inspector of a city or town. Such inspector shall supervise every wire over or under streets or buildings in such a city, town or district and every wire within a building designed to carry an electric light, heat or power current, except wires within a manufactured building or building component as defined in the state building code and inspected in accordance with rules and regulations promulgated by the building code commission; shall notify the person owning or operating any such wire whenever its attachments, insulation, supports or appliances are improper or unsafe, or whenever the tags or marks thereof are insufficient or illegible; shall, at the expense of the city or town, remove every wire not tagged or marked as hereinbefore required, and shall see that all laws and regulations relative to wires are strictly enforced. A city, town or district may recover in contract from the owner of any such wire so removed the expense which it has incurred for the removal thereof.

SECTION 2. The provisions of section thirty-two of chapter one hundred and sixty-six of the General Laws, as amended by section one of this act, shall apply only to persons appointed as inspectors of wires after the effective date of this act.

Approved July 18, 1978

Chap. 490. AN ACT PROHIBITING DISCRIMINATION AGAINST A CASH BUYER BY RETAIL ESTABLISHMENTS.

Be it enacted, etc., as follows:

Chapter 255D of the General Laws is hereby amended by inserting after section 10, added by chapter 254 of the acts of 1966, the following section:-

Section 10A. No retail establishment offering goods and services for sale shall discriminate against a cash buyer by requiring the use of credit by a buyer in order to purchase such goods and

services. All such retail establishments must accept legal tender when offered as payment by the buyer.

Approved July 18, 1978

Chap. 491. AN ACT RELATIVE TO THE SIGNING OF A CERTIFICATE OF CONDITION BY CERTAIN CORPORATIONS.

Be it enacted, etc., as follows:

SECTION 1. Chapter 156 of the General Laws is hereby amended by striking out section 36, as most recently amended by section 1 of chapter 98 of the acts of 1977, and inserting in place thereof the following section:-

Section 36. The president, treasurer and directors of every corporation shall be jointly and severally liable for all the debts and contracts of the corporation contracted or entered into while they are officers thereof if any stock is issued in violation of section fifteen, sixteen, forty-six B or forty-six D, or if any statement or report required by this chapter is made by them which is false in any material representation and which they know to be false; but directors who vote against such issue, and are recorded as so voting, shall not be so liable, and only the officers signing such statement or report shall be so liable; provided, that the officers signing a false report of condition shall be liable only for debts contracted and contracts entered into before the filing of the next subsequent report of condition, and only to persons who shall have relied upon such false report to their damage.

SECTION 2. Section 47 of said chapter 156 is hereby amended by striking out, in line 6, the words "its president, treasurer and a majority of directors", as appearing in section 1 of chapter 467 of the acts of 1962, and inserting in place thereof the words:- an officer of the corporation.

SECTION 3. Chapter 156B of the General Laws is hereby amended by striking out section 63, as most recently amended by section 4 of chapter 98 of the acts of 1977, and inserting in place thereof the following section:-

Section 63. An officer of a corporation who signs any statement or report required by this chapter which is false in any material representation and which he knows or has reason to know to be false shall be liable to a creditor of the corporation who has relied upon such false representation to the extent of the actual damage sustained by him by reason of such reliance; provided, that the officer signing a false report of condition shall not be liable to creditors for debts contracted or contracts entered into after the filing of a report of condition or a corrected report of condition which is not false in any material representation.

SECTION 4. Section 109 of said chapter 156B is hereby amended by striking out, in lines 5 and 6, the words "its president or a vice president, its treasurer or an assistant treasurer, and a majority of its directors", as appearing in section 1 of chapter

723 of the acts of 1964, and inserting in place thereof the words:- an officer of the corporation.

SECTION 4A. Said section 109 of said chapter 156B is hereby amended by striking out the second paragraph, added by section 2 of chapter 63 of the acts of 1976.

SECTION 5. Chapter 158 of the General Laws is hereby amended by striking out section 37, as most recently amended by section 7 of chapter 98 of the acts of 1977, and inserting in place thereof the following section:-

Section 37. Every corporation shall annually file in the office of the state secretary, within thirty days after the date fixed in its by-laws for its annual meeting, or within thirty days after the final adjournment thereof, but not more than three months after the date so fixed for said meeting, a certificate signed and sworn to by an officer of the corporation, stating the date of holding such meeting, the amount of capital stock as it then stands fixed by the corporation, and the amount then paid in. Such certificates shall be preserved by the state secretary in book form convenient for reference.

SECTION 6. The fourth paragraph of section 4 of chapter 181 of the General Laws is hereby amended by striking out, in lines 3 to 5, inclusive, the words "its president or a vice-president and its treasurer or an assistant treasurer, and a majority of its directors", as appearing in section 1 of chapter 844 of the acts of 1973, and inserting in place thereof the words:- an officer of the corporation.

SECTION 6A. Said section 4 of said chapter 181 is hereby further amended by striking out the last paragraph, added by section 4 of chapter 63 of the acts of 1976.

SECTION 7. Said chapter 181 is hereby further amended by striking out section 10, as amended by section 10 of chapter 98 of the acts of 1977, and inserting in place thereof the following section:-

Section 10. An officer of a foreign corporation who signs any statement or report required by this chapter which is false in any material representation and that he knows or has reason to know to be false shall be liable to a creditor of the foreign corporation who has relied upon such false representation to the extent of the actual damage sustained by him by reason of such reliance; provided, that the officer signing a false report of condition shall not be liable to creditors for debts contracted or contracts entered into after the filing of a report of condition or a corrected report of condition that is not false in any material representation.

Approved July 18, 1978

Chap. 492. AN ACT AUTHORIZING THE DEPARTMENT OF PUBLIC WORKS TO ACQUIRE CERTAIN PUBLIC LANDS IN THE CITY OF CHICOPEE FOR HIGHWAY PURPOSES.

Be it enacted, etc., as follows:

Subject to the provisions of section one, 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 land to be so transferred and diverted are shown on a map entitled "Plan Public Lands in the City of Chicopee to be taken for highway purposes, February 1978" which said department is hereby directed to file with the office of the chief engineer, department of public works, and are bounded and described as follows:

PARCEL 9-62 (City of Chicopee)

A certain parcel of land owned by the city of Chicopee and being used as a flood plain area and being vacant land to be diverted by the department of public works for construction of Interstate Route 391 for highway purposes, being bounded and described as follows:-

Beginning at a point on the easterly line of Chicopee Street, said point bearing S16°-57'E and one hundred sixty-five and seventy-six hundredths (165.76) feet distant from a Massachusetts Highway stone bound set at an angle point on the easterly location line of the State Highway layout; and extends thence in a northeasterly direction two hundred (200) feet; thence northwesterly one hundred thirty-three and ninety-seven hundredths (133.97) feet; thence northeasterly one hundred forty-three (143) feet more or less; thence northwesterly seventy-seven and thirty-eight hundredths (77.38) feet; thence northeasterly one hundred seventy and thirteen hundredths (170.13) feet; thence southwesterly five hundred thirty (530) feet, more or less; thence southeasterly fifty (50) feet; thence southwesterly two hundred fifty-three (253) feet, more or less, to the easterly location line of Chicopee Street; thence northwesterly along the easterly location line of Chicopee Street, three hundred fifty (350) feet, more or less to the point of beginning; containing approximately three and six tenths (3.6) acres of land.

PARCEL 9-73 (City of Chicopee)

A certain parcel of land owned by the city of Chicopee and being used as a flood plain area and being vacant land to be diverted by the department of public works for construction of Interstate Route 391 for highway purposes, being bounded and described as follows:-

Beginning at a point on the southerly street line of Bertha avenue, said point being three hundred ninety-seven and fifty-four hundredths (397.54) feet southwesterly of the intersection of the westerly location line of Chicopee street and the southerly street line of Bertha avenue and being also the northwesterly corner of land now or formerly of Joseph S. Stasiowski, and extending thence in a southeasterly direction by land now or formerly of said Stasiowski and by land now or formerly of Emily

Giguere, a distance of one hundred twenty-one (121) feet, more or less, to the bank of the Chicopee river; thence southwesterly along the bank of the Chicopee river forty-four (44) feet, more or less, to other land of the city of Chicopee; thence northwesterly one hundred twenty-one (121) feet, more or less, to the southerly street line of Bertha avenue; thence northeasterly along the southerly street line of Bertha avenue forty-four (44) feet, more or less, to the point of beginning; containing approximately five thousand four hundred (5,400) square feet of land.

PARCEL 9-83 (City of Chicopee)

A certain parcel of land owned by the city of Chicopee and being used as a flood plain area and being vacant land to be diverted by the department of public works for construction of Interstate Route 391 for highway purposes, being bounded and described as follows:-

Beginning at a point on the westerly location line of Chicopee street, said point marking the location of a Massachusetts Highway stone bound bearing $S17^{\circ}-07'E$ and forty-eight and thirty-three hundredths (48.33) feet distant from the intersection of the westerly location line of Chicopee street and the southerly street line of Poland road and extending thence in a southeasterly direction along the westerly line of Chicopee street, one hundred eighty-one and ten hundredths (181.10) feet; thence southwesterly along land of the Commonwealth and land now or formerly of Stanley J. Jarecki, five hundred five (505) feet, more or less; thence southeasterly along the westerly property line of said Jarecki and along the westerly terminus of Bertha road and also along other land of the city of Chicopee, two hundred sixty-five (265) feet, more or less, to the bank of the Chicopee river; thence in a westerly direction along the bank of the Chicopee river, three hundred ninety (390) feet, more or less, to the easterly location line of the Boston and Main R.R. right of way; thence $N7^{\circ}-13'-44''E$ along said easterly railroad right of way line, seventy (70) feet, more or less, to the proposed westerly location line of Interstate Highway 391; thence proceeding along said westerly location line $N40^{\circ}-42'-10''E$, one hundred sixty (160) feet; thence $NO^{\circ}-52'-00''W$, three hundred five and five tenths (305.5) feet, to the southerly property line of land now or formerly of Rudolph J. Cebula; thence northeasterly along the southerly property line of said Cebula, one hundred twenty-four (124) feet, more or less; thence northeasterly along the easterly property line of said Cebula, one hundred forty-seven (147) feet, more or less; thence northeasterly along land of said Cebula and land now or formerly of Frank S. Dudek, Bronislaw A. Misterka and Nellie C. Midura, for a total distance of one hundred ninety-eight (198) feet, more or less, to the easterly property line of said Nellie C. Midura; thence proceeding along the easterly property line of said Midura, seventy-one (71) feet, more or less, to the westerly location line of said Interstate Highway 391; thence proceeding along said westerly location line $N85^{\circ}-41'-00''E$, seventy-five and twenty-one hundredths (75.21) feet; thence $N38^{\circ}-03'-00.7''E$, fifty-three and twenty-seven hundredths (53.27) feet, to the southerly street line of Poland Road ninety-three and twenty-seven hundredths (93.27) feet, to the westerly location line of Chicopee Street; thence $S17^{\circ}-07'E$

along said westerly location line of Chicopee Street, forty-eight and thirty-three hundredths (48.33) feet, to the point of beginning; containing approximately six (6.0) acres of land.

PARCEL 9-8-C, City of Chicopee

A certain parcel of land owned by the city of Chicopee and being used as a flood plain and being vacant land to be diverted by the department of public works for construction of Interstate Route 391 for highway purposes, being bounded and described as follows:-

Beginning at a point on the southerly street line of Poland road, said point bearing S85°-41'W and one hundred eighty-nine (189) feet distant from the intersection of the southerly street line of Poland road and the westerly location line of Chicopee street and extending thence along the southerly street line of Poland road N85°-41'E, ninety-five and seventy-three hundredths (95.73) feet, to the proposed westerly location line of Interstate Highway 391; thence S38°-03'W, fifty-three and twenty-six hundredths (53.26) feet; thence S85°-41'W, sixty-seven (67) feet; thence N6°-00'-00"E, forty (40) feet, to the point of beginning; containing approximately three thousand two hundred two (3,202) square feet of land.

PARCEL 9-20-C (City of Chicopee)

A certain parcel of land owned by the city of Chicopee and being used as a flood plain area and being vacant land to be diverted by the department of public works for construction of Interstate Route 391 for highway purposes, being bounded and described as follows:-

Beginning at a point on the easterly location line of the Boston and Maine Railroad right of way; said point being approximately five hundred (500) feet northeasterly of the intersection of the north bank of the north branch of the Chicopee river and the easterly location line of the Boston and Maine Railroad right of way, and being also the southwest corner of land belonging now or formerly to Rudolph J. Cebula and Bernice C. Cebula and extending; thence N85°-06'-50"E, fifty-nine and five hundredths (59.05) feet, along the southerly property line of said Cebula; thence S0°-52'-00"E, two hundred sixty-two and eighty-one hundredths (262.81) feet, along the proposed westerly location line of Interstate Highway 391; thence N63°-00'-00"W, fifty-two and twenty-two hundredths (52.22) feet; thence along a curve to the left having a radius of eighty (80) feet, for a distance of forty-seven and twenty-nine hundredths (47.29) feet; thence N6°-52'-00"W, one hundred twenty-nine and sixteen hundredths (129.16) feet; thence N8°-31'-55"W, sixty and sixty hundredths (60.60) feet, to the point of beginning, containing approximately eleven thousand four hundred forty-four (11,444) square feet of land.

Approved July 18, 1978

Chap. 493. AN ACT PROVIDING FOR PAYMENTS IN LIEU OF TAXES BY THE SOUTH ESSEX SEWERAGE DISTRICT TO THE CITY OF SALEM.

Be it enacted, etc., as follows:

Section 7 of chapter 339 of the acts of 1925 is hereby amended by adding the following paragraph:-

Said district shall pay to the city of Salem an annual payment equal to the sum of seventy thousand dollars, to be paid by all members of the district with the exception of the city of Salem, such payment to be apportioned among the members in the same ratio as the yearly flow of sewage of each such member bears to the yearly combined flow of sewage of the district.

Approved July 18, 1978

Chap. 494. AN ACT FURTHER REGULATING THE CONDUCT OF HORSE AND DOG RACING.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide forthwith for the continuation of the racing industry in the commonwealth and the revenue to the commonwealth from taxes on said industry, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. It is hereby declared, that the continued operation of the racing industry in the commonwealth is a matter of public interest; that several factors have contributed to said industry's decline and possible demise, namely: high pari-mutuel commissions for the commonwealth, small purses for horse and dog owners, rapidly increased interstate competition, uncoordinated expansion, and rapidly escalating costs for the industry; that several existing laws of the commonwealth prevent the industry from restoring itself; that the commonwealth, being the recipient of over thirty million dollars annually in revenue, must assume a large share of responsibility in restoring said industry to a healthy position; and that, therefore, it is the intent of this act to redistribute the authorized racing dates within the commonwealth in a manner consistent with the best interests of racing and the public, to improve the quality of racing in the commonwealth, to insure that facilities at the racetracks are maintained in a condition consistent with public safety and convenience and humaneness to the racing animals, to instill public confidence in the integrity of the sport, to encourage bettors to patronize racetracks within the commonwealth rather than those of bordering states, to assure the retention of existing jobs and to provide new employment in said industry and ultimately to increase the revenue paid to the commonwealth from a growing industry.

SECTION 2. Section 48 of chapter 6 of the General Laws is hereby amended by striking out the fourth paragraph, as most recently amended by section 1 of chapter 960 of the acts of 1977, and inserting in place thereof the following paragraph:-

The commission may appoint and remove a secretary and other assistants who shall not be exempt from the provisions of chapter thirty-one. The commission shall employ an auditor, who shall be a certified public accountant, who shall devote full time during normal business hours to the duties of the position, and who shall be exempt from the provisions of chapter thirty-one

and section nine A of chapter thirty. The auditor shall serve at the pleasure of the commission, which shall determine his salary in accordance with the provisions of chapter thirty. The commission may also appoint the following positions which shall be exempt from the provisions of chapter thirty-one and section nine A of chapter thirty:- one semi-senior accountant, the junior accountants, the senior bookkeepers, the senior chemists, the assistant chemists, one head clerk, the principal clerks, the senior clerks, the junior clerks, the chief of laboratory, the laboratory technicians, the supervisors of licenses and registration, state racing commission and one head administrative assistant.

SECTION 3. Section 2 of chapter 128A of the General Laws is hereby amended by striking out the second paragraph, as most recently amended by chapter 43 of the acts of 1971, and inserting in place thereof the following paragraph:-

Such application shall be filed with the commission on or before the first day of October of the calendar year preceding the calendar year for which application requests a license to be issued under this chapter; and the commission shall grant or dismiss such application not later than the fifteenth day of November next following; provided, however, that a supplementary application by a licensee for a subsequent license in the calendar year for which a license had theretofore been issued to such licensee and relating to the same premises as were specified in the previously issued license, and supplementary applications by a licensee for additional licenses under section four, may be filed with the commission at any time prior to the expiration of said calendar year for which a license had theretofore been issued to said licensee; and the commission shall grant or dismiss such applications within thirty days of the date of filing. Such applications shall be signed and sworn to, if made by an individual, by such individual; if made by two or more individuals or a partnership, by one of such individuals or by a member of such partnership, as the case may be, if made by a trust, by a trustee of such trust, and, if made by an association or corporation, by the president or vice president thereof. The commission may prescribe forms to be used in making such applications.

With such application there shall be delivered to the commission a certified check or bank draft, payable to the commission, weekly in advance for the full amount of the license fee required by this chapter.

SECTION 4. Said chapter 128A is hereby further amended by inserting after section 5A the following section:-

Section 5B. (a) One-quarter of one per cent of the total amount deposited at all racing meetings by the patrons wagering at such meetings shall be used to reimburse the commonwealth for funds appropriated by the general court for the operation and general administration of the commission for the fiscal year next following the calendar year in which said total amount was wagered. Said one-quarter of one per cent shall be retained by the commission from the sums paid daily to the commission pursuant to section five and shall be deposited in the General Fund.

(b) The commission is hereby authorized to make an assessment

in each fiscal year against each licensee conducting a racing meeting in the commonwealth. Said assessment shall be made at a rate as shall be determined and certified annually by the commission as sufficient to produce revenue to reimburse the commonwealth for funds appropriated for the operation of the commission; provided, however, that the total assessment for all licensees, not including the revenues received pursuant to paragraph (a), shall not exceed seven hundred and fifty thousand dollars. Said assessment shall be made proportionately against each licensee on the basis of the amount withheld by each licensee less the sum paid to the commission as determined by section five. Each licensee against whom an assessment is made shall pay over daily to the commission a pro rata share of the assessment determined by dividing the total assessment of that license by the number of dates granted to the licensee pursuant to section three. If the commission fails to expend in any fiscal year the total amount assessed under this paragraph, any amount unexpended shall be credited against the assessment to be made in the following year and the assessment in such following year shall be reduced by such unexpended amount; provided, however that, if no racing dates are granted in the following year to any licensee, the portion of unexpended funds due such licensee as a credit shall, at the request of such licensee to the state treasurer, be refunded.

SECTION 5. Section 6 of said chapter 128A, as appearing in section 3 of chapter 374 of the acts of 1934, is hereby amended by inserting after the first paragraph the following paragraph:-

Within sixty days after the close of a racing meeting, each licensee conducting a horse or dog racing meeting shall submit, on forms prescribed by the commission, financial statements certified to the commission by a certified public accountant; provided, however, that said licensee with the prior written approval of the commission, may submit said statements annually within sixty days after the close of its fiscal year, if any. The commission, or its duly authorized representatives, shall at all reasonable times have access to all records and books of the licensee for the purpose of examining and certifying the same.

SECTION 6. Said chapter 128A is hereby further amended by striking out sections 7 and 8 and inserting in place thereof the following two sections:-

Section 7. The commission shall appoint one steward to each track licensed to conduct racing meetings, who shall not be subject to chapter thirty-one or section nine A of chapter thirty. The commission shall assign, by regulation, duties to be performed by him. The compensation of the commission-appointed steward shall be fixed by the commission.

The commission may also appoint one or more other representatives to attend each racing meeting held or conducted under a license issued under this chapter, and the appointment of said representatives shall not be subject to chapter thirty-one or section nine A of chapter thirty. The compensation and duties of each such representative shall be fixed by the commission.

Each such representative appointed by the commission to

attend a racing meeting shall have full and free access to the space or enclosure where the pari-mutuel or certificate system of wagering is conducted or supervised for the purpose only of ascertaining whether or not the provisions of this chapter are being properly observed. He shall also, for the same purpose only, have full and free access to the books, records and papers pertaining to such pari-mutuel or certificate system of wagering. All employees of the commission assigned to the tracks for security purposes and all police officers assigned to the commission shall be under the control and authority of one of the representatives of the commission at each track. Said representative shall have full and free access to any other areas used in connection with the conduct of racing. He shall investigate, ascertain and report to the commission in writing under oath as to whether or not he has discovered any violation at such meeting of any of the provisions of this chapter, and, if so, the nature and character of such violations. Such report shall be made within ten days after the termination of the duties of such representative at any racing meeting.

If any such report shows any violation of this chapter, the commission shall transmit a copy of such report to the attorney general for such action as he shall deem proper.

Section 8. The commission shall apply to the department of public safety for the assignment of a complement of police officers to the commission on a regular basis and said department shall assign such complement to the commission. The commission shall assign such police officers to guard and protect the lives and safety of the public, property and the animals to be raced at any such meeting, and to perform any such other duties which may be required by said commission in order to maintain fair and honest pari-mutuel racing at any such meeting. The police officers so assigned shall, except in the case of an emergency, and while on duty at any such racing meeting, be subject to the operational authority of the commission; provided, however, that such assignment or reassignment shall not in any way impair any rights to which any officer may be entitled.

The commission shall from funds available pay to the department of public safety the cost of the salaries of the police officers so assigned from funds appropriated to the commission.

All assignments and reassignments to the commission, except as the commissioner of public safety shall determine that an emergency exists or is threatened, shall be subject to the approval of the racing commissioner. Nothing herein shall prevent licensees from applying to the metropolitan district commission police if they have jurisdiction in the area where a racing meeting is to be held, or to the police department of a city or town wherein a racing meeting is to be held, in order that such police agency may furnish a police detail for safety or traffic purposes at any racing meeting authorized by this chapter. The total cost for any such police detail shall be a sum equal to the salaries of the police officers comprising such detail, plus a sum to cover the administrative expenses incurred by the department of each such police officer.

The commission shall employ as many veterinarians, chemists

and laboratory technicians as it deems necessary to insure the legitimate performance of the animals to be raced at any racing meetings authorized by this chapter and to protect the health of such animals and the department of public safety shall provide that such veterinarians, chemists and laboratory technicians shall have access to the department's laboratory facilities.

SECTION 7. Said chapter 128A is hereby further amended by striking out section 9A, as amended by chapter 454 of the acts of 1956, and inserting in place thereof the following section:-

Section 9A. For the purpose of enabling the commission to exercise and maintain a proper control over horse and dog racing conducted under the provisions of this chapter, the rules, regulations and conditions prescribed by the commission under section nine shall provide for the licensing and registering at reasonable and uniform fees, of agents, assumed names, colors, partnerships and minor agreements and shall provide for the licensing at reasonable and uniform fees of veterinarians, blacksmiths, owners, trainers, jockeys and stable employees at horse tracks and veterinarians, owners and trainers of dogs participating in such racing, and any other persons having access to horses and dogs.

Such rules and regulations shall also provide for the fingerprinting of all licensees. Every person so licensed shall be required to display and wear a badge containing a photograph. Such rules and regulations may also provide for the suspension and revocation of licenses so granted and for the imposition on persons so licensed of reasonable forfeitures and penalties for the violation of any rule or regulation prescribed by the commission and for the use of the proceeds of such penalties and forfeitures.

The commission shall have access to criminal offender record information of applicants for any license granted pursuant to this chapter, including officers, directors and beneficial owners of ten per cent or more of the stock of a corporation applying for such a license, and for applicants for employment by the commission. Such access shall be exercised in accordance with sections one hundred and sixty-seven to one hundred and seventy-eight, inclusive, of chapter six.

SECTION 7A. Said chapter 128A is hereby further amended by inserting after section 9A the following section:-

Section 9B. Notwithstanding the provisions of section five of chapter thirty A, no rule, regulation or condition of the commission promulgated pursuant to the provisions of this chapter shall take effect except as hereinafter provided.

A copy of every such rule, regulation or condition shall be filed with the clerk of the senate and shall be forthwith referred by him to the joint committee on government regulations.

Said committee shall file a written report with the clerk of the senate within thirty days after the filing of the copy thereof with said clerk, stating whether said rules, regulations and conditions are consistent with the statutory provisions under which they were promulgated.

Said rules, regulations and conditions shall take effect unless

disapproved by a majority vote of both branches of the general court within sixty days after the filing of the copy thereof with the clerk of the senate unless the general court has prorogued within said sixty days.

If the general court prorogues within sixty days of the filing, with the clerk of the senate of such rules, regulations and conditions, the clerk of the senate shall refer the same to the committee on government regulations the next session of the general court.

Said committee shall report as hereinbefore provided within thirty days of the first day of such session and such rules, regulations and conditions shall take effect unless disapproved by a majority vote of both branches of the general court within sixty days of the first day of such session.

The clerk of the senate shall notify the commission of the action taken thereon by the general court.

Notwithstanding the provisions of this section, or any other general or special law or rule or regulation to the contrary, the commission may adopt emergency rules or regulations. Such emergency rules or regulations shall be duly promulgated and take effect after a finding by the commission that any delay in the effective date or the application of said rule or regulation would:

- (a) seriously injure an important public interest.
- (b) substantially frustrate legislative policies, or
- (c) seriously damage a person or class of persons without serving any important public interest.

The commissioner shall file a copy of any such emergency rule or regulation accompanied with such findings pertinent thereto with the clerk of the senate and the clerk of the house of representatives and the clerk of the senate shall forthwith refer such emergency rule or regulation to the joint committee on government regulations.

SECTION 8. Said chapter 128A is hereby further amended by striking out section 10A, inserted by chapter 102 of the acts of 1960, and inserting in place thereof the following section:-

Section 10A. Any commissioner or representative of the commission or any person licensed to conduct a horse or dog racing meeting, including racing meetings conducted in connection with state or county fairs, shall have the right to refuse admission to or eject from its premises any person whose presence on said premises is detrimental, in the sole judgement of the commissioner or representative of the commission or of said licensee, to the proper and orderly conduct of a racing meeting. Any person who has been notified by any commissioner or representative of the commission or a licensee of a racing meeting not to enter or attempt to enter its premises and who thereafter, without the express approval of any commissioner or representative of the commission or the licensee, enters or attempts to enter such premises while a racing meeting is being conducted therein, shall be punished by a fine of not more than one thousand dollars or by imprisonment for not more than six months, or both. Any person so excluded by any commissioner or representative of the commission or by a licensee shall have a right of appeal to the

commission. The commission shall hold a hearing within ten days after any such person requests an appeal and may after such hearing by vote allow such person admission to such meeting.

SECTION 9. Said chapter 128A is hereby further amended by inserting after section 11B the following section:-

Section 11C. Except in the case of a publicly held corporation, no person, firm, partnership, trust, association or corporation who has been granted a license to conduct a horse or dog racing meeting, or an officer, director or the beneficial owner of ten per cent or more of the stock of a corporation holding such a license, shall sell, transfer, convey or cause to be transferred, singly or in concert with others, more than ten per cent of the value or stock of the facility or corporation so licensed without first obtaining the written approval of the commission.

The commission shall approve such sale, transfer or conveyance unless it finds that the consideration therefor is (i) inadequate or (ii) without good cause, (iii) that the sale or transfer results in an undesirable concentration of ownership of racing facilities within the commonwealth, or (iv) that the sale or transfer has an adverse impact upon the integrity of the racing industry. A publicly held corporation, shall, prior to the sale, transfer or conveyance of more than ten per cent of the stock of the corporation, file notice of such action with the commission. A copy of any filing required by state or federal securities law regarding notice of such sale, transfer or conveyance shall be simultaneously filed with the commission. The commission shall have the same rights as to transferees as it would have with respect to original applicants for licensure.

SECTION 10. Notwithstanding the provisions of section four of chapter one hundred and twenty-eight A, during the calendar year nineteen hundred and seventy-eight through nineteen hundred and eighty-three, the fee for the license provided for in section three of said chapter one hundred and twenty-eight A of the General Laws shall not exceed one thousand dollars for each day of any horse or dog racing meeting. Nothing in this section shall affect the fee paid pursuant to section two of chapter one hundred and twenty-eight A for horse or dog racing held in connection with a state or county fair; provided, that said racing is conducted at a racetrack owned and operated by said fair. Said fees shall from time to time be fixed and established by the state racing commission after a public hearing. In fixing and establishing said fee, said commission shall consider the cost to the commonwealth of regulating the conduct of racing, the size of the attendance, the amount wagered and other relevant factors.

SECTION 11. During the calendar years nineteen hundred and seventy-eight through nineteen hundred and eighty-three, each running horse track licensee under section three of chapter one hundred and twenty-eight A, other than a licensee holding a racing meeting in connection with a state or county fair, shall daily pay their respective portions of the so-called breaks, as defined in section five of said chapter one hundred and twenty-eight A into a trust fund to be known as the Running Horse

Capital Improvement Trust Fund under the direction and supervision of the state racing commissioners, as they are individuals, as trustees of said trust. Said trustees shall deposit such monies in one or more banks, at interest, within the commonwealth.

Said trustees may expend without appropriation all or any part of the Running Horse Capital Improvements Trust Fund to a running horse track licensee for use as all or part of a capital expenditure for alterations, additions, replacements, changes, improvements or major repairs to or upon the property owned or leased by such licensee and used by it for the conduct of racing; provided, however, that no licensee shall receive an amount in excess of the amount attributable to said licensee in such trust fund. Said commission may prescribe terms and conditions for such grant. Such licensee shall comply with all applicable provisions of chapter one hundred and forty-nine of the General Laws unless such compliance is waived by the commission in writing for cause.

No such expenditure for capital improvements shall be approved by the trustees if such improvements are to be accomplished pursuant to a contract with a person, corporation, partnership, trust or any combination of the same or any other entity owned wholly or in part by a person, corporation, partnership, trust or any combination of the same or any other entity which owns or operates or hold any interest in any racetrack in the commonwealth.

Nothing herein contained shall preclude a running horse track from making capital improvements not funded in whole or in part from such funds; provided, however, that all sums approved by said commission hereunder shall be expended in their entirety for capital improvements; and provided, further, that any revision by said licensee in the making of capital improvements as hereinbefore provided, shall require separate written approval by the trustees therefor. All financial statements required under section six of chapter one hundred and twenty-eight A of the General Laws shall be accompanied by a statement signed under the pains and penalties of perjury by the chief financial officer of the licensee, setting forth the capital improvements made with funds obtained under this section and further certifying that such expenditures are treated as capital expenditures in the accompanying financial statement.

Funds deposited by licensees and the commission in the Running Horse Capital Improvement Trust Fund shall remain in said fund until expended under this section; provided, however, that any amount in said account as of December thirty-first, nineteen hundred and eighty-three which has not been so expended or as to which no binding commitment has been made by said trustees shall thereupon be deposited in the General Fund.

SECTION 12. During the calendar years nineteen hundred and seventy-eight through nineteen hundred and eighty-three, each harness horse track licensee under section three of chapter one hundred and twenty-eight A, other than a licensee holding a racing meeting in connection with a state or county fair shall daily pay their respective portions of the so-called breaks, as defined in section five of chapter one hundred and twenty-eight A

into a trust fund to be known as the Harness Horse Capital Improvements Trust Fund under the direction and supervision of the state racing commissioners, as they are individuals, as trustees of said trust. Said trustees shall deposit such monies in one or more banks, at interest, within the commonwealth.

Said trustees may expend without appropriation all or any part of the Harness Horse Capital Improvements Trust Fund to a harness horse track licensee for use as all or part of a capital expenditure for alterations, additions, replacements, changes, improvements or major repairs to or upon the property owned or leased by such licensee and used by it for the conduct of racing; provided, however, that no licensee shall receive an amount in excess of the amount attributable to said licensee in such trust fund. Said trustees may prescribe terms and conditions for such grant. Such licensee shall comply with all applicable provisions of chapter one hundred and forty-nine unless such compliance is waived by the commission in writing for cause. No such expenditure for capital improvements shall be approved by the trustees if such improvements are to be accomplished pursuant to a contract with a person, corporation, partnership, trust or any combination of the same or any other entity owned wholly or in part by a person, corporation, partnership, trust or any combination of the same or any other entity which owns or operates or holds any interest in any racetrack in the commonwealth.

Nothing herein contained shall preclude a harness horse track licensee from making capital improvements not funded in whole or in part from such funds; provided, however, that all sums approved by said commission hereunder shall be expended in their entirety for capital improvements; and provided, further, that any revision by said licensee in the making of capital improvements as hereinbefore provided shall require separate written approval by the trustees therefor. All financial statements required under section six of chapter one hundred and twenty-eight A of the General Laws shall be accompanied by a statement signed under the pains and penalties of perjury by the chief financial officer of the licensee, setting forth the capital improvements made with funds obtained under this section and further certifying that such expenditures are treated as capital expenditures in the accompanying financial statement.

Funds deposited by licensees and the commission in the Harness Horse Capital Improvement Trust Fund shall remain in said fund until expended under this section; provided, however, that any amount of said account as of December thirty-first, nineteen hundred and eighty-three which has not been so expended or as to which no binding commitment has been made by said trustees shall thereupon be deposited in the General Fund.

SECTION 13. Notwithstanding the provisions of Clause (5) of the first paragraph of section two and of clauses (a) to (g), inclusive, of the third paragraph of section three of chapter one hundred and twenty-eight A of the General Laws, during the calendar year nineteen hundred and seventy-eight through nineteen hundred and eighty-three, licenses to conduct racing meetings shall only be issued under the following conditions:

- (a) no license shall be issued for more than an aggregate of

two hundred race days in any one year at all running horse racing meetings combined, not including running horse racing meetings held in connection with state or county fairs during the calendar year nineteen hundred and seventy-six or nineteen hundred and seventy-seven at a racetrack owned and operated by said fair or at a racetrack in Berkshire county;

(b) no license shall be issued for more than an aggregate of three hundred and ten racing days in any one year at all harness horse racing meetings combined, including harness horse racing meetings at state or county fairs; provided, however, that one hundred and thirty such days may be awarded only for racing in Hampden county during the period between the first day of January and the fourteenth day of April and between the twenty-second day of October and the thirty-first day of December, and that the remaining one hundred and eighty such days may only be awarded during the period between the fifteenth day of April and the twenty-first day of October in any one year; provided, further, however, that ten of such remaining days may only be awarded in connection with a state or county fair;

(c) no licenses shall be issued for more than an aggregate of eight hundred and eighty racing days in any one year at all dog racing meetings combined, excluding dog racing meetings conducted at a racetrack owned and operated by a state or county fair in Essex county; provided, however, that two hundred and ten such days may be awarded only for racing in Hampden county during the period between April fifteenth and October twenty-first, and not more than four hundred of the remaining such days may be awarded in any one county; and provided, further, that in Bristol county, not more than two hundred and thirty days, inclusive of fairs, may be held between January first and July seventh, and that not more than one hundred and seventy days, inclusive of fairs, may be held between August fourteenth and December thirty-first; and provided, further, that the remaining two hundred and seventy such days may only be awarded during forty-five weeks in any calendar year;

(d) licenses shall permit racing meetings only between the hours of ten o'clock ante meridian and twelve o'clock midnight. The state racing commission shall grant authorized dates at such times that are consistent with the best interest of racing and the public; provided, however, that dates for racing meetings held in connection with a state or county fair may only be awarded during the period between June fifteenth and October fifteenth; provided further, however, that no such dates may be awarded in Bristol, Norfolk or Plymouth counties during the period between the eighth day of July and the thirteenth day of August; and, provided further, however, that except for racing meetings held in connection with a state or county fair during the calendar year nineteen hundred and seventy-seven at a racetrack owned and operated by said fair and meetings held after seven o'clock postmeridian on a Saturday or a legal holiday, no licenses shall be issued to permit racing at racetracks at the same time of day within twenty miles of one another. Said commission may, in its discretion, on written application from a racing licensee made at least seven days prior to the date or dates of any proposed change of time stated in said racing license and without necessity

for any further public hearing, change the hours of conducting such race meeting between any of the aforesaid hours, notwithstanding the hours set forth on the license; provided, however, that if, by reason of national emergency, night illumination is forbidden by public authority, then said commission may, in its discretion, issue a license to permit racing at such hours as said commission may determine between the hours of ten o'clock ante meridian and twelve o'clock midnight. For the purpose of imposing the fee provided for in section ten of this act, computing the sums payable to the racing commission pursuant to section fourteen of this act, and counting the number of days authorized by clauses (a), (b) or (c) of this section, any racing held after seven o'clock postmeridian on the same day on which racing is held at the same racetrack prior to that hour shall be considered a separate day of racing; said commission shall not grant a license for more than one performance on a Sunday to any licensee if another licensee, excluding a state or county fair who raced during the calendar year nineteen hundred and seventy-seven at a racetrack owned and operated by said fair, within twenty miles has applied for a license for a performance on said Sunday; in such case, said commission shall award each competing licensee a license for one performance on said Sunday;

(e) no licenses shall be issued to permit running horse race meetings to be held or conducted, except in connection with a state or county fair, at the same time at more than one racetrack within the commonwealth, nor at any time at a racetrack located within fifty miles of another racetrack within the commonwealth, one mile or more in circumference; provided, that licenses may be issued to permit such meetings to be held or conducted at the same time at not more than two racetracks if such tracks are seventy-five miles apart;

(f) no licenses shall be issued to permit dog racing meetings to be held or conducted at more than four racetracks within the commonwealth, excluding dog racing meetings held in connection with a state or county fair at a racetrack owned and operated by said fair, nor at a dog track having a racing strip of less than three sixteenths of a mile for outdoor tracks and one fifth of a mile for indoor tracks, nor at any location where racing has not been conducted no fewer than five years prior to the effective date of this act and where the surrounding property is substantially of a residential character, as determined by or defined by a zoning ordinance or by-law, if any, controlling such location;

(g) no license shall be issued to any person who is in any way in default, under the provisions of this act, in the performance of any obligation or in the payment of any debt to the racing commission; provided, however, that no license shall be issued to any person who has, within ten years of the time of filing the application for such license, been convicted of violating the provisions of section five of chapter one hundred and twenty-eight A of the General Laws; and

(h) in granting authorized dates hereunder the state racing commission shall take into consideration, in addition to any other appropriate and pertinent factors, the following: the maximization of state revenues, the suitability of racing facilities for operation at the time of the year for which dates are assigned; the circum-

stance that large groups of spectators require safe and convenient facilities; the interest of members of the public in racing competition honestly managed and of good quality; the necessity of having and maintaining proper physical facilities for racing meetings and, consequently, to ensure the continuance of such facilities the necessity of fair treatment of the economic interests and investments of those who in good faith have provided and maintain such facilities.

SECTION 14. Notwithstanding the provisions of section five of chapter one hundred and twenty-eight A of the General Laws, during the calendar years nineteen hundred and seventy-eight through nineteen hundred and eighty-three, inclusive, each licensee conducting a racing meeting shall return to the winning patrons so wagering on the speed or ability of any one or more horses or dogs in a race or races all sums so deposited as an award or dividend, according to the acknowledged and recognized rules and method under which such pari-mutuel or certificate system has been operated, less the so-called breaks, as defined in section five of said chapter one hundred and twenty-eight A, and less an amount not to exceed nineteen per cent of the total amount so deposited by the patrons wagering on the speed or ability of running horses, and of harness horses, and eighteen per cent of the total amount so deposited by the patrons wagering on the speed or ability of dogs, and less the so-called breaks.

Each person licensed to conduct a running horse racing meeting, other than a licensee holding a racing meeting in connection with a state or county fair, shall pay to the state racing commission on the day following each day of such horse racing meeting, a sum equal to five per cent of the total amount deposited on the preceding day by the patrons so wagering at such meeting, said percentage to be paid from the nineteen per cent withheld, as provided in this section, from the total amount wagered.

Each licensee conducting a running horse racing meeting, other than a licensee holding a racing meeting in connection with a state or county fair, shall allocate a sum equal to seven per cent of the total amount deposited daily by the patrons wagering at such meeting. Said percentage shall be used for the payment of purses to the horseowners in accordance with the rules and established customs of conducting running horse racing meetings and said seven per cent shall be paid from the nineteen per cent withheld as provided in this section from the total amount wagered. On and after the effective date of this act, the payment of all purses shall be computed in accordance with the provisions of this section; provided, however, that nothing in this section shall affect contractual provisions in existence before the effective date of this act for payment of monies from purses to the association representing a majority of horseowners at the racetrack.

Each such licensee may retain as his commission on the total of all sums so deposited, a sum not exceeding the balance of the nineteen per cent withheld as provided in this section from the total amount wagered after deducting therefrom the amount hereinbefore required to be paid to said commission and after deducting therefrom the amount required to be paid for purses at running horse racing meetings.

Each person licensed to conduct a dog racing meeting, including a meeting held at a commercial racetrack in connection with a state or county fair, shall pay to said commission, on the day following each day of such dog racing meeting, a sum equal to five per cent of so much of the total amount deposited on the preceding day by patrons so wagering at such meeting as does not exceed one hundred and fifty thousand dollars, and ten per cent of so much thereof as exceeds one hundred and fifty thousand dollars; provided, however, that for each day on which such total amount does not exceed two hundred thousand dollars, said licensee shall pay to said commission a sum equal to five per cent of such total amount, said percentages to be paid from the eighteen per cent withheld, as provided in this section, from the total amount wagered.

Each person licensed to conduct a dog racing meeting, including a licensee holding a racing meeting at a commercial racetrack in connection with a state or county fair, shall allocate a minimum of three per cent of the total amount deposited daily by the patrons wagering at such meeting, to be used for the payment of purses to the dog owners in accordance with the rules and established customs of conducting dog racing meetings and said minimum of three per cent is to be paid from the eighteen per cent withheld, as provided in this section from the total amount wagered. On and after the effective date of this act, the payment of all purses is to be computed in accordance with the provisions of this section.

Each such licensee may retain as his commission on the total of all sums so deposited, a sum not exceeding the balance of the eighteen per cent withheld as provided in this section from the total amount wagered after deducting therefrom the amount hereinbefore required to be paid to the racing commission and after deducting therefrom the amount required to be paid for purses at dog racing meetings.

Each licensee conducting a racing meeting in connection with a state or county fair shall become the custodian or depository for such sums as may be deposited with such licensee by patrons as wagers on the speed or ability of any one or more horses or dogs in a race or races and such licensee shall be responsible for such sum so deposited and shall return to the winning patrons so wagering on the speed or ability of any one or more horses or dogs in a race or races all sums so deposited as an award or dividend, according to the acknowledged and recognized rules and method under which such pari-mutuel or certificate system has been operated, less the breaks, as defined in section five of chapter one hundred and twenty-eight A, and less an amount not to exceed nineteen per cent of the total amount so deposited by the patrons wagering on the speed or ability of horses, and less an amount not to exceed eighteen per cent of the total amount so deposited by the patrons wagering on the speed or ability of dogs, and less the so-called breaks.

Each person licensed to conduct a running horse or dog racing meeting in connection with a state or county fair at a racetrack owned and operated by said fair shall pay to the commission on the day following each day of such running horse or dog racing meeting a sum equal to four per cent of so much of the total

amount deposited on the preceding day by patrons so wagering at such meeting as does not exceed one hundred thousand dollars, nine per cent of so much thereof as exceeds one hundred thousand dollars but does not exceed three hundred thousand dollars, ten per cent of so much thereof as exceeds three hundred thousand dollars but does not exceed five hundred thousand dollars and eleven per cent of all thereof as exceeds five hundred thousand dollars; said percentages to be paid from the eighteen or nineteen per cent withheld whichever is applicable, as provided in this section, from the total amount wagered.

Each person licensed to conduct a harness horse racing meeting, including a licensee holding a harness racing meeting in connection with a state or county fair, shall pay to the commission on the day following each day of such horse racing meeting, a sum equal to three per cent of the total amount deposited on the preceding day by the patrons so wagering at such meeting said percentage to be paid from the nineteen per cent withheld, as provided in this section from the total amount wagered.

Each licensee conducting a harness racing meeting, including a licensee holding a racing meeting in connection with a state or county fair, shall allocate a sum equal to eight per cent of the total amount deposited daily by the patrons wagering at such meeting, said percentage to be used for the payment of purses to the horseowners in accordance with the rules and established customs of conducting harness racing meetings and said eight per cent is to be paid from the nineteen per cent withheld, as provided in this section from the total amount wagered. On and after the effective date of this act the payment of all purses is to be computed in accordance with the provisions of this section; provided, however, that nothing in this section shall affect contractual provisions for payment of monies from purses to the association representing a majority of horseowners at the racetrack.

Each such licensee may retain as his commission on the total of all sums so deposited, a sum not exceeding the balance of the nineteen per cent withheld as provided in this section from the total amount wagered after deducting therefrom the amount hereinbefore required to be paid to the racing commission and after deducting therefrom the amount required to be paid for purses at harness racing meetings.

SECTION 15. During calendar years nineteen hundred and seventy-eight through nineteen hundred and eighty-four, the state racing commission shall include in its annual report filed with the general court pursuant to section forty-eight of chapter six of the General Laws, the following information with respect to the previous calendar year: statements of monies deposited in the Running Horse Capital Improvements Trust Fund established by section twelve of this act and in the Harness Horse Capital Improvements Trust Fund established by section thirteen of this act, together with a detailed account of monies disbursed from said funds, and the specific capital improvements for which the disbursements were intended, and a report on which of such improvements have been accomplished; a statement of racing dates awarded to licensees, including those awarded in connection with a state or county fair; and a statement of the total handles

at each racetrack, together with the monies paid to the commonwealth and the commission, purses paid to horse and dog owners and monies retained by each licensee, together with a statement of the net profit of each licensee taken from the financial statements filed under section six of chapter one hundred and twenty-eight A of the General Laws. Copies of said report shall be transmitted to the governor, the president of the senate, the speaker of the house and the chairmen of the house and senate committees on ways and means, the joint committees on government regulations and the joint committee on taxation.

SECTION 16. The state racing commission is hereby authorized and directed to make an investigation and study of the possible reduction of the percentage withheld from the monies wagered by patrons at racetracks, and of the allocation and distribution of monies provided by purses according to an agreement between racing licensees and associations representing horse or dog owners at said racetracks. 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 house of representatives on or before the last Wednesday of December, nineteen hundred and eighty-two.

SECTION 17. Applications for licenses to hold and conduct racing meetings for the number of dates authorized by this act may be filed with the state racing commission within thirty days following the effective date of this act; and said commission is hereby authorized to award such racing meetings and to issue licenses therefor upon applications so filed for such racing meetings to be held or conducted in the calendar year nineteen hundred and seventy-eight; provided, that, in the discretion of said commission, such additional dates will not affect racing meetings awarded to other licensees prior to the effective date of this act. Said commission's procedures for hearings upon all such applications shall be the same as the procedures on original applications for racing meetings filed under chapter one hundred and twenty-eight A of the General Laws.

SECTION 18. Notwithstanding the provisions of section fourteen of chapter one hundred and twenty-eight A of the General Laws, the state secretary shall cause to be placed on the official ballot to be used in the cities and towns of Hampden county at the biennial state election held in the year nineteen hundred and seventy-eight, the following question:

"Shall the pari-mutuel system of betting on licensed dog races be permitted in this county?"

If a majority of the votes cast in a county in answer to said question is in the affirmative, such county shall be deemed to have authorized the licensing of dog races therein at which the pari-mutuel system of betting shall be permitted.

SECTION 19. 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.

Approved July 19, 1978

Chap. 495. AN ACT AMENDING THE LAW RELATING TO INDUSTRIAL REVENUE FINANCING.

Whereas, The deferred operation of this act would tend to defeat its purposes which are to clarify the law relating to the issue of revenue bonds for industrial development, to strengthen and add needed flexibility to such law so as to facilitate its use in overcoming substantial existing unemployment and avoiding future unemployment, to authorize the financing of additional pollution control facilities and solid waste disposal facilities under such law in order to reduce the cost of pollution control and the cost of energy for substantial existing and future needs 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. Chapter 40D of the General Laws is hereby amended by striking out section 1, as most recently amended by section 3 of chapter 206 of the acts of 1977, and inserting in place thereof the following section:-

Section 1. The following words as used in this chapter shall, unless the context requires otherwise, have the following meanings:-

- (a) "Authority", an industrial development financing board established by section two.
- (b) "Board", the board of directors of an authority.
- (c) "Bond", a revenue bond issued for the purpose of financing a project, and shall include interim receipts, temporary bonds or other obligations issued hereunder.
- (d) "Construction" means and includes both construction and acquisition and the term "to construct" means and includes both to construct and to acquire.
- (e) "Cost of the project" and "cost", the cost of construction, the cost of acquisition of all lands, structures, rights of way, franchises, easements and other property rights and interests and related riparian or water rights, the cost of demolishing, removing or relocating any buildings, structures or utilities on lands acquired or to be acquired, including the cost of acquiring any lands to which such buildings, structures or utilities may be moved or relocated, the cost of all labor, materials, machinery and equipment, financing charges, interest on all bonds prior to and during the carrying out of a project and for a period not exceeding one year after completion thereof, the cost of engineering, financial and legal services, plans, specifications, studies, surveys, estimates of cost and of revenues, other expenses necessary or incidental to determining the feasibility or practicability of projects, administrative expenses, reimbursement to the municipality of advances to the authority under section nineteen, and for planning costs and other preliminary expenses made for the benefit of but prior to the formation of the authority, and such other expenses as may be necessary or incidental to the

projects, the financing thereof, placing of the same in operation and the issuance of bonds under this chapter.

(f) "Current expenses", the amount of reasonable and necessary current expenses in connection with any project as the same may be more fully defined in the trust agreement relating to a project, and shall in any event include the fees and expenses of the trustee under the trust agreement securing bonds issued to finance such project.

(g) "Federal agency", the United States of America, the President of the United States of America, and any department of or corporation, agency or instrumentality heretofore or hereafter created, designated or established by the United States of America.

(h) "Finance board", the state industrial finance board established under section eleven of chapter twenty-three A.

(i) "Financing document", a lease, installment sale agreement, conditional sale agreement, mortgage or loan agreement between a municipality acting by and through an authority as lessor, seller, mortgagee or lender and a user as lessee, purchaser, mortgagor or borrower.

(j) "Governing body", in a city having a Plan D or Plan E charter the city manager and the city council and in any other city the mayor and city council, and in towns the board of selectmen.

(k) "Improvement", includes reconstruction, remodeling, rehabilitation, extension, enlargement and "to improve" includes to reconstruct, to remodel, to rehabilitate, to extend, to enlarge and to improve.

(l) "Industrial enterprise", an enterprise engaged in applying skill and labor to the giving of new shapes, new qualities or new combinations to matter as material products or to the assembly, processing, preservation, storage, handling or transportation of manufactured or natural products, or to stationary facilities and equipment necessary or useful in connection with railroad operations, including railroad rights of way and all associated tracks and facilities. In any city or in a town with a population exceeding thirty-five thousand according to the last national census, subject to the provisions of clause (k) of subdivision (2) of section twelve, industrial enterprise shall also include commercial enterprise, which shall mean the conduct of a trade or business. Facilities to be rented by a party other than the municipality to governmental and nonprofit entities for uses not otherwise qualified under this chapter may be financed under this chapter in the same manner as facilities to be used in a commercial enterprise and for this purpose the term commercial enterprise shall be read to include the operation of such facilities. Rental housing, other than facilities to be rented primarily to transient guests, may not be financed under this chapter.

(m) "Industrial development facilities", facilities used in connection with any industrial, or research and development enterprise or any part thereof, located within or partially within the municipality creating an authority, including any or all buildings, docks, wharves, ships, improvements, additions, extensions, replacements, appurtenances, land, rights in land, riparian rights, water rights, franchises, machinery, equipment,

furnishings, landscaping, utilities, approaches, roadways and other facilities necessary or desirable in connection therewith or incidental thereto, such as, but not limited to, office, warehouse, terminal, transportation and back-up power generating facilities, which facilities need not merely be in connection with or incidental to other facilities if the operation of such facilities themselves is an industrial enterprise.

(n) "Municipality", a city or town or, where the context requires, two or more cities or towns joining together to form an authority to carry out industrial development.

(o) "Pollution Control Facilities", facilities for the prevention, avoidance, reduction, control, abatement, elimination or monitoring of pollution of air or of waters by any means by industrial enterprises, public utilities or others, including, but not limited to, any air pollution control facility, noise abatement facility, water management facility, thermal pollution control facility, waste water collection system, waste water treatment works, sewage treatment works, sewage treatment system or site, and including any or all property, rights, franchises and facilities necessary or desirable in connection therewith or incidental thereto.

(p) "Project", industrial development facilities, pollution control facilities or solid waste disposal facilities, or the construction, acquisition, equipping or improvement thereof or any combination of the foregoing.

(q) "Public utility", any gas company or electric company as defined in section one of chapter one hundred and sixty-four, or any municipal corporation which owns or may acquire municipal lighting plants as referred to in section two of said chapter one hundred and sixty-four or any person, firm, association, or private corporation which owns or operates works or a distribution plant for the manufacture and sale or distribution and sale of gas for heating and illuminating purposes, or of electricity, within the commonwealth as referred to in section two of said chapter one hundred and sixty-four or any domestic electric utility or foreign electric utility as defined in section one of chapter one hundred and sixty-four A.

(r) "Solid waste disposal facilities", facilities for the disposal of refuse, garbage and waste or any of the foregoing, by incineration or other means, including any or all property, rights, franchises and facilities necessary or desirable in connection therewith or incidental thereto. Solid waste disposal facilities may include facilities for the manufacture of electricity or steam primarily from solid waste and facilities for the manufacture of electricity from steam produced primarily from solid waste, in either case with pipes, wires, boilers, generators and other equipment incidental thereto. For the purpose of this clause the word "primarily" shall be deemed to mean not less than ninety per cent net thermal units in normal operation. Solid waste disposal facilities may also include additions and modifications to boiler facilities in existence on January first, nineteen hundred and seventy-eight, owned or operated by a public utility, which additions or modifications are necessary or desirable to permit any such boiler facility to burn solid waste or a mix of solid waste and other fuel.

(s) "Trust agreement", an agreement or indenture securing one or more series of bonds of an authority and complying with the provisions hereof.

(t) "User" means one or more persons acting as lessee, purchaser, mortgagor or borrower under a financing document and may include a party who transfers the right of use and occupancy to another party by lease, sublease or otherwise.

SECTION 2. Section 2 of said chapter 40D is hereby amended by adding the following two paragraphs:-

An industrial development financing authority is a board of the municipality and not a separate entity. Programs and activities authorized under this chapter are to be carried out by an authority in the name and on behalf of a municipality or municipalities and contracts made, property acquired and earnings, if any, in connection with a project are those of the municipality by and through which the authority acts.

The commonwealth reserves the power at its discretion, and at any time to alter or change the structure, organization programs or activities of an industrial development financing authority, including the power to terminate the authority, subject to any limitation on the impairment of contracts entered into by the municipality acting by and through the authority. Any net earnings of a municipality acting by and through an industrial development financing authority, beyond that necessary for retirement of indebtedness incurred by it or to implement the public purpose or program of the municipality acting by and through the authority may not inure to the benefit of any person other than the municipality. Upon dissolution of an industrial development financing authority, title to all property owned by the municipality acting by and through the authority shall continue to be vested in the municipality. In the case of a consolidated authority, the property shall be divided upon dissolution among the municipalities represented by it in such proportions as the municipalities may from time to time agree or, in the absence of such agreement, in the proportions prescribed by section eight to the extent the same are applicable or, to the extent said proportions are not applicable in proportions determined by the finance board to be equitable.

SECTION 3. Section 3 of said chapter 40D is hereby amended by striking out, the second paragraph, as appearing in section 1 of chapter 772 of the acts of 1967, and inserting in place thereof the following paragraph:-

Membership on the board of directors of an industrial development financing authority shall be restricted to residents of the municipality or in case of a consolidated authority to residents of the constituent municipality from which they are appointed. No officer, director, agent, partner, stockholder, creditor or employee of a user may be a director of such authority. No person shall be disqualified from serving as a director by reason of holding any other appointive or elective office in the municipality.

SECTION 4. Section 4 of said chapter 40D is hereby amended by striking out the second paragraph, as so appearing, and inserting in place thereof the following paragraph:-

A director who ceases to be a resident of the city or town shall be removed upon the date of his change of residence by operation of law. A director who becomes a director, officer, agent, partner, stockholder, creditor or employee of a user shall thereupon be removed by operation of law.

SECTION 5. Section 6 of said chapter 40D is hereby amended by striking out the second paragraph, as amended by chapter 887 of the acts of 1975, and inserting in place thereof the following paragraph:-

In any city or town having a population of fifty thousand or more, no director, officer, agent or employee of an authority shall, directly or indirectly, have any financial interest in any property to be included in, or any contract for property or materials to be furnished or used in connection with, any project of such authority or any user. In any city or town having a population of less than fifty thousand, no member of an authority who is a director, officer, agent, partner, stockholder, creditor or employee of a prospective user may vote or participate in any way in making a determination to approve the sale of a municipal bond issue the proceeds of which will be used by said prospective user. Whoever violates any provision of this paragraph shall be punished by a fine of not more than one thousand dollars or by imprisonment for not more than one year or both.

SECTION 6. Said chapter 40D is hereby further amended by striking out section 7, as most recently amended by section 4 of chapter 206 of the acts of 1977, and inserting in place thereof, the following section:-

Section 7. (a) For the purpose of carrying out a project as authorized by this chapter, a municipality acting by or through an industrial development financing authority shall have the following powers to the extent that the same are not elsewhere in this chapter expressly limited:

(i) to acquire, purchase, hold, lease as lessee and use any franchise, facilities, or property, real, personal or mixed, tangible or intangible, wherever located, within the municipality or contiguous thereto or any interest therein necessary or desirable for carrying out the purposes of the authority, and to sell, mortgage, lease as lessor, transfer and dispose of any property or interest therein at any time acquired by it;

(ii) to construct and to improve, maintain and repair industrial development pollution control and solid waste disposal facilities;

(iii) to issue bonds as herein provided;

(iv) to make contracts of every name and nature and to execute all instruments necessary or convenient for the carrying on of its business;

(v) without limitation of the foregoing, to borrow money and accept grants from and to enter into contracts, leases or other transactions with the commonwealth or its agencies or instrumentalities, any federal agency, any municipality, bank or other financial institution, corporation or other authority organized under this chapter;

(vi) to pledge, hypothecate or otherwise encumber all or any of the revenues or receipts or property or interests in property

of the authority as security for bonds of the authority;

(vii) in the event of a default by a user under a financing document to do all things deemed by it necessary or desirable to preserve, protect or operate any project or other property furnished as security under such financing document and the rights of the holders of any bonds secured by the revenues from such financing document;

(viii) to loan the proceeds of any issue of bonds to a user in order to finance the cost of a project, which loan may be either unsecured or secured by an interest in the project or other tangible or intangible property or by a combination of the foregoing.

(b) An authority shall have no power at any time or in any manner on behalf of a municipality or otherwise to exercise the power of eminent domain and nothing in this chapter shall be deemed to confer upon any municipality any power to take any property or interest therein by eminent domain. An authority shall have no power to pledge the faith and credit or taxing power of the commonwealth or any political subdivision thereof. No such authority shall engage in the usual promotion of industrial development activities.

(c) Nothing in this chapter shall be deemed to permit the financing by a municipality of a plant for the manufacture or distribution of gas or electricity except (i) back-up power generating or distribution facilities or other facilities for the supply of gas or electricity to occupants of an industrial development project financed under this chapter, (ii) pollution control facilities, and (iii) solid waste disposal facilities.

SECTION 7. Said chapter 40D is hereby further amended by striking out section 8, as amended by chapter 245 of the acts of 1973, and inserting in place thereof the following section:-

Section 8. Any financing document authorized by this chapter shall:

(i) be for a term not in excess of ninety-nine years;

(ii) provide for payments sufficient to amortize the principal and interest of all bonds and other obligations of the municipality issued or incurred to pay the cost of the project and current expenses of the municipality incurred in connection therewith; and

(iii) provide in the case of the lease of a project by the municipality to a user that the lessee shall pay to the municipality acting by and through an authority or otherwise assume and pay all other cost of maintaining and operating the project including taxes and assessments on the lessee's interest in the project or excises as hereinafter in this chapter provided.

Any financing document may contain any other provision deemed necessary or desirable by the authority, including without limitation, in the case of the lease of a project by the municipality to a user, renewal or purchase options but any purchase option shall provide at a minimum for payment sufficient to reimburse the authority for all its current expenses incurred in connection with the project and to pay in full all bonds and other obligations of the authority together with interest thereon issued or incurred in connection with the project and unpaid at the time such option

is exercised together with premiums, if any, payable in the event such bonds are called for redemption at the earliest practicable date. Any such purchase option may provide for payment of no additional consideration if all such expenses, bonds, or other obligations and interest have been paid in full when such option is exercised.

Any amounts paid by a user under any renewal or purchase option in excess of that necessary to pay such expenses, bonds or other obligations and interest shall be paid over on receipt by the authority, or directly, if the existence of the authority has terminated, to or for the account of the municipality which established the authority. If the authority is a consolidated authority, such payments shall be divided among the municipalities establishing such consolidated authority in such proportions as they may from time to time agree or, in the absence of agreement, in proportion to the average assessed value of the leased property for the three years next preceding the acquisition thereof by the constituent municipalities acting by and through the consolidated authority.

SECTION 8. Section 9 of said chapter 40D, as appearing in section 1 of chapter 772 of the acts of 1967, is hereby amended by striking out the fourth and fifth sentences and inserting in place thereof the following two sentences:- Such trust agreement may pledge or assign the interest of the municipality acting by and through the authority as lessor, seller, mortgagee or lender under the financing document and may convey or mortgage any project or other property held thereunder or any part thereof. Such trust agreement shall contain such provisions for protecting and enforcing the rights and remedies of the bondholders as may be reasonable and proper and not in violation of law, including covenants setting forth the duties of the issuing municipality in relation to the construction, acquisition, equipping or improvement of any project or other property held under the financing document and the duties to be imposed on a user or other party with respect thereto, including the improvement, maintenance, operation, repair and insurance thereof, and the custody, safeguarding and application of all moneys and may contain provisions for the employment of consulting engineers and other experts and specialists in connection with such projects or property.

SECTION 9. Said chapter 40D is hereby further amended by striking out section 10, as most recently amended by chapter 325 of the acts of 1975, and inserting in place thereof, the following section:-

Section 10. All bonds shall be authorized by resolution of the board of the issuing authority. The principal amount of each issue of bonds shall be sufficient after due allowance for bond discount and expense to pay the estimated cost of the project or projects on account of which such bonds shall be issued, less amounts, if any, contributed or to be contributed from other sources to pay the cost of such project or projects.

All bonds shall mature at such time or times not exceeding fifty years from their date, as may be determined by the authority, and may be made redeemable before maturity, at the option

of the authority, at such price or prices and under such terms and conditions as may be fixed by the authority prior to the issuance of the bonds. Each issue of bonds shall be serial or term or a combination of both types, but in either case amortization of principal shall be scheduled to occur at least annually, beginning not later than three years after the date of the bonds or the date or estimated date of completion of the project, whichever is later, or at such later time as the finance board deems reasonable. The principal to be amortized in any year, together with the interest or estimated interest to come due in such year, shall not be more than two and one half times the principal to be amortized and interest or estimated interest to come due in any earlier year in which principal is required to be amortized. The term of the bonds shall not exceed the useful life of the project or, if issued to finance more than one project, the average useful life of the projects being financed, plus in either case the period if any from the date of the bonds to the estimated date of completion of the project, or such longer term as the finance board deems reasonable. A determination by the authority, if made, shall be conclusive evidence of the useful life of the project or the average useful life of the projects being financed, as the case may be. In determining the reasonableness of commencing amortization after the three year period or of continuing amortization beyond the estimated useful life, the finance board may take into account such factors as it deems relevant, including, without limitation, the financial capability of the user.

The authority shall determine the form and the manner of execution of the bonds, including any interest coupons to be attached thereto, and shall fix the denomination or denominations of the bonds and the place or places of payment of principal and interest, which may be at any bank or trust company within or without the commonwealth. In case any officer whose signature or a facsimile of whose signature shall appear on any bonds or coupons shall cease to be such officer before the delivery of such bonds, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until such delivery. Notwithstanding any other provision of this chapter or any recitals in any bonds issued under the provisions of this chapter, all such bonds shall be deemed to be negotiable instruments under the laws of the commonwealth. The bonds may be issued in coupon or in registered form or both, as the authority may determine, and provision 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 coupon and registered bonds. The authority may sell such bonds in such manner, either at public or private sale, and for such price as it may determine to be for the best interests of the municipality.

Bonds issued under this chapter shall not constitute a debt or pledge of the faith and credit of the issuing municipality, but such bonds shall be payable solely from the income or revenues received under a financing document or in connection with a project or projects or from funds derived from the issuing or

refunding bonds authorized under section seventeen. All such bonds shall contain on the face thereof a statement to the effect that the bonds are not an obligation of the issuing municipality but are payable solely from the rents or other revenues pledged for their payment.

Prior to the preparation of the definitive bonds, the issuing municipality may, under like restrictions, issue interim receipts or temporary bonds, with or without coupons, exchangeable for definitive bonds when the same are available for delivery and which shall be deemed to be of the same series as said definitive bonds. The municipality may also provide for the replacement of any bonds which shall become mutilated or shall be destroyed or lost. Bonds may be issued under the provisions of this chapter without obtaining the consent of any department, division, commission, board, bureau or agency of the commonwealth or the governing body, and without any other proceedings or the happenings of any other conditions or things other than those proceedings, conditions or things which are specifically required by this chapter, including a receipt of a certificate of convenience and necessity from the department of commerce and development.

Such bonds shall not be included in computing the borrowing capacity of a municipality under chapter forty-four or any other limitation on the issuing of general indebtedness by a municipality and shall not be subject to the provisions of any other general or special law or chapter provision relating to the issuance or sale of bonds or notes by a municipality.

Not more than fifty per cent of any series of bonds shall be sold by an authority acting for and in behalf of a municipality or by underwriters acting as first purchasers thereof to a user of a project financed by the proceeds of such series of bonds.

SECTION 10. Section 12 of said chapter 40D is hereby amended by striking out subsections (2) and (3) and inserting in place thereof the following two subsections:-

(2) The department of commerce and development shall have issued a certificate of convenience and necessity therefor. To obtain such certificate of convenience and necessity, an authority shall first submit to the state industrial finance board, hereinafter called the finance board, an application therefor in such form and containing such information, data and exhibits as may from time to time be prescribed by the finance board, to which application shall be appended as part thereof, in substantially the form proposed to be executed, copies of the trust indenture or agreement, including the form of bonds, securing the bonds which are the subject of the petition, the resolution of the authority authorizing the issuance of the bonds in question and the financing document.

None of the documents constituting the application need set forth the price at which the bonds are to be sold or matters dependent on such price, such as, but not limited to, redemption provisions.

The finance board shall review the complete application and shall refer it to the department of commerce and development with a favorable recommendation, if it finds that:

(a) the user is a responsible party;

(b) the provisions of the financing document are reasonable and proper, and in making such determination the finance board may take into account such factors as it deems relevant including, without limitation, the remedies of the municipality upon default of the user;

(c) in the case of the lease or sale of a project by the municipality to a user, the provisions of the lease or installment sale agreement relative to the rights of the municipality and the lessee or purchaser, as the case may be respecting the disposition of the project upon payment in full with interest of all the bonds are in the public interest;

(d) the trust agreement protects the public interest affected by its provisions;

(e) the project will provide employment, or security against loss of employment, having a reasonable relationship to the principal amount of the bonds to be issued therefor, taking into account, among other things, the investment per employee of comparable industrial facilities;

(f) adequate provision is being or will be made to meet any increased demand upon community public facilities that might result from the project;

(g) the size and scope of the project is such that a definite benefit to the economy of the commonwealth may reasonably be expected to result from the construction or improvement thereof;

(h) the bonds, the trust agreement and the financing document comply with the provisions of this chapter;

(i) in cases where the project consists of or includes the acquisition, equipping or improvement of existing facilities and such acquisition, equipping or improvement is not incidental to the construction and equipping of entirely new facilities, the completed project will be of suitable type and scope for its intended purpose;

(j) the payments under the financing document are adequate to pay the current expenses of the authority in connection with the project and the principal of the bonds as they come due and interest thereon;

(k) the project has, so far as feasible, been located in a low income area of a municipality so that employment opportunities will become available to residents of such area, and, in the case of a project including a commercial enterprise which is not otherwise qualified as an industrial enterprise or incidental thereto, the project is located in a predominantly commercial area for which a commercial area revitalization plan has been adopted by the governing body of the municipality and approved by the secretary of communities and development and the project is consistent with the plan. The purposes of a commercial area revitalization plan shall be to prevent or arrest and reverse the decay of the area covered by the plan. The plan shall describe the area and set forth the development or redevelopment, including public improvements, proposed to carry out the purposes of the plan. Nothing herein shall preclude the undertaking of such development or redevelopment through urban renewal or an economic development and industrial corporation or by other means, subject to the laws applicable thereto. In exercising the power of approval granted by this clause, the secretary shall,

among other lawful and relevant considerations, seek to avoid and correct the deterioration of older commercial centers which results from the movement of commercial enterprise to previously noncommercial areas.

The finance board shall consult with the appropriate local and regional planning agencies to ascertain the relationship of a proposed project to any existing state, local or regional comprehensive plan.

Such review shall be accomplished as expeditiously as practicable and in any event the finance board shall make a favorable or unfavorable recommendation with respect to the application within twenty days, Sundays and holidays excluded, of its submission. If the finance board make an unfavorable recommendation, it shall state its reasons therefor and offer the applicant an opportunity to submit an application amended so as to meet the finance board's objections. A favorable recommendation may contain such conditions as the finance board deems in the public interest, such as, but not limited to, a requirement that contracts for the construction of the project or for the acquisition of materials therefor let by the authority be awarded as a result of competitive bidding. The finance board may not, however, in any way require that any contract let by a user be made the subject of competitive bidding.

Upon receipt of a favorable recommendation from the finance board, the department of commerce and development shall promptly issue a certificate of convenience and necessity which shall be made subject to the conditions recommended by the finance board. No certificate of convenience and necessity shall be issued in the absence of a favorable recommendation of the finance board.

The issuance of a certificate of convenience and necessity shall conclusively evidence that the finance board has made such determinations of facts or circumstances, has given such approvals and has reached such opinions as are prerequisite to the issuance of such certificate.

(3) The bonds, the financing document, the trust agreement and the bond issue resolution, as executed or adopted as the case may be, are substantially in the form submitted to the finance board.

SECTION 11. Section 14 of said chapter 40D, as appearing in section 1 of chapter 772 of the acts of 1967, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- All rentals or other monies payable under a financing document shall be paid to the trustee under the trust agreement securing the bonds.

SECTION 12. Said chapter 40D is hereby further amended by striking out section 18, as so appearing, and inserting in place thereof the following section:-

Section 18. All monies of any authority from whatever source derived shall be paid to the treasurer of the authority, except the proceeds of bonds and rentals or other revenues from a project or under a financing document which secures bonds, which shall be paid as provided in the trust agreement securing

such bonds. Such monies shall be deposited in the first instance by the treasurer in one or more banks or trust companies in one or more special accounts, and each of such special accounts to the extent the same is not insured shall be continuously secured by a pledge of direct obligations of the United States of America, of the commonwealth or of the municipality in which the authority is established, having an aggregate market value exclusive of accrued interest, at all times at least equal to the balance on deposit in such account. Such securities shall either be deposited with the treasurer, or be held by a trustee or agent satisfactory to the authority. All banks and trust companies are authorized to give such security for such deposits. The monies in said accounts shall be paid out on the warrant or other order of the chairman of the authority, or of such other person or persons as the authority may authorize to execute such warrants or orders. Every authority shall file an annual report with the department of commerce and development and with the municipality creating the authority on forms prepared and distributed by the said department. Every authority in a municipality which has issued bonds under this chapter shall have its books, accounts and records audited annually by a certified public accountant and a copy of his audit report shall be attached to and be made a part of the aforesaid annual report. A concise financial statement shall be published annually, at least once in a newspaper of general circulation in the city or town in which the principal office of the authority is located. If such publication is not made by the authority, the city or town shall publish such statement at the expense of the authority. If the authority fails to make such an audit, then the controller, auditors or accountant designated by the municipality are hereby authorized and empowered from time to time to examine at the expense of the authority the accounts and books of the authority, including its receipts, disbursements, contracts, financing documents, sinking funds, investments and other matters relating to its finances, operations and affairs.

The state auditor shall have the right to examine the books, accounts and records of any authority.

SECTION 13. Said chapter 40D is hereby further amended by striking out section 19, as so appearing, and inserting in place thereof the following section:-

Section 19. Any municipality may appropriate money for the benefit of an authority for organizational expenses, and for operating expenses and to transfer for use by any such authority, with or without consideration, any interest in real or personal property or interest therein for facilities, not directly related to a particular project or projects. Any municipality may appropriate money for planning and other preliminary expenses for a particular project or projects; provided, however, that such municipality shall be reimbursed from the proceeds of bonds issued to finance such project for all such advances.

SECTION 14. Section 21 of said chapter 40D, inserted by section 2 of chapter 1017 of the acts of 1971, is hereby amended by striking out paragraph (a) and inserting in place thereof the

following paragraph:- (a) A municipality acting by and through an authority may finance solid waste disposal facilities in the same manner provided by this chapter for industrial development facilities, except as otherwise hereinafter provided.

SECTION 15. Said section 21 of said chapter 40D, as so inserted, is hereby further amended by striking out paragraphs (g) and (h) and inserting in place thereof the following two paragraphs:-

(g) All cities, towns and other public agencies and private parties are authorized from time to time to contract with users or operators of solid waste disposal facilities established or to be established under the provisions of this section for the disposal of refuse, garbage and waste or for the purchase or use of by-products or residue resulting from the operation of such facilities. Such contracts may be for such periods as agreed upon by the parties and, without limiting the generality of the foregoing, may include provisions for the delivery of minimum amounts of refuse, garbage and waste and payments for the use of the facilities to be based thereon, unit prices which may be graduated, and adjustments thereof. Such payments, unit prices or adjustments need not be specifically stated in said contract but may be determined by formulae if set forth therein. Such contracts may include provisions for arbitration and reasonable restrictions against other disposal by cities, towns, or other public agencies of the substances covered thereby while the contract is in force and disposal under the contract is practicable. In the case of a city or town, such contracts may be entered into by officers acting under the authority of the city council of a city or the town meeting in the case of a town, which authorization may be general. The obligations represented by the payments to be made in such a contract shall not be included in any determination of the borrowing capacity of such city or town under any limitation on its indebtedness. Such a contract shall not be subject to section four of chapter forty and shall not be precluded by the acceptance of section nine A of chapter ninety-two. To the extent of uncommitted capacity, any municipality shall be entitled to contract with a user or an operator of solid waste disposal facilities established or to be established hereunder.

(h) The establishment and operation of solid waste disposal facilities hereunder shall be subject to applicable laws except as otherwise provided herein. Reasonable requirements may be imposed thereon by proceedings or regulations pursuant to section one hundred and fifty-A of chapter one hundred and eleven but the assignment of a site may not be rescinded, other than on appeal from the original assignment, pursuant to said section or otherwise. In the event that solid waste disposal facilities financed in whole or in part hereunder include or are to include facilities for the production of steam as a by-product, either the financing authority or a corporation, whether domestic or foreign, or other person owning, occupying or operating the facilities shall have the powers granted by section twelve of chapter one hundred and fifty-eight but the production and sale of such steam and the foregoing grant of powers shall not cause such a corporation to be otherwise subject to chapter one hundred

and fifty-eight or excluded from chapter one hundred and fifty-six or one hundred and fifty-six B or cause such a corporation to be deemed a heat or power company for the purposes of the corporation laws of the commonwealth.

SECTION 16. Said chapter 40D is hereby further amended by striking out section 22, as amended by section 4A of chapter 206 of the acts of 1977, and inserting in place thereof the following section:-

Section 22. (a) A municipality acting by and through an authority may finance pollution control facilities in the same manner provided by this chapter for industrial development facilities, except as otherwise hereinafter provided.

(b) The requirements of clauses (e), (g), (i), and (k) of subsection (2) of section twelve shall not apply to projects for pollution control. It shall be necessary, however, that the state industrial finance board find that a substantial public benefit will result from the project and in the case of pollution control facilities for water, the division of water pollution control in the department of environmental quality engineering, or, in the case of pollution control facilities for air, the commissioner of environmental quality engineering, has found that the project as designed is in furtherance of the purpose of abating or controlling water pollution or air pollution, as the case may be.

(c) An authority having industrial development powers or solid waste disposal powers, heretofore or hereafter organized, shall also have pollution control powers under this section but the provisions of this section shall not affect the power of a municipality, acting by and through an authority, to finance pollution control facilities as a part of an industrial development project or solid waste disposal project.

Approved July 19, 1978

Chap. 496. AN ACT ESTABLISHING THE MASSACHUSETTS INDUSTRIAL FINANCE AGENCY.

Be it enacted, etc., as follows:

SECTION 1. Sections eleven and twelve of chapter twenty-three A of the General Laws are hereby repealed.

SECTION 2. Section 13 of said chapter 23A, as appearing in section 2 of chapter 772 of the acts of 1967, is hereby amended by striking out, in lines 2 and 3, the words "section eleven and under the provisions of".

SECTION 3. Chapter 23A of the General Laws is hereby amended by striking out sections 29 to 35, inclusive, and inserting in place thereof the following ten sections:-

Section 29. It is hereby found and declared that:

The high cost as well as the lack of availability of industrial loans for small and medium size businesses makes it difficult for the thousands of these industrial enterprises in Massachusetts to hold their present employment levels or to expand employment.

As a result of the continuing increase in the costs of construc-

tion or rehabilitation, municipal taxes, heating and electricity expenses, maintenance and repair expenses and the cost of land, the commonwealth suffers from structural economic weaknesses which contribute to chronic unemployment and underemployment.

The lack of gainful employment puts additional pressure on the state's welfare programs and increases the cost of unemployment compensation to the existing enterprises of the commonwealth.

The cost of facilities to abate pollution and protect the safety of workers has been close to prohibitive for existing enterprises and has added to the disincentives for capital expansion and employment growth within the commonwealth.

It is an important function of government to increase opportunities for gainful employment and improve living conditions, assist in promoting a balanced and productive economy consistent with modern environmental standards, to obtain, analyze and disseminate meaningful economic data and encourage the flow of private capital for investment in productive enterprises and otherwise to improve the prosperity, health and general welfare of the inhabitants of the commonwealth.

The availability of financial assistance and suitable facilities are important inducements to industrial and commercial enterprises to remain and locate in the commonwealth.

Therefore, it is in the best public interest of the commonwealth to promote the prosperity and general welfare of all citizens by stimulating industrial growth and expansion by encouraging a larger flow of private investment funds from banks, investment houses, insurance companies and other financial institutions, including pension retirement funds, to help satisfy the need for industrial expansion.

The continuation of the powers of the Massachusetts Industrial Mortgage Insurance Agency and the establishment of the Massachusetts Industrial Finance Agency for such purpose and for the purpose of carrying out the additional powers herein granted is necessary to encourage and promote the provisions of productive and environmentally sound economic facilities in areas of the state, including especially areas of high unemployment, where such facilities are needed to meet the aforesaid needs.

The advantages of this program to the general public would include an increase in the gainful employment of the citizens; a decrease in welfare and unemployment compensation costs; an increase in the tax base of the commonwealth; an increase in the inventory of industrial sites and modern industrial buildings suitable to house new or expanding industrial enterprises; the expansion, reclamation or renovation of existing buildings to house new or expanding industrial and recreational enterprises and lower cost capital for the abatement of industrial air and water pollution and general improvement for the disposal of industrial waste.

It is therefore expressly declared that the provisions of sections twenty-nine to thirty-eight, inclusive, and the powers therein conferred upon the agency constitute a needed program in the public interest and serve a necessary and valid public purpose for which public money may be expended or invested.

Section 30. The following words as used in sections twenty-

nine to thirty-eight, inclusive, shall, unless the context requires otherwise, have the meanings set forth in section one of chapter forty D. "Authority", "Construction", "Cost of the project" and "Costs", "Current expenses", "Federal agency", "Governing body", "Improvement", "Industrial enterprise", "Industrial occupant", "Lease", "Lessee", "Rental", "Municipality", "Pollution control facilities", "Project", "Solid waste disposal facilities", "Liquid waste disposal facilities", "Waste disposal facilities", "Trust agreement".

"Industrial development facilities" or "facilities" as used in sections twenty-nine to thirty-eight, inclusive, of this chapter shall, unless the context requires otherwise, have the meaning set forth in section one of chapter forty D, except that as used in section thirty-four of this chapter said terms shall have the meaning set forth in that section.

The following words as used in sections twenty-nine to thirty-eight, inclusive, shall have the following meanings unless the context requires otherwise:

"Agency", the Massachusetts Industrial Finance Agency (MIFA) established pursuant to section thirty-one.

"Board", board of directors of the Massachusetts Industrial Finance Agency.

"Bonds", any bonds, notes, debentures, interim certificates or other evidences of financial indebtedness issued by the agency pursuant to section thirty-five.

"Industrial Mortgage Insurance Fund", the fund established pursuant to section thirty-three.

"Loan", shall include, but not be limited to, industrial mortgage loans, and may include bonds issued under the provisions of section thirty-five and under chapter forty D.

"Person", any individual, firm, association, partnership, including limited partnerships, trust, corporation and other legal entities, including public bodies as well as natural persons.

"Primary employment", work which pays at least one and one-half times the minimum wage, as defined in chapter one hundred fifty-one or as established by federal law, whichever is higher, offers adequate fringe benefits including health insurance, and is not seasonal or part-time.

"Revenues", any receipts, fees, rentals or other payments or income received or to be received on account of the leasing, mortgaging, sale or other disposition of a project or proceeds of a loan made by the agency in connection with any project and amounts in reserves or held in other funds or accounts established in connection with the issuance of bonds and the proceeds of any investments thereof, proceeds of foreclosure and any other fees, charges or other income received or receivable by the agency other than the industrial mortgage insurance fund established pursuant to section thirty-three with respect to a project or the financing thereof.

"Sponsor", any person endeavoring to secure the assistance of the agency or of a local authority in financing a project.

Section 31. (a) There is hereby created a body politic and corporate to be known as the Massachusetts Industrial Finance Agency (MIFA). The agency is hereby constituted a public

instrumentality and the exercise by the agency of the powers conferred by this chapter shall be deemed to be the performance of an essential governmental function.

The agency is hereby placed in the executive office of manpower affairs but shall not be subject to the supervision or control of said office or of any board, bureau, department or other agency of the commonwealth except as specifically provided in this chapter.

(b) The agency shall be governed and its corporate powers exercised by a board of directors, which shall consist of nine directors: the secretary of manpower affairs, the secretary of administration and finance, and the commissioner of commerce and development, provided that any of the foregoing persons may designate another person from time to time to act in his place for a particular purpose, including the right to attend and vote at a specific meeting of the board, and six other members appointed by the governor, one of whom shall be experienced in real estate development, one shall be experienced in industrial mortgage credit or in commercial credit, one shall be experienced in banking or investment banking, and one shall be experienced in business management. Each member appointed by the governor shall serve for a term of three years. Any person appointed to fill a vacancy in the office of a member of the board shall be appointed in a like manner and shall serve for only the unexpired term of such member. Any member shall be eligible for reappointment. Any member may be removed from his appointment by the governor for cause. The governor shall from time to time designate a member of the board as its chairman.

(c) Five of the directors of the agency shall constitute a quorum and the affirmative vote of five directors shall be necessary for any action to be taken by the board. The members of the board shall serve without compensation, but each member shall be entitled to reimbursement for his actual and necessary expenses incurred in the performance of his official duties.

(d) The provisions of chapter two hundred and sixty-eight A shall apply to all directors, officers and employees of the agency, except that the agency may purchase from, sell to, borrow from, loan to, contract with or otherwise deal with any person in which any director of the agency is in any way interested or involved provided that such interest or involvement is disclosed in advance to the members of the board and recorded in the minutes of the board, and provided further that no director having such an interest or involvement may participate in any decision of the board relating to such person. Employment by the commonwealth or service in any agency thereof shall not be deemed to be such an interest or involvement. Residence of a member of the board in the city or town where the project is or is to be located shall be deemed to be such an interest or involvement.

(e) The executive director of the agency shall be appointed and his salary established by the board. The executive director shall be the chief executive, administrative and operational officer of the agency and shall direct and supervise administrative affairs and the general management of the corporation. The executive director may, subject to the general supervision of the

board, employ other employees, consultants, agents, including legal counsel, and advisors, and shall attend meetings of the board.

(f) Neither the agency nor any of its officers, agents, employees, consultants or advisors shall be subject to the provisions of sections nine A, forty-five, forty-six and fifty-two of chapter thirty, or to chapter thirty-one, or to chapter two hundred of the acts of nineteen hundred and seventy-six.

(g) The board annually may elect one of its members as vice-chairman, shall elect a secretary and a treasurer, and may elect or appoint other officers as it may deem necessary, none of whom, other than the vice-chairman, are required to be members of the board. The secretary shall keep a record of the proceedings of the board and shall be custodian of all books, documents, and papers filed by the board and of its minute book and seal. The secretary shall cause copies to be made of all minutes and other records and documents of the agency and shall certify that such copies are true copies, and all persons dealing with the agency may rely upon such certification. The treasurer shall be the chief financial and accounting officer of the agency and shall be in charge of its funds, books of account and accounting records.

(h) All officers and employees of the agency having access to its cash or negotiable securities shall give bond to the agency at its expense in such amounts and with such surety as the board may prescribe. The persons required to give bond may be included in one or more blanket or scheduled bonds.

(i) Board members and officers who are not compensated employees of the agency shall not be liable to the commonwealth, to the agency or to any other person as a result of their activities, whether ministerial or discretionary, as such board members or officers except for willful dishonesty or intentional violations of law. Neither members of the agency nor any person executing bonds or policies of insurance shall be liable personally thereon or be subject to any personal liability or accountability by reason of the issuance thereof. The board of directors may purchase liability insurance for board members, officers and employees and may indemnify said persons against claims of others.

(j) The agency shall be the successor to the Massachusetts Industrial Mortgage Insurance Agency. All properties, rights in land, buildings and equipment and any funds, moneys, revenues and receipts or assets of such agency, including funds previously appropriated by the commonwealth for the Massachusetts Industrial Mortgage Insurance Agency, shall belong to the agency as successor to the Massachusetts Industrial Mortgage Insurance Agency. All liabilities of the Massachusetts Industrial Mortgage Insurance Agency shall become liabilities of the agency. Any resolution with respect to the issuance of insurance by the Massachusetts Industrial Mortgage Insurance Agency and any other action taken by the Massachusetts Industrial Mortgage Insurance Agency with respect to assisting in the financing of any project shall be a resolution of the agency or an action taken by the agency.

(k) The agency shall continue as long as it shall have bonds or insurance commitments outstanding and until its existence is terminated by law. Upon the termination of the existence of the

agency, all its rights and properties shall pass to and be vested in the commonwealth.

(l) Any documentary materials or data whatsoever made or received by any member or employee of the agency and consisting of, or to the extent that such materials or data consist of, trade secrets or commercial or financial information regarding the operation of any business conducted by an applicant for any form of assistance which the agency is empowered to render or regarding the competitive position of such applicant in a particular field of endeavor, shall not be deemed public records of the agency and specifically shall not be subject to the provisions of section ten of chapter sixty-six. Any discussion or consideration of such trade secrets or commercial or financial information may be held by the board in executive sessions closed to the public notwithstanding the provisions of section eleven-A $\frac{1}{2}$ of chapter thirty A, but the purpose of any such executive session shall be set forth in the official minutes of the agency and no business which is not directly related to such purpose shall be transacted nor shall any vote be taken during such executive session.

Section 32. The agency shall have the power to:

(a) make, amend and repeal bylaws, rules and regulations for the management of its affairs;

(b) adopt an official seal;

(c) sue and be sued, in its own name;

(d) make contracts and execute all instruments necessary or convenient for the carrying on of its business;

(e) enter into agreements or other transactions with any federal, state or municipal agency;

(f) acquire real or personal property, or any interest therein, on either a temporary or long term basis in the name of the agency by gift, purchase, transfer, foreclosure, lease or otherwise including rights or easements; hold, sell, assign, lease, encumber, mortgage or otherwise dispose of any real or personal property, or any interest therein, or mortgage interest owned by it or under its control, custody or in its possession; and release or relinquish any right, title, claim, lien, interest, easement or demand however acquired, including any equity or right of redemption in property foreclosed by it;

(g) invest any funds held in reserves or sinking funds, or in the Industrial Mortgage Insurance Fund, or any funds not required for immediate disbursement, in such investments as may be lawful for fiduciaries in the commonwealth;

(h) appoint officers, employees, consultants, agents and advisors and prescribe their duties and fix compensation within the limitations provided by law;

(i) appear in its own behalf before boards, commissions, departments or other agencies of municipal, state or federal government;

(j) procure insurance against any losses in connection with its property and other assets in such amounts, and from such insurers, as may be necessary or desirable;

(k) consent, subject to the provisions of any contract with noteholders or bondholders, whenever it deems it necessary or desirable in the fulfillment of the purposes of this chapter to the

modification, with respect to rate of interest, time of payment of any installment of principal or interest, or any other terms, of any mortgage, mortgage loan, mortgage loan commitment, contract or agreement of any kind to which the authority is a party;

(l) apply for and accept grants, loans, advances and contributions from any source of money, property, labor or other things of value, to be held, used and applied for the purposes of sections twenty-nine to thirty-eight, inclusive;

(m) lease or rent any lands, buildings, structures, facilities or equipment from private parties to effectuate the purposes of sections twenty-nine to thirty-eight, inclusive, of this chapter;

(n) enter into agreements or other transactions with any person, the purpose of which is to effectuate the accomplishment of the purposes of sections twenty-nine to thirty-eight, inclusive, including construction agreements, purchase or acquisition agreements, loan or lease agreements including agreements conditioned upon the subleasing of the demised premises, partnerships agreements including limited partnership agreements, joint ventures, participation agreements or loan agreements with leasing corporations or other financial intermediaries;

(o) borrow money and issue bonds as provided in section thirty-five of this chapter;

(p) issue insurance with respect to the financing of any eligible facility as hereinafter provided;

(q) make loans to any person for the acquisition, construction, alteration, or any combination thereof, of eligible facilities;

(r) administer federally-insured pollution control loan guaranty programs;

(s) manage or operate real and personal property, take assignments of leases and rentals, proceed with foreclosure actions, or take any other actions necessary or incidental to the performance of its corporate duties;

(t) plan, acquire, lease and operate facilities and to provide for the construction, reconstruction, improvement, alteration or repair of any facility or part thereof;

(u) give assistance to local authorities through the providing of guidelines and suggested forms and procedures for implementing their financing programs;

(v) provide and pay for such advisory services and technical assistance as may be necessary or desirable to carry out the purposes of sections twenty-nine to thirty-eight, inclusive;

(w) establish and collect such fees and charges as the agency shall determine to be reasonable;

(x) exercise any other powers of a corporation organized under chapter one hundred fifty-six B; and

(y) do any and all things necessary or convenient to carry out its purposes and exercise the powers expressly granted in sections twenty-nine to thirty-eight, inclusive.

Section 33. There is hereby established an industrial mortgage insurance fund to which shall be credited all premiums received by the agency, any other sums realized by the agency pursuant to its industrial mortgage loan insurance agreements, whether by way of subrogation or otherwise, and any state appropriations or other monies made available to the fund. The fund shall be held

in the custody of one or more banks or trust companies having a principal place of business in the commonwealth. The fund shall be held for the security of the holders of industrial mortgage loans insured under section thirty-four. It shall be governed by a trust agreement entered into by the agency with the trustees. The trust agreement may contain provisions and limitations as to the investment and disbursal of monies in the fund, the payment of expenses of the fund, the appointment, resignation and discharge of trustees, the delegation of enforcement and collection powers under the insurance agreements to the trustee, the duties of the trustees, amendments of the trust agreement and such other lawful provisions and limitation as may be deemed appropriate. Income earned by the fund may be used for the purposes of the agency. The trust agreement may pledge premiums and other monies which are to be deposited in the fund. Such pledge shall be valid and binding from the time when the pledge is made. The premiums and other monies so pledged and thereafter received by the fund or by the trustees in its behalf shall immediately be subject to the lien of such pledge and shall be valid and binding as against all parties having claims of any kind against the fund, irrespective of whether such parties have notice thereof.

Section 34. (a) The agency is empowered:-

(1) to provide insurance of loans, or their debt service, made to finance the acquisition, construction or alteration, or any combination thereof, of industrial development facilities, pollution control facilities, and solid waste disposal facilities;

(2) to enter into agreements for such insurance;

(3) to fix a rate or rates of premiums for such insurance; and

(4) to exercise such other powers as are necessary or incidental to the foregoing.

(b) The insurance provided by the agency shall be payable solely from the industrial mortgage insurance fund established by section thirty-three and shall not constitute a debt or pledge of the faith and credit of the commonwealth or of any subdivision thereof.

(c) The board shall not approve the insurance of a loan unless it makes the following findings:-

(1) that the loan is to be secured by a first mortgage of real or personal property or both satisfactory to the board; or by the assignment of the interest of the lessee under a real estate lease for not less than ninety-nine years, having a period of not less than seventy-five years to run from the date of the loan;

(2) that the mortgagor and mortgagee are responsible parties;

(3) that the occupant of the project or projects is a responsible industrial occupant;

(4) that the provisions of the mortgage loan are reasonable and proper, and in making such determination the board may take into account such factors as it deems relevant including, without limitation, the provisions for maintaining, insuring and repairing the project by the mortgagor and the remedies of the board upon default of the mortgagor;

(5) that the project will provide or retain employment having

a reasonable relationship to the principal amount of loans to be insured thereof, taking into account, among other things, the investment per employee of comparable industrial facilities;

(6) that adequate provision is being or will be made to meet any increased demand upon community public facilities that might result from the project;

(7) that the size and scope of the project is such that a definite benefit to the economy of the commonwealth may reasonably be expected to result from the construction or improvement thereof; and the employment created shall be substantially primary employment;

(8) that the principal amount of the loan does not exceed ninety per cent of the value of the industrial development facility and eighty per cent of the cost of the machinery and equipment;

(9) that the duration of the loan shall not exceed thirty years on an industrial development facility exclusive of machinery and equipment and fifteen years on machinery and equipment; and that the authorization provisions are satisfactory to the board;

(10) that the insurance or loan agreement provides for subrogation on terms satisfactory to the board upon payment of insured debt service from the fund;

(11) that the public interest is adequately protected by the terms of the loan and of the insurance agreement;

(12) that the insurance of the loan will not cause the insured debt service coming due in any one calendar year on account of an insured loan or loans for any one mortgagor to exceed twenty per cent of the amount in the fund when the finding is made; and

(13) that the insurance of the loan will not cause the balance of all insured loans to exceed nine times the amount in the mortgage insurance trust fund when the finding is made.

In addition to the above, the board shall not authorize insurance of a loan for pollution control facilities unless it makes the finding which the finance board is required to make under paragraph (b) of section twenty-two of chapter forty D.

The board shall consult with the appropriate local and regional planning agencies to ascertain the relationship of a proposed project to any existing local or regional comprehensive plan; that, so far as feasible, the project is to be located in an area of generally high unemployment; and that employment opportunities will become available to the residents of such area.

As used in this section, the terms "industrial development facilities" or "facilities" shall, unless the context requires otherwise, mean industrial enterprises, recreation or research and development enterprises or parts thereof, including any or all buildings, docks, wharves, improvements, additions, extensions, replacements, appurtenances, lands, rights in land, riparian rights, water rights, franchises, machinery, equipment, furnishings, landscaping, utilities, approaches, roadways, pollution control facilities and other facilities necessary or desirable in connection therewith or incidental thereto, such as, but not limited to, office, warehouse, terminal, transportation and backup power generating facilities, and solid waste disposal facilities.

Section 35. (a) The agency may finance industrial development

facilities and pollution control facilities and waste disposal facilities and exercise the powers of an industrial development financing authority under the provisions of chapter forty D throughout the commonwealth and may issue bonds in furtherance of its purposes in the same manner provided by said chapter for local authorities. For this purpose the provisions of said chapter relating to local authorities and to municipalities acting by and through them and to their bonds shall apply to the agency and its bonds except as otherwise provided in this section. The powers of municipalities acting by and through local authorities under chapter forty D shall not be affected by the provisions of this section, which shall be deemed to provide an alternative means of financing.

(b) The following provisions of chapter forty D shall not apply to the agency: sections two, three, four, five, six, the third paragraph of section eight, the fourth paragraph of section ten, section twelve, except the findings required to be made under subsection (2), the sixth to eleventh sentences, inclusive, of sections eighteen, nineteen and twenty-one. No amendment of chapter forty D shall apply to the agency or its powers hereunder unless specifically made applicable thereto.

(c) No bonds shall be issued under the chapter unless the agency shall have first made the findings required to be made by the finance board in chapter forty D, except that in the case of bond anticipation financing no findings shall be required concerning a trust agreement as specified in clauses (d) and (h) of subsection (2) of section twelve of said chapter forty D.

(d) Bonds issued by the agency shall not constitute a debt or a pledge of the faith and credit of the commonwealth, but shall be payable solely from the sale or lease of a project or projects and the other income or revenues derived therefrom or under a financing document in connection therewith or from funds derived from the issuing of refunding bonds authorized by section seventeen of chapter forty D. All bonds issued by the agency shall contain on their face a statement to the effect that the bonds are not an obligation of the commonwealth but are payable solely from the funds specifically pledged for their payment.

(e) The agency may combine for the purposes of a single offering the bonds of more than one project.

(f) The agency may insure the bonds which it issues pursuant to section thirty-four, whether such bonds be those of a single project or more than one project combined in a single offering.

(g) The agency shall inform sponsors of projects in appropriate cases of available federal programs to guarantee or otherwise assist in financing certain types of activities and shall assist sponsors in such cases in implementing such programs through commercial and investment bankers.

(h) (1) When the agency receives an inquiry from a potential sponsor of a project, it shall promptly notify in writing (a) the industrial development financing authority if such an authority exists in its city or town where such project is proposed to be financed; or (b) the mayor or board of selectmen in said city or town where no such authority exists.

(2) In the case of a city or town having an industrial development financing authority the agency shall provide such authority

with all practicable assistance in completing the said project promptly. If, however, the board of the agency shall find that such local authority has not acted in a timely fashion in processing the application of the project's sponsor or other aspects of the project without reasonable grounds for such delay, the agency may undertake the financing of the project directly with the sponsor without the intervention of the local authority.

(3) At any time a city or town may request the agency to assume the role of an authority in financing a project.

(4) If a city or town having an industrial development finance authority has rejected, in a timely fashion, a proposed project, it shall notify the agency of that rejection, and the agency shall not undertake that project in that city or town.

Section 36. The bonds of the agency and any loan or extension of credit which is the subject of insurance pursuant to sections thirty-three and thirty-four, shall be legal investments in which all public officers and public bodies of the commonwealth, its political subdivisions, all municipalities and municipal subdivisions, all insurance companies and associations and other persons carrying on an insurance business, all banks, banking associations, trust companies, savings banks and savings associations, including cooperative banks, building and loan associations, investment companies and other persons carrying on a banking business, and all other persons whatsoever who are now or may hereafter be authorized to invest in bonds or other obligations of the commonwealth, may properly and legally invest funds, including capital, in their control, or belonging to them. The bonds and any loan or extension of credit which is the subject of insurance pursuant to sections thirty-three and thirty-four are also hereby made securities which may properly and legally be deposited with and received by all public officers and bodies of the commonwealth or any agency or political subdivisions thereof and all municipalities and public corporations for any purpose for which the deposit of bonds or other obligations of the commonwealth is now or may hereafter be authorized by law.

Section 37. The agency shall annually submit to the governor, the chairman of the senate ways and means committee, the chairman of the house ways and means committee, the commissioner of administration, and the comptroller within ninety days after the end of its fiscal year, a complete and detailed report setting forth its fiscal year, a complete and detailed report setting forth its operation and accomplishments; its receipts and expenditures during such fiscal year in accordance with the categories and classifications established by the agency for its operating and capital outlay purposes; and its assets and liabilities at the end of the fiscal year, including a schedule of its loans insured and commitments and the status of the funds.

Section 38. The books and records of the agency shall be subject to an annual audit by the auditor of the commonwealth.

SECTION 4. Section 1 of chapter 40D of the General Laws is hereby amended by striking out clause (h), as appearing in section 1 of chapter 772 of the acts of 1967.

SECTION 5. The first paragraph of subsection (2) of section 12 of said chapter 40D, as so appearing, is hereby amended by striking out, in line 4, the words "state industrial finance board, hereinafter called the finance board" and inserting in place thereof the words:- board of directors of the Massachusetts Industrial Finance Agency, hereinafter called the MIFA board.

SECTION 6. The second paragraph of said section 12 of said chapter 40D is hereby amended by striking out, in lines 1, 7, 39, 45, 48, 49 and 53, the word "finance" and inserting in place thereof the word:- MIFA.

SECTION 7. All persons appointed to the board of directors of the Massachusetts Industrial Mortgage Insurance Agency before the effective date of this act shall be deemed to have been appointed to the board of directors of the Massachusetts Industrial Finance Agency as of the effective date of this act, and their term of office in the latter position shall expire on the day their term of office in the former position would have expired.

SECTION 8. The provisions of sections twenty-nine to thirty-eight, inclusive, of chapter forty D, inserted by section three of this act, being necessary for the welfare of the commonwealth and its inhabitants, shall be liberally construed to effect their purpose.

Approved July 19, 1978

Chap. 497. AN ACT ESTABLISHING A MASSACHUSETTS TECHNOLOGY DEVELOPMENT CORPORATION.

Be it enacted, etc., as follows:

SECTION 1. The General Laws are hereby amended by inserting after chapter 40F the following chapter:-

CHAPTER 40G.

MASSACHUSETTS TECHNOLOGY DEVELOPMENT CORPORATION.

Section 1. The following terms as used in this chapter shall have the following meanings, except where the context clearly indicates otherwise:

"Board", the board of directors of MTDC.

"Corporation" or "MTDC", the Massachusetts Technology Development Corporation.

"Co-venture", an investment by the MTDC in qualified securities of an enterprise in which a substantial investment is also being made or has been made by a professional investor to provide seed capital to an enterprise. A guarantee by MTDC of qualified securities provided by a professional investor shall be classified as a co-venture. An investment made by MTDC which is a direct investment may later be classified as a co-venture upon such investment by a professional investor.

"Direct investment", an investment by the MTDC in qualified securities of an enterprise in which no investment is being or has been made by a professional investor to provide seed capital to the enterprise.

"Enterprise", a small business, as defined in chapter forty F, with its principal place of business in Massachusetts and which

is or proposes to be engaged in this commonwealth in manufacturing, research and development, or the provision of services involving a significant amount of technology.

"Paid in capital", all monies received in return for capital stock of the MTDC.

"Primary employment", work which pays at least one and one-half times the minimum wage as defined in chapter one hundred and fifty-one or as established by federal law, whichever is higher, offers adequate fringe benefits including health insurance, is not seasonal or part-time.

"Professional investor", any bank, bank holding company, savings institution, trust company, insurance company, investment company registered under the Federal Investment Company Act of 1940, pension or profit-sharing trust or other financial institution or institutional buyer, licensee under the Federal Small Business Investment Act of 1958, or any person, partnership or other entity of whose resources a substantial amount is dedicated to investing in securities or debt instruments and whose net worth exceeds two hundred and fifty thousand dollars.

"Qualified security", any note, stock, treasury stock bond, debenture, evidence of indebtedness, certificate of interest or participation in any profit-sharing agreement, preorganization certificate or subscription, transferable share, investment contract, certificate of deposit for a security, certificate of interest or participation in a patent or application therefor, or in royalty or other payments under such a patent or application, or, in general, any interest or instrument commonly known as a "security" or any certificate for, receipt for, guarantee of, or option, warrant or right to subscribe to or purchase any of the foregoing.

"Seed capital", financing that is provided for the development, refinement, and commercialization of a product or process and other working capital needs.

Section 2. There is hereby created a body politic and corporate to be known as the Massachusetts Technology Development Corporation or MTDC. The MTDC is hereby constituted a public instrumentality and the exercise by the MTDC of the powers conferred by this chapter shall be deemed to be the performance of an essential governmental function.

The MTDC is hereby placed in the executive office of manpower affairs but shall not be subject to the supervision or control of said office or of any board, bureau, department or other agency of the commonwealth except as specifically provided in this chapter.

The corporation shall be governed and its corporate powers exercised by a board of directors, which shall consist of eleven directors: the secretary of manpower affairs, the secretary of administration, one person appointed by the governor who is a cabinet secretary or officer of the commonwealth having experience appropriate to the functions of MTDC, provided that any of the foregoing persons may designate another person from time to time to act in his place for a particular purpose, including the right to attend and vote at a specific meeting of the board, and eight other members appointed by the governor, including persons having skills and experience in providing capital to new, innova-

tive businesses, in starting and operating such businesses, in providing professional services to or otherwise working with such businesses, and in obtaining and administering grants and contracts from governmental and philanthropic sources. Each member appointed by the governor shall serve for a term of five years, except that in making the initial appointments the governor shall appoint three members to serve for one year, three to serve for three years and two to serve for five years. Any member of the board designating an alternate to act in his place shall be responsible for all of such actions of such designee.

Any person appointed to fill a vacancy in the office of a member of the board shall be appointed in a like manner and shall serve for only the unexpired term of such member. Any member shall be eligible for reappointment. Any member may be removed from his appointment by the governor for cause. The governor shall from time to time designate a member of the board as its chairman.

Six of the directors of the corporation shall constitute a quorum and the affirmative vote of six directors shall be necessary for any action to be taken by the board.

The members of the board shall serve without compensation, but each member shall be entitled to reimbursement for his actual and necessary expenses incurred in the performance of his official duties.

The provisions of chapter two hundred and sixty-eight A shall apply to all directors, officers and employees of the MTDC, except that the corporation may invest in, purchase from, sell to, borrow from, loan to, contract with or otherwise deal with any person or entity in which any director of the corporation is in any way interested or involved, provided that such interest or involvement is disclosed in advance to the members of the board and recorded in the minutes of the board and provided, further that no director having such an interest or involvement may participate in any decision of the board relating to such person or entity.

The president of the corporation shall be appointed with his salary established by the board and shall serve at the pleasure of the board. The president shall be the chief executive, administrative and operational officer of the corporation and shall direct and supervise administrative affairs and the general management of the corporation. The president may, subject to the general supervision of the board, employ other employees, consultants, agents, legal counsel and advisors, and shall attend meetings of the board.

Neither the corporation nor any of its officers, agents, employees, consultants or advisors shall be subject to the provisions of sections nine A, forty-five, forty-six and fifty-two of chapter thirty, or, to chapter thirty-one, or to the provisions of chapter two hundred of the acts of nineteen hundred and seventy-six.

The board annually may elect one of its members as vice-chairman, shall elect a secretary and a treasurer, and may elect or appoint other officers as it may deem necessary, none of whom, other than the vice-chairman, need be members of the board. The secretary shall keep a record of the proceedings of the board and shall be custodian of all books, documents, and papers

filed by the board and of its minute book and seal. The secretary shall cause copies to be made of all minutes and other records and documents of the corporation and shall certify that such copies are true copies, and all persons dealing with the corporation may rely upon such certification. The treasurer shall be the chief financial and accounting officer of the MTDC and shall be in charge of its funds, books of account and accounting records.

All officers and employees of the MTDC having access to its cash or negotiable securities shall give bond to the MTDC, at its expense in such amounts and with such surety as the board may prescribe. The persons required to give bond may be included in one or more blanket or scheduled bonds.

Board members and officers who are not regular, compensated employees of the MTDC shall not be liable to the commonwealth, to the MTDC or to any other person as a result of their activities, whether ministerial or discretionary, as such board members or officers except for willful dishonesty or intentional violations of law. The board of the MTDC may purchase liability insurance for board members, officers and employees and may indemnify said persons against claims of others.

Section 3. The MTDC shall have all of the powers necessary to carry out its purposes which shall include but not be limited to:

- (a) make, amend and repeal by-laws, rules and regulations for the management of its affairs;
- (b) adopt an official seal;
- (c) sue and be sued, in its own name;
- (d) make contracts and execute all instruments necessary or convenient for the carrying on of its business;
- (e) acquire, own, hold, dispose of and encumber personal property of any nature, or any interest therein;
- (f) enter into agreements or other transactions with any federal, state or municipal agency;
- (g) acquire real property, or an interest therein, by purchase or foreclosure, where such acquisition is necessary or appropriate to protect or secure any investment or loan in which the corporation has an interest; to sell, transfer and convey any such property to a buyer and in the event such sale, transfer or conveyance cannot be effected with reasonable promptness or at a reasonable price, to lease such property to a tenant;
- (h) invest any funds held in reserves or sinking funds, or any funds not required for immediate disbursement, in such investments as may be lawful for fiduciaries in the commonwealth;
- (i) borrow money and give guarantees, provided that the indebtedness and other obligations of the MTDC shall be payable solely out of its own resources;
- (j) appoint officers, employees, consultants, agents and advisors and prescribe their duties and fix compensation within the limitations provided by law;
- (k) appear in its own behalf before boards, commissions, departments or other agencies of municipal, state or federal government;
- (l) procure insurance against any losses in connection with

its property in such amounts, and from such insurers, as may be necessary or desirable;

(m) consent, subject to the provisions of any contract with noteholders or bondholders, whenever it deems it necessary or desirable in the fulfillment of the purposes of this act, to the modification, with respect to rate of interest, time of payment of any installment of principal or interest, or any other terms, of any contract or agreement of any kind to which the MTDC is a party;

(n) to accept any and all donations, grants, bequests and devises, conditional or otherwise, of money, property, service or other things of value which may be received from the United States or any agency thereof, any governmental agency, or any institution, person, firm or corporation, public or private, to be held, used or applied for any or all of the purposes specified in this act, in accordance with the terms and conditions of any such grant. Receipt of each such donation or grant shall be detailed in the annual report of the corporation. Such report shall include the identity of the donor or lender, the nature of the transaction and any conditions attaching thereto.

(o) buy, hold and sell qualified securities;

(p) finance, conduct, or cooperate in financing or conducting technological, business, financial, or other investigations which are related to or likely to lead to business and economic development by making and entering into contracts and other appropriate arrangements, including the provision of grants, loans, and other forms of assistance;

(q) solicit, study, and assist in the preparation of, business plans and proposals of new or established technologically oriented businesses suitable for support by the corporation;

(r) prepare, publish and distribute, with or without charge as the corporation may determine, such technical studies, reports, bulletins and other materials as it deems appropriate, subject only to the maintenance and respect for confidentiality of client proprietary information;

(s) organize, conduct, sponsor or cooperate in and assist the conduct of special institutes, conferences, demonstrations and studies relating to the stimulation and formulation of technologically oriented business and industry endeavors;

(t) provide and pay for such advisory services and technical assistance as may be necessary or desirable to carry out the purposes of this chapter;

(u) exercise any other powers of a corporation organized under chapter one hundred and fifty-six B.

Section 4. There is hereby established an investment fund to which shall be credited any state appropriations or other moneys made available to the fund.

The corporation shall hold the investment fund in an account or accounts separate from other funds. The corporation shall invest and reinvest the fund and the income thereof, in only two ways: (1) in the purchase of qualified securities issued by enterprises for the purpose of raising seed capital, provided that such investment complies with the requirements of this chapter and the board makes the findings in connection with

such investment required by this section five; and (2) in the purchase of such securities as may be lawful investments for fiduciaries in the commonwealth. All appropriations, grants, contractual reimbursements and all other funds designated for this purpose, and the proceeds of all investments made pursuant to the preceding sentence, may be used to pay for the proper general expenses of the MTDC.

Unless otherwise specified, all moneys of the MTDC from whatever source derived shall be paid to the treasurer of the MTDC. Said moneys shall be deposited in the first instance by the treasurer in one or more national banks, trust companies or banking companies in compliance with section thirty-four of chapter twenty-nine. Funds in said accounts shall be paid out on the warrant or other order of the treasurer of the MTDC or of such other person or persons as the board may authorize to execute such warrants or orders.

The corporation shall purchase qualified securities issued by an enterprise only after (a) receipt of an application from the enterprise which contains a business plan including a description of the enterprise and its management, product and market, a statement of the amount, timing and projected use of the capital required, a statement of the potential economic impact of the enterprise, including the number, location and types of jobs expected to be created, and such other information as the board shall request, and (b) approval of the investment by the board after the board shall find, based upon the application submitted by the enterprise and such additional investigation as the staff of the MTDC shall make, and incorporate in its minutes that:

(1) the proceeds of the investment will only be used to cover the seed capital needs of the enterprise except as hereinafter authorized;

(2) the enterprise has a reasonable chance of success;

(3) MTDC participation is necessary to the success of the enterprise because funding for the enterprise is unavailable in the traditional capital markets, or because funding has been offered on terms that would substantially hinder the success of the enterprise;

(4) the enterprise has the reasonable potential to create a substantial amount of primary employment within the commonwealth and this employment, so far as feasible, may be expected to be for residents of target areas as defined in chapter forty F; and offers employment opportunities to unskilled and semiskilled individuals;

(5) the entrepreneur and other founders of the enterprise have already made or are prepared to make a substantial financial and time commitment to the enterprise;

(6) the securities to be purchased are qualified securities;

(7) there is a reasonable possibility that the MTDC will recoup at least its initial investment; and

(8) binding commitments have been made to the MTDC by the enterprise for adequate reporting of financial data to the MTDC, which shall include a requirement for an annual or other periodic audit of the books of the enterprise, and for such control on the part of the MTDC as the board shall consider prudent over the management of the enterprise, so as to protect the investment of

the MTDC, including, in the discretion of the board and without limitation, right of access to financial and other records of the enterprise.

If the MTDC makes a direct investment, the board shall also find that:

(9) a reasonable effort has been made to find a professional investor to make an investment in the enterprise as a co-venture, and that such effort was unsuccessful. Such findings when made by the board shall be conclusive.

The corporation shall not make investments in qualified securities issued by enterprises in excess of the following limits:

(1) Not more than five hundred thousand dollars shall be invested in the securities of any one enterprise, except that not more than a total of one million dollars may be invested in the securities of any one enterprise, if the board shall find, after the initial investment by the MTDC, that additional investments in such enterprise are required to protect the initial investment of the MTDC and the other findings set forth above are made as to the additional investment.

(2) The MTDC shall not own securities representing more than forty-nine per cent of the voting stock of any one enterprise at the time of purchase by the MTDC, after giving effect to the conversion of all outstanding convertible securities of the enterprise, except that in the event of severe financial difficulty of the enterprise, threatening, in the judgment of the board, the investment of the MTDC therein, a greater percentage of such securities may be owned by the MTDC.

(3) Not more than twenty per cent of the assets of the MTDC shall at any time be invested in direct investments. For this purpose, the good faith determination of the board of the value of such assets shall be conclusive.

(4) At least fifty per cent of all MTDC investments for the previous year shall be made in enterprises that will locate in target areas as defined in chapter forty F.

Section 5. The MTDC is hereby specifically authorized to operate as a licensed small business investment corporation under the provisions of the Small Business Investment Act of 1958, Public Law 85-699, as amended from time to time, if it can qualify thereunder and if the board shall determine that such operation would reasonably serve to carry out the purposes of the MTDC. In the alternative, the board shall be authorized, in its discretion, to establish a subsidiary corporation to operate as a licensed small business investment corporation under said Act, and to make investments in qualified securities of enterprises through such subsidiary, provided that all such investments could be made by the MTDC directly and all of the requirements of section five shall be complied with.

Section 6. The MTDC shall annually submit a complete and detailed report of the corporation's activities within ninety days after the end of the fiscal year to the clerk of the house of representatives and to the clerk of the senate.

Section 7. The books and records of the MTDC shall be subject to an annual audit by the auditor of the commonwealth

and an annual audit by an independent auditor.

Section 8. This chapter shall be liberally construed to effect its purposes.

Section 9. In making his initial appointments to the board of directors of the Massachusetts Technology Development Corporation, the governor shall select the appointed members from among the members of the board of directors of the Massachusetts Science and Technology Foundation holding such position on the effective date of this act who also meet the qualifications for members of the Board of the Massachusetts Technology Development Corporation as specified in section three.

SECTION 2. Chapter eight hundred and forty-three of the acts of nineteen hundred and sixty-nine is hereby repealed.

SECTION 3. Effective upon the commencement of actual operation by the Massachusetts Technology Development Corporation, the Massachusetts Science and Technology Foundation, established by chapter eight hundred and forty-three of the acts of nineteen hundred and sixty-nine, shall forthwith be abolished and dissolved, all of its rights and assets shall be deemed to be transferred to the Massachusetts Technology Development Corporation, and all of its remaining liabilities shall be deemed to be assumed by the Massachusetts Technology Development Corporation, all without the further act or instrument of any person or entity, public or private. All contracts and obligations of the Massachusetts Science and Technology Foundation duly in effect prior to the effective date of this act shall continue in full force and effect. All books, papers, records, documents, plans and property in the custody of the Massachusetts Science and Technology Foundation immediately prior to the effective date of this act shall continue in the custody and control of the board of the MTDC.

Approved July 19, 1978

Chap. 498. AN ACT ESTABLISHING THE COMMUNITY ECONOMIC DEVELOPMENT ASSISTANCE CORPORATION.

Be it enacted, etc., as follows:

The General Laws are hereby amended by inserting after chapter 40G the following chapter:-

CHAPTER 40H.

COMMUNITY ECONOMIC DEVELOPMENT ASSISTANCE CORPORATION.

Section 1. It is hereby found and declared that the commonwealth has already designated certain chronically depressed areas, and may hereafter designate other such areas, as target areas; the development of these target areas will promote employment and the fuller utilization of local resources and will enhance the fiscal health of the commonwealth and its cities and towns; the commonwealth has already implemented policies designed to provide capital and other financial assistance to community development corporations and other organizations seeking to alleviate the debilitating conditions characterizing these target areas, but the lack of technical assistance to these organizations inhibits

the commonwealth's ability to redevelop such areas. Therefore it is found that it is in the public interest of the commonwealth to promote the prosperity and general welfare of its citizens, a public purpose for which public money may be expended, to provide technical assistance to community development corporations and other organizations, and the creation of the Community Economic Development Assistance Corporation will assist in serving this public purpose.

Section 2. The following terms as used in this chapter shall have the following meanings, except when the context clearly indicates otherwise:-

"Board", the board of directors of the CEDAC.

"CDC", a community development corporation, as defined in section one of chapter forty F.

"Corporation" or "CEDAC", the Community Economic Development Assistance Corporation.

"Eligible organization", a CDC or any other nonprofit organization which the board determines to be engaged in activities intended to contribute to the development and economic well being of a target area, and to increase or retain primary employment and capital in a target area. In addition the Massachusetts Community Development Finance Corporation, created by chapter forty F, shall be an eligible organization.

"Primary employment", work which pays at least one and one half times the minimum wage as defined in chapter one hundred fifty-one or as established by federal law, whichever is higher, offers adequate fringe benefits including health insurance, and is not seasonal or part-time.

"Target area", a target area, as defined in section one of chapter forty F.

"Technical assistance", professional and other assistance to assist eligible organizations to plan, organize, and implement economic activities which may reasonably be expected to contribute to the redevelopment and economic well being of a target area and to increase or retain primary employment and capital in a target area. Such assistance shall include, but is not limited to, assistance with respect to organizational development, economic development planning, financial planning or packaging, the development of grant or other applications, market research, business plan development or review, management training, and such accounting and legal services as may be necessary to enhance or render effective any of the foregoing. Such assistance may be provided by the corporation directly by staff or other agents of the corporation or through contract with a third party. Technical assistance shall not include cash grants directly or indirectly to eligible organizations.

Section 3. (a) There is hereby created a body politic and corporate, to be known as the Community Economic Development Assistance Corporation or CEDAC. CEDAC is hereby constituted a public instrumentality and the exercise by CEDAC of the power conferred by this chapter shall be deemed to be performance of an essential governmental function.

The corporation is hereby placed in the executive office of manpower affairs but shall not be subject to the supervision or

control of said office or of any board, bureau, department or other agency of the commonwealth except as specifically provided in this act.

(b) The corporation shall be governed and its corporate powers exercised by a board of directors, which shall consist of nine directors, four of whom shall be appointed by the governor from among persons who are officers or employees of the commonwealth having related program responsibilities and five other persons appointed by the governor, one of whom shall be a member of a CDC, one of whom shall be a representative of a community action program, one of whom shall be familiar with economic development finance, and two of whom shall be experienced in community economic development. Each member appointed by the governor, who is not an officer or employee of the commonwealth, shall serve for a term of five years, except that in making the initial appointments the governor shall appoint one member to serve for one year, one member to serve for two years, one member to serve for three years, one member to serve for four years, and one member to serve for five years. Any person appointed to fill a vacancy in the office of a member shall be appointed in a like manner as and shall serve for only the unexpired term of such member. Any member shall be eligible for reappointment. Any member may be removed from his appointment by the governor for cause. The governor shall from time to time designate a member of the board as its chairman.

(c) Five members of the board shall constitute a quorum and the affirmative vote of five members shall be necessary for any action to be taken by the board. The members of the board shall serve without compensation, but each member shall be entitled to reimbursement for his actual and necessary expenses incurred in the performance of his official duties.

(d) The provisions of chapter two hundred sixty-eight A shall apply to all directors, officers and employees of CEDAC, except that the corporation may purchase from, sell to, borrow from, loan to, contract with or otherwise deal with any eligible organization in which any director of the corporation is in any way interested or involved; provided, that such interest or involvement is disclosed in advance to the members of the board and recorded in the minutes of the board; and provided, further, that no director having such an interest or involvement may participate in any decision of the board relating to such eligible organization.

(e) The board shall hire an executive director and establish his salary; provided, however, that said salary shall not exceed Step 7 of grade XXVII of the General Salary Schedule as provided in section forty-six of chapter thirty of the General Laws. The executive director shall be the chief administrative and operational officer of the corporation and shall direct and supervise its administrative affairs and general management. The executive director may, subject to the general supervision of the board, employ other employees, consultants, agents, including counsel, and advisors, and shall attend meetings of the board.

(f) Neither CEDAC nor any of its officers, agents, employees, consultants or advisors shall be subject to the provisions of sections nine A, forty-five, forty-six and fifty-two of chapter

thirty or to chapter thirty-one, or to the provisions of chapter two hundred of the acts of nineteen hundred and seventy-six.

(g) The directors shall annually elect one of their members as vice chairman and designate a secretary and a treasurer who need not be members of the board. The secretary shall keep a record of the proceedings of the corporation and shall be the custodian of all books, documents, and papers filed with the corporation, the minute books of the corporation and its official seal. The secretary shall cause copies to be made of all minutes and other records and documents of the corporation and shall certify that such copies are true copies, and all persons dealing with the corporation may rely upon such certification.

(h) All officers and employees of CEDAC having access to its cash or negotiable securities shall give bond to CEDAC, at its expense in such amount and with such surety as the board may prescribe. The persons required to give bond may be included in one or more blanket or scheduled bonds.

Section 4. CEDAC shall have the following powers:

(a) to make, amend and repeal bylaws, rules, and regulations for the management of its affairs;

(b) to adopt an official seal;

(c) to sue and be sued, in its own name;

(d) to make contracts and execute all instruments necessary or convenient for the exercise of its power and functions;

(e) to acquire, own, hold and dispose of personal property of any nature, or any interest therein;

(f) to enter into agreements or other transactions with any federal, state or municipal agency;

(g) to provide technical assistance, either to particular eligible organizations or in the form of assistance, such as the publishing of materials or holding of conferences or the like, intended to contribute to the public purposes of this chapter generally;

(h) to appear in its own behalf before boards, commissions, departments or other agencies of municipal, state or federal government;

(i) to procure insurance against any losses in connection with its property in such amounts, and from such insurers, as may be necessary or desirable;

(j) to apply for and accept grants, loans, advances and contributions from any source of money, property, labor or other things of value, to be held, used and applied for the purposes of this chapter;

(k) to provide and pay for such advisory services and technical assistance as may be necessary or desirable to carry out the purposes of this chapter;

(l) to exercise any other powers of a corporation organized under chapter one hundred fifty-six B; and

(m) to do any and all things necessary or convenient to carry out its purposes and exercise the powers expressly granted in this chapter.

Section 5. CEDAC may, subject to appropriation by the general court or funds made available from any other public or private source and pursuant to rules and regulations adopted by it, provide technical assistance to particular eligible organizations or

projects intended to contribute to the public purposes of this chapter generally, provided that preference shall be given to projects in which community controlled organizations or community action programs have, or will have, an ownership interest, and provided, further, that before providing technical assistance to a particular eligible organization CEDAC shall find and incorporate in its minutes that (1) the eligible organization is devoting a substantial part of its efforts to activities intended to contribute to the redevelopment and economic well being of target areas and to increase or retain primary employment and capital in target areas; (2) the technical assistance shall be used solely for a particular project which meets the following standards:

(i) the project is within a target area and may reasonably be expected to contribute to the redevelopment and economic well being of the target area within which it is located and to increase or maintain threatened primary employment and capital within such target area;

(ii) the project has provided reasonable assurance that it will conform to all applicable environmental, zoning and building laws;

(iii) the benefits of the project, including the addition or retention of primary employment and of capital in the project's target area, shall primarily accrue to the residents of such target area;

(iv) there is a reasonable expectation that the project will be successful, and that the eligible organization and project participants are responsible parties;

(v) the private sector has not provided sufficient primary employment opportunities in the project's target area;

(vi) alternative sources, including other agencies and subdivisions of the commonwealth and of the federal government, for technical assistance have been sought and are either insufficient or unavailable to meet the needs of the project;

(vii) the technical assistance to be provided is essential to the success of the project; and

(viii) provision has been made for the active participation of residents of the target area in the project; and (3) adequate provisions have been made for reporting by the eligible organization and the project concerning the manner in which the technical assistance is used and the extent to which it achieves its intended results.

Such findings by CEDAC shall be conclusive.

In providing technical assistance to eligible organizations, CEDAC shall give preference to projects which provide potential benefits in addition to those listed herein.

Section 6. CEDAC shall annually submit a complete and detailed report of the corporation's activities within ninety days after the end of the fiscal year to the clerk of the house of representatives and to the clerk of the senate.

Section 7. The books and records of the CEDAC shall be subject to an annual audit by the auditor of the commonwealth.

Section 8. The provisions of this chapter being necessary for the welfare of the commonwealth and its inhabitants, shall be

liberally construed to effect its purposes.

Approved July 19, 1978

Chap. 499. AN ACT TO ASSIST URBAN REVITALIZATION THROUGH THE URBAN JOB INCENTIVE PROGRAM.

Be it enacted, etc., as follows:

SECTION 1. Section 11 of chapter 23B of the General Laws is hereby amended by striking out clause (c), as added by section 1 of chapter 848 of the acts of 1970, and inserting in place thereof the following clause:- (c) "Eligible business facility", a place of business of a corporation subject to the excise imposed under sections thirty to fifty-one, inclusive, of chapter sixty-three or a place of business located in a commercial center revitalization district which place of business is located in a city or town containing one or more eligible sections of substantial poverty or in a city or town contiguous thereto and for which a certificate of eligibility has been issued by the bureau job incentive bureau in the department of community affairs. A facility for which such a certificate is issued shall be deemed an eligible business facility only during the taxable year or as of the taxable status date to which such certificate relates, as provided in this chapter.

SECTION 2. Said section 11 of said chapter 23B is hereby further amended by adding the following clause: (f) "Commercial center revitalization district," a predominantly commercial geographic area in a city or town with one or more eligible sections of substantial poverty, which area is bounded and described in a commercial area revitalization plan adopted by the governing body of the city or town and approved by the secretary of communities and development. The purposes of a commercial revitalization plan shall be to prevent or arrest and reverse the decay of the area covered by the plan. The plan shall describe the area and set forth the development or redevelopment, including public improvements, proposed to carry out the purposes of the plan. In exercising the power of approval of a commercial area revitalization plan, the secretary of communities and development shall seek to avoid and correct the deterioration of older commercial districts which results from the movement of commercial enterprise to previously non-commercial areas.

SECTION 3. Section 13 of said chapter 23B is hereby amended by striking out clause (1), added by section 1 of chapter 848 of the acts of 1970, and inserting in place thereof the following clause:-

(1) It is a facility which serves an area larger than the eligible section of substantial poverty in which it is located or contiguous to and which does not primarily serve said eligible section. A facility shall be deemed to meet this requirement if it is used primarily in manufacturing of wholesaling, or if it is located in a commercial center revitalization district and is used primarily in manufacturing, wholesaling, or commercial use. A facility other than a facility located in a commercial center revitalization district shall not be deemed to meet this requirement if (a) it is primarily used in making retail sales of goods or services

to customers who personally visit such facility to obtain such goods or services, including, but not limited to, banking and insurance services, or (b) it is used primarily as a hotel, apartment house or other place of business which furnishes dwelling space or accommodations to either residents or transients.

SECTION 4. Said section 13 of said chapter 23B is hereby further amended by striking out clause (4), added by section 1 of chapter 848 of the acts of 1970, and inserting in place thereof the following clause:-

(4) The facility, except where a corporation is displaced by a public land taking or purchased, shall not be a replacement of an existing place of business or an expansion thereof. The facility shall represent an expansion of employment opportunities in the eligible city or town in which the facility is located and may be either a new place of business or a substantial addition to existing physical facilities.

SECTION 5. Clause (a) of said section 15 of said chapter 23B is hereby amended by adding the following words:- ; provided, however, that no such certificate shall be issued for a facility which is located in a commercial center revitalization district unless the secretary of communities and development shall have certified the facility to be consistent with the plan establishing that district.

Approved July 19, 1978

Chap. 500. AN ACT RELATIVE TO TENANCIES IN DORMITORIES OF INSTITUTIONS OF HIGHER EDUCATION.

Be it enacted, etc., as follows:

Chapter 186 of the General Laws is hereby amended by striking out section 17, as amended by chapter 182 of the acts of 1977, and inserting in place thereof the following section:-

Section 17. For the purposes of this chapter, chapter one hundred and eleven and chapter two hundred and thirty-nine, occupancy of a dwelling unit within premises licensed as a rooming house or lodging house, except for fraternities, sororities and dormitories of educational institutions, for three consecutive months shall constitute a tenancy at will. Occupancy of a dwelling unit within a rooming house or lodging house, except for fraternities, sororities and dormitories of educational institutions, for more than thirty consecutive days and less than three consecutive months, or within a fraternity, sorority or dormitory of an educational institution for any length of time, may only be terminated by seven days' notice in writing to the occupant by the operator of such dwelling unit.

Approved July 19, 1978

Chap. 501. AN ACT PROVIDING THAT A CHILD HAVE AND BE INFORMED OF THE RIGHT TO COUNSEL AT ALL HEARINGS IN CARE AND PROTECTION CASES.

Be it enacted, etc., as follows:

Chapter 119 of the General Laws is hereby amended by striking out section 29, as amended by section 4 of chapter 1076 of the acts of 1973, and inserting in place thereof the following section:-

Section 29. Whenever a child is before any court under sub-section C of section twenty-three or sections twenty-four to twenty-seven, inclusive, said child shall have and shall be informed of the right to counsel at all hearings, and if said child is not able to retain counsel, the court shall appoint counsel for said child. The parent, guardian or custodian of such child shall have and shall be informed of the right to counsel at all hearings, and if said parent, guardian or custodian of such child is financially unable to retain counsel, the court shall appoint counsel for said parent, guardian or custodian. Notwithstanding the provisions of this section, the court may make such temporary orders as may be necessary to protect the child and society.

The department, upon its request, shall be represented by the district attorney for the district in which the case is being heard.

Approved July 19, 1978

Chap. 502. AN ACT RELATIVE TO THE POWERS OF THE WOODS HOLE, MARTHA'S VINEYARD AND NAN-TUCKET STEAMSHIP AUTHORITY.

Be it enacted, etc., as follows:

The first paragraph of section 9 of chapter 701 of the acts of 1960, is hereby amended by striking out, in lines 3 to 5, inclusive, the words ", all as may be provided in the resolution authorizing the issuance of bonds".

Approved July 19, 1978

Chap. 503. AN ACT FURTHER REGULATING TECHNIQUES FOR RESTAURANTS TO ASSIST PERSONS WITH FOOD LODGED IN THEIR THROATS.

Be it enacted, etc., as follows:

Chapter 94 of the General Laws is hereby amended by striking out section 305D, inserted by chapter 787 of the acts of 1975, and inserting in place thereof the following section:-

Section 305D. Each restaurant, having a seating capacity of twenty-five persons or more, shall have on its premises a device approved by the department of public health that is designed and intended for use in removing food which may become lodged in a person's throat or each such restaurant shall have on its premises, when food is being served, an employee trained in manual procedures approved by the department of public health to remove food so lodged in a person's throat. The department of public health shall adopt regulations listing all approved devices and manual procedures which it determines may be used effectively to remove food lodged in a person's throat. Each such restaurant shall make adequate provisions for insurance to

cover employees trained in rendering such assistance. Any person, or employee of any person who, in good faith, volunteers to remove or attempts to remove such food in an emergency shall not be liable for any civil damages as a result of any acts or omissions by such person or employee in rendering such emergency assistance.

Approved July 19, 1978

Chap. 504. AN ACT GRANTING A CERTAIN EASEMENT FOR SEWER PURPOSES TO DUFFY BROS. CONSTRUCTION, INC. ON METROPOLITAN DISTRICT COMMISSION LAND IN THE CITY OF WALTHAM.

Be it enacted, etc., as follows:

The metropolitan district commission is hereby authorized to grant to Duffy Bros. Construction, Inc. a Massachusetts corporation located in the town of Watertown, a permanent easement to place, maintain, repair and replace a sanitary sewer pipe for the benefit of Parcels 1, 2, 3, and 4 as shown on a plan entitled "Plan of Land in Waltham, Mass." dated December, 1976 by Rowland H. Barnes & Co., Inc. recorded in Middlesex South District Registry of Deeds at the End of Book 13112, said easement shall be twenty (20) feet wide and shall be bounded by two lines each ten (10) feet distant from and parallel to the center line of said easement. The center line begins at a point on the easterly lot line of Parcel 3 as shown on said plan which point is 584.02 feet southerly from the northeast corner of Parcel 3 then turns and runs S71-28-24E 110.56 feet to a point, then turns and runs S10-38-05W to a point where it intersects with an existing 24 inch City of Waltham trunk sewer, said easement shall be granted for such consideration and upon such terms as may be acceptable to the metropolitan district commission.

Approved July 19, 1978

Chap. 505. AN ACT TRANSFERRING CONTROL OF CERTAIN LAND AT GARDNER STATE HOSPITAL TO THE EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS.

Be it enacted, etc., as follows:

SECTION 1. The care, control, and management of so much of the land and buildings located at Gardner State Hospital, as is determined by the commissioner of administration and finance not to be the subject of plans for the Northern Worcester Correctional Center, the department of mental health or the office of said commissioner, shall vest in the executive office of environmental affairs. The department of fisheries, wildlife and recreational vehicles through its division of fisheries and wildlife, shall manage the property for fish and wildlife purposes.

SECTION 2. The department of food and agriculture in accordance with regulations of the division of agricultural land use shall act as the leasing agent for lands and buildings deemed to be agricultural under the land use management plan provided for

in section five.

SECTION 3. The department of environmental management shall undertake a cooperative program with the department of fisheries, wildlife and recreational vehicles for timber stand management and harvest consistent with sound wildlife management practice.

SECTION 4. There shall be an unpaid board of seven persons to be known as the citizens advisory board, consisting of two persons to be nominated by the mayor and city council of the city of Gardner; two persons to be nominated by the selectmen of the town of Ashburnham; two persons to be nominated by the selectmen of the town of Westminster and one person to be nominated by the Montachusett Regional Planning Commission. The secretary of the executive office of environmental affairs shall approve or disapprove said nominees and if approved, they shall be appointed by said secretary. In case of disapproval, the secretary shall request another nominee from the proper nominating authority. Board members shall serve for three years from December first of the year of their appointment or until the appointment of their successors.

SECTION 5. The departments of food and agriculture, fisheries, wildlife and recreational vehicles, environmental management and the citizens advisory board shall jointly develop and agreeable land use management plan which shall be approved by the secretary of the executive office of environmental affairs. Any disputes arising between agencies regarding management policies or practices shall be resolved by the said secretary.

Approved July 19, 1978

Chap. 506. AN ACT AUTHORIZING THE COMMONWEALTH TO TAKE FOUR CERTAIN TRACTS OF LAND IN THE TOWNS OF SPENCER AND LEICESTER.

Be it enacted, etc., as follows:

The water resources commission, acting for and in behalf of the commonwealth is hereby authorized to take by eminent domain under chapter seventy-nine of the General Laws or acquire by purchase or otherwise the following described tracts of land or easements therein, or both, for the purpose of flood prevention and related purposes including water resources utilization and other purposes and uses as authorized by chapter twenty-one of the General Laws and chapter five hundred and seventy-one of the acts of nineteen hundred and sixty-two, said land being located in the town of Spencer and the town of Leicester and owned by the town of Spencer and the commonwealth and under the control of the department of fisheries and wildlife:

The first tract of land being located in the town of Spencer on the southeasterly side of Donnelly Cross road owned by the town of Spencer and shown as tract 6 on a plan by Cullinan Engineering Company, Inc., titled "Plan of Land in the Towns of Spencer & Leicester to be taken for Reservoir Purposes", dated January 1975, bounded and described as follows:

Beginning at a point of tangency on the southeasterly sideline

of Donnelly Cross Road at the most southwesterly corner of the Tract to be described: said point being the point of curvature of a rounding to a Right-of-Way known as Easterlee Drive and also being the most northwesterly corner of Tract 5;

THENCE in part along a stone wall and the southeasterly sideline of Donnelly Cross Road, the following 5 courses;

N 26° 28' 36" E, a distance of 243.49 feet to an angle point;

N 31° 01' 02" E, a distance of 127.37 feet to an angle point;

N 35° 00' 47" E, a distance of 135.21 feet to an angle point;

N 61° 26' 48" E, a distance of 91.11 feet to an angle point;

AND N 70° 36' 23" E, a distance of 74.02 feet to a point at Tract 7 as shown on the aforementioned plan;

THENCE S 68° 45' 50" E along a fence and Tract 7, a distance of 258.31 feet to a drill hole in a boulder;

THENCE S 56° 57' 45" E along a fence and Tract 7, a distance of 143.67 feet to an iron pipe on the westerly sideline of Moose Hill Road;

THENCE S 01° 44' 58" W in part along a fence and a stone wall on the westerly sideline of said road, a distance of 519.32 feet to an iron pipe at Tract 8;

THENCE along Tract 8, the following 3 courses;

N 66° 10' 36" W, a distance of 55.07 feet to an iron pipe;

S 02° 43' 53" W, a distance of 100.00 feet to a point;

AND S 49° 29' 37" E, a distance of 65.00 feet to an iron pipe at the westerly sideline of Moose Hill Road;

THENCE S 02° 43' 53" W along the westerly sideline of said road, a distance of 50.61 feet to a point at Tract 9;

THENCE N 49° 29' 37" W along Tract 9, a distance of 118.94 feet to a point;

THENCE S 08° 04' 41" W along Tract 9, a distance of 410.12 feet to a point at Tract 10;

THENCE N 55° 52' 37" W along a fence and Tract 10, a distance of 99.37 feet to an angle point;

THENCE N 55° 36' 27" W in part along a fence and a stone wall and Tract 10, a distance of 415.52 feet to a drill hole at Tract 4;

THENCE N 55° 16' 39" W along a stone wall and Tract 4, a distance of 192.30 feet to a point at Tract 5;

THENCE N 29° 28' 51" E along Tract 5, a distance of 266.48 feet to a point said point also being on the southwesterly sideline of the aforementioned Easterlee Drive;

THENCE N 61° 37' 02" W along the southwesterly sideline of said drive and Tract 5, a distance of 127.55 feet to a point of curvature of a rounding to Donnelly Cross Road;

THENCE by a curve to the left having a radius of 20.00 feet, an arc distance of 30.75 feet to the point of beginning.

The above described tract contains 13.8 acres more or less and was taken by the town of Spencer for tax purposes on December 8, 1967 and is recorded at the Worcester district registry of deeds in Book 4815 page 62.

The second tract of land being located in the town of Spencer on the westerly side of Moose Hill road owned by the town of Spencer and shown as tract 8 on a plan by Cullinan Engineering Company, Inc., titled "Plan of Land in the Towns of Spencer & Leicester to be taken for Reservoir Purposes", dated January

1975, bounded and described as follows:

Beginning at an iron pipe on the westerly sideline of Moose Hill Road at the most northeasterly corner of the Tract to be described; said point being S 01° 44' 58" W and 519.32 feet from an iron pipe at the northeasterly corner of Tract 6 as shown on the aforementioned plan;

THENCE S 02° 43' 53" W along a stone wall and the westerly sideline of Moose Hill Road, a distance of 120.00 feet to an iron pipe on the sideline of a forty (40) foot right-of-way known as Easterlee Drive also being at Tract 6;

THENCE N 49° 29' 37" W along said right-of-way and Tract 6, a distance of 65.00 feet to a point;

THENCE N 02° 43' 53" E along Tract 6, a distance of 100.00 feet to an iron pipe;

THENCE S 66° 10' 36" E along Tract 6, a distance of 55.07 feet to the point of beginning.

The above described tract contains 5,652 square feet more or less and was taken by the town of Spencer for tax purposes on April 11, 1974 and is recorded at the Worcester district registry of deeds in Book 5474 Page 20.

The third tract of land being located in the town of Spencer on the southeasterly side of Donnelly, Cross road and the westerly side of Moose Hill road and is owned by the Commonwealth of Massachusetts, Department of Fisheries, Wildlife and Recreational Vehicles, Division of Fisheries and Wildlife and shown as Tract 7 on a plan by Cullinan Engineering Company, Inc., titled "Plan of Land in the Towns of Spencer & Leicester to be taken for Reservoir Purposes", dated January 1975, bounded and described as follows:

Beginning at the point of intersection of the southeasterly sideline of Donnelly Cross Road with the westerly sideline of Moose Hill Road;

THENCE S 03° 28' 57" W along the westerly sideline of Moose Hill Road, a distance of 349.05 feet to an iron pipe at Tract 6;

THENCE N 56° 57' 45" W along a fence and said Tract 6, a distance of 143.67 feet to a drill hole in a boulder;

THENCE N 68° 45' 50" W along the fence and Tract 6, a distance of 258.31 feet to a point on the southeasterly sideline of Donnelly Cross Road;

THENCE N 70° 36' 23" E along said sideline, a distance of 263.08 feet to an angle point;

AND N 56° 24' 53" E, a distance of 161.16 feet to the point of beginning.

The above described tract contains 1.28 acres more or less and was acquired by the commonwealth through the division of fisheries and game for the protection and management of fisheries and wildlife on June 1, 1970 and is recorded at the Worcester district registry of deeds in Book 5077 Page 335.

The fourth tract of land being located in the towns of Spencer and Leicester on the easterly side of Moose Hill road and is owned by the Commonwealth and shown as tract 15 on a plan by Cullinan Engineering Company, Inc., titled "Plan of Land in the Towns of Leicester & Spencer to be taken for Reservoir Purposes", dated January 1975, bounded and described as follows:

Beginning at a point on the easterly sideline of Moose Hill

Road in Spencer at the southwesterly corner of the Tract to be described; said point also being the northwesterly corner of Tract 14 as shown on the aforementioned plan;

THENCE along the easterly sideline of said Moose Hill Road the following 3 courses:

N 02° 43' 53" E, a distance of 269.13 feet to an angle point;

N 01° 44' 58" E, a distance of 519.04 feet to an angle point;

AND N 03° 28' 57" E, a distance of 373.49 feet to the point of intersection of said easterly sideline with the southeasterly sideline of Donnelly Cross Road;

THENCE N 56° 24' 53" E along said sideline crossing the Spencer/Leicester Town line, a distance of 49.77 feet to an angle point;

THENCE N 59° 17' 51" E along said sideline, a distance of 334.32 feet to a drill hole in a stone wall at Tract 17;

THENCE S 43° 17' 19" E along a stone wall and Tract 17, a distance of 372.25 feet to a drill hole in a boulder;

THENCE S 64° 07' 27" E along a fence and Tract 17, a distance of 529.10 feet to a drill hole in a boulder;

THENCE S 04° 11' 34" W along a fence and Tract 16, a distance of 863.52 feet to a drill hole in a boulder at Tract 14;

THENCE N 89° 45' 28" W along Tract 14, a distance of 1048.46 feet to the point of beginning.

The above described tract contains 27.4876 acres more or less and was acquired by the Commonwealth division of fisheries and game for the protection and management of fisheries and wildlife on June 1, 1970 and is recorded at the Worcester district registry of deeds in Book 5077 Page 335.

Approved July 19, 1978

EMERGENCY LETTER - August 2, 1978 @ 12:26 P.M.

Chap. 507. AN ACT AUTHORIZING THE COMMISSIONER OF ENVIRONMENTAL MANAGEMENT TO LEASE TO THE TOWN OF SANDWICH A PARCEL OF LAND IN SHAWME-CROWELL STATE FOREST FOR USE AS A SANITARY LANDFILL.

Be it enacted, etc., as follows:

SECTION 1. The commissioner of environmental management, acting for and on behalf of the commonwealth, is hereby authorized to lease to the town of Sandwich for a period of twelve years, a certain parcel of land in the Shawme-Crowell State Forest, for use as a sanitary landfill. Said parcel being bounded and described as follows:

Beginning at a point on the easterly layout line of Mashpee Road (Route 130), said point being 57 feet more or less north of Massachusetts Highway Bound at Station 66 + 68.27 of the April 1948 Alteration (Layout No. 3408) and the northerly edge of a dirt road:

thence; northeasterly and southeasterly along the northerly edge of the dirt road, 870 feet more or less to a point on the westerly line of land now or formerly of Sea Lake Corporation;

thence; N-33°-50'-00"-W, 30 feet more or less to a point;

thence; N-18°-25'-30"-E, 120.17 feet to a point;
 thence; N-45°-46'-00"-E, 140.50 feet to a point;
 thence; N-6°-09'-10"-W, 23.27 feet to a concrete bound;
 thence; N-6°-09'-10"-W, 812.93 feet to a concrete bound;
 thence; S-65°-29'-30"-W, 923.22 feet to a drill hole;
 thence; N-62°-03'-20"-W, 269.48 feet to a Massachusetts Highway Bound;
 thence; southerly along a curve, 208.45' to a Massachusetts Highway Bound;
 thence; S-27°-47'-50"-E, 493.94 feet to a point;
 thence; southerly along a curve, 281 feet more or less to the point of beginning.

Said parcel containing twenty-two acres, more or less.

The lease shall be in such form and contain such provisions as the commissioner of environmental management shall determine including such terms and conditions which are necessary to comply with all laws in relation to the protection, preservation and development of state forests and all laws regarding the conduct of a sanitary landfill. 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 Sandwich shall pay a fair annual rental fee which shall be determined by the commissioner of environmental management. One half of said rental fee shall be placed in a trust account with the state treasurer and shall be remitted to the town of Sandwich at the expiration date of the lease without further appropriation. The town shall use said account for expenditures to return the parcel to its natural condition subject to the approval of the commissioner. Any unexpended sums may be used by the town for other purposes.

SECTION 3. Notwithstanding the lease provided for in section one, the commissioner shall maintain the control and supervision of the land so leased. Except as herein provided, nothing in this act shall be construed to prevent the use of said forest by the public to the same extent as if this act had not been passed. All laws relating to state forests not inconsistent with this act shall remain in effect.

SECTION 4. This act shall take effect upon its passage.
 Approved July 19, 1978

Chap. 508. AN ACT FURTHER REGULATING THE ADVERTISING OF CERTAIN GOODS AND SERVICES.

Be it enacted, etc., as follows:

SECTION 1. Section forty-six of chapter ninety-four C of the General Laws is hereby repealed.

SECTION 2. Section 19 of chapter 112 of the General Laws is hereby amended by striking out clause (e), as appearing in chapter 105 of the acts of 1951, and inserting in place thereof

the following clause:-

(e) the inclusion of any fraudulent, misleading or deceptive statement in any form of advertising,- and.

SECTION 3. Said section 19 of said chapter 112 is hereby further amended by adding the following paragraph:-

The board may, by regulation, in a manner consistent with the foregoing, further regulate advertising by persons subject to its jurisdiction.

SECTION 4. Said chapter 112 is hereby further amended by striking out section 52A, as most recently amended by section 11 of chapter 757 of the acts of 1977, and inserting in place thereof the following section:-

Section 52A. No registered dentist, person practicing dentistry, or dental hygienist shall include, or permit, or cause to be included, in any newspaper, radio, or television advertisement, or in any display sign, personal solicitation or other manner of advertising, any written or spoken words or statements of a character tending to deceive or mislead the public, or claiming professional superiority or the performance of professional services in a superior manner, or the performance of painless operations of a dental or oral surgical nature, or shall advertise with signs or printed advertisements, or by means of show cases, containing the representation of a tooth, teeth, dental restoration of any kind or of whatsoever design or description or any portion of the human head or neck or photograph of any person, or shall make or set forth any promises, guarantees, representations, or statements that satisfaction or a cure will result from the performance of professional services; provided, however, that the foregoing shall not be construed to prevent the publication of truthful advertisements concerning the availability and price of routine dental services by persons subject to this section. Nothing in the provisions of this section shall be construed to apply to or prohibit, restrict or limit the operations of the business of a dental laboratory. The board may, by regulation, in a manner consistent with the foregoing, further regulate advertising by persons subject to this section.

SECTION 5. Section 61 of said chapter 112 is hereby amended by adding the following paragraph:-

Except as otherwise provided in this chapter, no such board shall make any rule or regulation prohibiting the advertising or dissemination of truthful information concerning the price, nature and availability of goods and services to consumers, the effect of which would restrain trade or lessen competition.

SECTION 6. The fourth paragraph of section 84 of said chapter 112, as appearing in section 2 of chapter 653 of the acts of 1954, is hereby amended by striking out clause (b) and inserting in place thereof the following clause:-

(b) false or misleading or "bait" advertising, so called, as a funeral director advertising or using the name of an unregistered person in connection with that of any funeral establishment;.

SECTION 7. Section 87K of said chapter 112 is hereby amended by striking out the last paragraph, added by section 3 of chapter

314 of the acts of 1936.

SECTION 8. Said chapter 112 is hereby amended by striking out section 87KKK, inserted by section 2 of chapter 625 of the acts of 1958, and inserting in place thereof the following section:-

Section 87KKK. No licensed electrologist shall include in any advertising, or publish, issue or make any misrepresentation, false, fraudulent or misleading statements through the press, circulation of advertising matter, radio, television, display signs or otherwise.

SECTION 9. Section 97 of said chapter 112 as appearing in section 2 of chapter 409 of the acts of 1966, is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

No registered chiropractor or person practicing chiropractic shall include, or permit or cause to be included, in any advertising in any newspaper, or by radio, television, display sign, personal solicitation or other manner of advertising, any written or spoken words or statements of character tending to deceive or mislead the public.

SECTION 10. Except as provided by law, any ordinance, rule or regulation promulgated by an agency of the commonwealth or political subdivision thereof which prohibits or limits competitive advertising relating to the sale price of consumer goods or services shall be void as against public policy.

Approved July 19, 1978

Chap. 509. AN ACT ESTABLISHING THE LAWRENCE DEVELOPMENT CORPORATION.

Be it enacted, etc., as follows:

SECTION 1. In this act, unless the context otherwise requires, the following words shall have the following meanings:-

"Central business district", all of that area that falls within the scope of the Lawrence Intown Revitalization Study Area, and outlined in the so-called Anderson Notter plan, including that known as the municipal parking lot included in said plan, and more specifically bounded by the southerly side of Canal Street from its intersection of Broadway to the intersection of Union Street, the westerly side of Union Street to the northerly side of Common Street, the northerly side of Common Street to the westerly side of Broadway, and the westerly side of Broadway from the northerly side of Common Street to the southerly side of Canal Street.

"Corporation", Lawrence Development Corporation.

"Financial Institution", any banking corporation or institution, trust company, savings bank, co-operative bank, savings and loan association, insurance company, or related corporation partnership, foundation or other institution engaged primarily in lending or investing funds.

"Incorporators", thirteen in number:- the mayor of the city of Lawrence, or his designated representative, the community development director/city planner of the city of Lawrence, or his

designated representative, the president of the Lawrence Intown Associates, the president of the Greater Lawrence Chamber of Commerce, a designated representative from each of the following banks in the greater Lawrence area: Andover Savings Bank, Arlington Trust Company, Bay State National Bank, Bay Bank Merrimack Valley, Community Savings Bank, Essex Broadway Savings Bank, Lawrence Co-operative Bank, Lawrence Savings Bank, and Merrimack Co-operative Bank.

SECTION 2. It is hereby declared that unused, decadent or blighted areas exist in parts of the city of Lawrence; that each such area constitutes a serious and growing menace, injurious and inimical to the safety, health, and welfare of the residents of said city; that each such area constitutes an economic liability, substantially impairs or arrests the sound growth of said city, and retards the economic well-being of the commonwealth; that redevelopment of each such area in accordance with an economic development plan for the elimination of such substandard conditions and prevention of their recurrence is necessary to retain existing commercial enterprises, attract new commercial development and promote the sound economic growth of said city; and that the acquisition, planning, clearance, development, rehabilitation, or rebuilding of such unused, decadent, and blighted areas for commercial purposes are public uses and benefits for which private property may be regulated by wholesome and reasonable orders, law and directions and for which public funds may be expended for the good and welfare of said city and the commonwealth.

It is hereby further found and declared that there exists in the city of Lawrence a condition of substantial and persistent unemployment and underemployment which causes hardship to many individuals and families, wastes vital human resources, increases the public assistance burdens, impairs the security of family life, impedes the economic and physical development of said city and adversely affects the welfare and prosperity of the people; that unemployment and underemployment have been caused in substantial part by commercial companies moving from said city, that many existing commercial facilities within said city are obsolete and inefficient; that such facilities are underutilized or vacated, thereby creating additional unemployment; that such obsolescence and abandonment of existing facilities are causing serious injury to the economy of said city; that the commercial sector of the economy provides one of the best opportunities for jobs at higher wages for the inhabitants of said city; that new commercial sites are required to attract and house new commercial development, and to retain existing commercial operations in need of expansion space; that the unaided efforts of private industry have not provided and cannot provide the necessary commercial sites within the urban environment due to the problems encountered in the assembly of suitable building sites, the provision of adequate public service, the unavailability of private capital for development and the inability of private enterprise alone to plan, finance and coordinate commercial development projects.

SECTION 3. The shareholders of the corporation are hereby constituted a body corporate under the name of the Lawrence

Development Corporation. The corporation shall be subject to and have the powers and privileges conferred by the provisions of chapter one hundred and fifty-five, sections eighteen, twenty-seven, thirty-one, thirty-three and thirty-four of chapter one hundred and fifty-six and the provisions of chapter one hundred and fifty-six B and section four of chapter one hundred and eighty of the General Laws as presently enacted or hereafter amended, except insofar as said provisions are inconsistent with or otherwise restricted or limited by the provisions of this act.

SECTION 4. The principal office of the corporation shall be located in the city of Lawrence.

SECTION 5. The purposes of the corporation shall be to correct the conditions found to exist in the city of Lawrence set forth in section two, promote the common good and general welfare of said city, improve the living standards of the citizens thereof by fostering the improvement of their employment opportunities, solicit, encourage and induce business organizations and educational institutions to locate in said city, with initial priority to the so-called Essex Street rehabilitation project, with an emphasis consistent with the objectives, plans and theme for the renewal of the central business district as illustrated by the Anderson Notter plan as proposed by the Lawrence Intown Association, Greater Lawrence Chamber of Commerce, and the office of the mayor of said city. Each applicant shall, in order to receive funding from the corporation, submit design plans or renderings to the community development department of the said city for review and approval to insure that the proposed design is consistent with the overall theme of the downtown redevelopment. The corporation shall assist and promote the development and expansion of business activity and business organizations in said city, and, for the first five years of its existence, the corporation shall confine its activities exclusively to the rehabilitation and restoration of, the Lawrence central business district.

In furtherance of said purposes and in addition to the powers conferred on the corporation under the provisions of section three, the corporation shall, subject to the restrictions and limitations hereinafter contained, have the following powers:

(a) to accept, acquire other than by eminent domain, receive, and hold by bequest, devise, grant, gift, purchase, exchange, lease, transfer, judicial order or decree, or otherwise, for any of its objects and purposes, any property, both real and personal, from any source, including grants, loans, or advances for or in aid of the purposes of the corporation from any federal agency or agency of the commonwealth or any political subdivision thereof;

(b) to sell, convey, mortgage, lease, transfer, exchange or otherwise dispose of, any such property, both real and personal, that the objects and purposes of the corporation may require, subject to such limitations as may be prescribed by law;

(c) to borrow money, and, from time to time, to make, accept, endorse, execute, and issue bonds, debentures, promissory notes, bills of exchange, and other obligations of the corporation for monies borrowed or in payment for property acquired or for any of the other purposes of the corporation, and to secure the payment of any such obligations by mortgage, pledge, deed,

indenture, agreement, or other instrument of trust, or by other lien upon, assignment of, or agreement in regard to all or any part of the property, rights or privileges of the corporation, whether now owned or hereafter to be acquired;

(d) to make loans to any person, firm, corporation, joint stock, company, association or trust located or doing business in the city of Lawrence for the purpose of promoting and developing business activities of all kinds, provided such business activities tend to increase employment opportunities within said city;

(e) to acquire improved and unimproved real estate for the purpose of constructing retail, commercial and residential or other business establishments thereon, or for the purpose of disposing of such real estate to others for the construction of retail, commercial or other business establishments as the objects and purposes of the corporation may require;

(f) to acquire, construct, reconstruct, alter, maintain, sell, convey, transfer, mortgage, pledge, or otherwise dispose of retail, commercial, industrial, residential or business establishments as the objects and purposes of the corporation may require;

(g) to acquire, subscribe for, own, hold, sell, assign, transfer, mortgage, pledge or otherwise dispose of the bonds, debentures, notes, or other securities and evidences of interest in, or indebtedness of, any person, firm, corporation, joint stock company, association or trust, and while the owner or holder thereof, to exercise all the rights, powers, and privileges of ownership;

(h) to cooperate with and avail itself of the facilities and programs including, but not limited to those of the Small Business Administration of the United States, the Massachusetts Business Development Corporation, the department of commerce and development of the commonwealth, the United States Department of Commerce, the New England Regional Commission, and any similar governmental agencies; provided that at no time shall the corporation apply for governmental funds in competition with any department, agency, or instrumentality of the city of Lawrence without the express written consent of the mayor of said city.

(i) to receive stocks, bonds, donations, gifts and otherwise raise money for the above outlined purposes;

(j) to elect, appoint and employ officers, agents and employees; to make contracts and incur liabilities for any of the purposes of the corporation;

(k) to employ consultants;

(l) to promote the city of Lawrence as a regional retail, commercial, industrial, professional and financial center; and

(m) to do all things and acts necessary or convenient to carry out the powers expressly granted in this act; provided, however, that the purposes shall not include the right to apply for a license to sell alcoholic beverages; and that no part of the funds, property or net earnings of the corporation shall inure to the benefit of any member, stockholder, other than the city of Lawrence, officer of the corporation or any private individual, and no member, officer of the corporation, or any private individual shall be entitled to share in the distribution of any of the corporate assets on dissolution of the corporation except to the extent that stockholders are entitled to participate in the distri-

bution of the corporation's assets upon dissolution under section nineteen, nor shall the corporation allow any of its property to be used directly or indirectly in carrying on of propaganda, or otherwise attempting to influence legislation. The corporation shall not participate in or intervene in any political campaign on behalf of any candidate for public office or publish or distribute any statements with respect thereto. Notwithstanding any other provision herein contained, neither the members, directors, officers, stockholders, nor the corporation shall participate in any of the "prohibited transactions" as defined in section 503 of the Internal Revenue Code, nor shall the corporation accumulate income or engage in any activities if the accumulation of income or the activities so engaged in are or would be within the prohibitions of section 504 of said Internal Revenue Code nor shall the corporation be operated at any time for the primary and sole purpose of carrying on a trade or business for profit.

SECTION 6. The authorized capital stock of the corporation shall consist of forty thousand shares of nondividend-paying common capital stock with a par value of fifty dollars each. The shareholders may at any time by majority vote issue any part or all of said stock upon such terms as they shall determine or by majority vote the shareholders may delegate to the directors the power of by majority vote to issue any part or all of said stock upon such terms as they shall determine. An individual, corporation, estate, trust, company or partnership shall be entitled to purchase the same from the corporation from time to time, as long as the latter has in its treasury authorized common capital stock not distributed. Such stock may also be purchased from other individuals, corporations, estates, trusts, companies or partnerships. None of the earnings or profits of the corporation shall accrue to or be paid to the stockholders of common capital stock as dividends or profits in any form.

SECTION 7. Notwithstanding any rule at common law or any authorization, limitation or any such other provision of any general or special law, or any provision in their respective charters, agreements of associations, articles of organization, or trust indentures, all domestic corporations organized for the purpose of carrying on business within the commonwealth, including without implied limitation any electric or gas company as defined in section one of chapter one hundred and sixty-four of the General Laws, railroad corporations as defined in section one of chapter one hundred and sixty of the General Laws, financial institutions, trustee and the city of Lawrence are hereby authorized to acquire, purchase, hold, sell, assign, transfer, or otherwise dispose of any stocks, bonds, securities, or other evidence of indebtedness of the corporation and to make contributions to the corporation, all without the approval of any regulatory authority of the commonwealth.

Any contribution made under this section to the corporation shall be in addition to any contributions authorized by section twelve C of chapter one hundred and fifty-five of the General Laws, and by other provisions of general or special law.

SECTION 8. The shareholders of the corporation shall have

the powers of the corporation to elect directors as provided in sections nine and ten and to exercise such other powers of the corporation as may be conferred on the shareholders by the by-laws.

SECTION 9. The board of directors of the corporation shall be elected annually and shall have the powers of the corporation: (a) at its option, to name an advisory board; (b) to set a fiscal year for the operation of the corporation; and (c) to make, amend, or repeal the by-laws in whole or in part.

SECTION 10. The business and affairs of the corporation shall be managed and conducted by an executive committee which shall have full power to commit the board of directors and the corporation. Said committee shall be elected annually by and from said board of directors, consisting of seven voting members, of which one shall be mayor of the city of Lawrence, four shall be elected from among the representatives of those participating financial institutions who have bought or subscribed shares in the corporation in the amount of one twentieth of one per cent of their Lawrence regular savings and checking account deposits, and the remaining two elected at large by and from said board of directors, and one nonvoting member who shall be a representative of said city's designated development agency chosen by the mayor of said city. In the election of the executive board, each director shall have one vote. The board of directors shall consist of twenty-five members of which one shall be the mayor of said city, one shall be the president of the Lawrence Intown Association, and one shall be the president of the Greater Lawrence Chamber of Commerce. The remaining twenty-two directors shall be elected by the shareholders, casting one vote on a noncumulative basis per share owned. There shall be elected by said board of directors and from the executive board, a president, vice-president, treasurer, and secretary/clerk.

Directors and officers shall not be responsible for losses unless the same shall have been occasioned by the willful misconduct of such directors and officers.

SECTION 11. The corporation shall not deposit any of its funds in any banking institution unless such institution has been designated as a depository by a vote of a majority of the directors present at an authorized meeting of the board of directors, exclusive of any director who is an officer or director of the depository so designated. The corporation shall not receive money on deposit.

SECTION 12. The corporation shall make reports of its condition not less than annually to the state secretary, which report shall be published in a newspaper of general circulation in the city of Lawrence within ninety days of the close of the corporation's fiscal year. The state secretary shall make copies of such reports available to the commissioner of insurance and to the commissioner of banks, and the corporation shall also furnish such other information as may, from time to time, be required by the state secretary.

SECTION 13. The first meeting of the corporation shall be

called by a notice signed by three or more of the incorporators, stating the time, place and purpose of the meeting, a copy of which notice shall be mailed or delivered to each incorporator at least five days before the day appointed for the meeting. Said first meeting may be held without such notice upon agreement in writing to that effect signed by all the incorporators. There shall be recorded in the minutes of the meeting a copy of said notice or of such unanimous agreement of the incorporators.

At such first meeting, the incorporators shall organize by the choice, by ballot, of a temporary clerk, by the adoption of by-laws, by the election by ballot of directors and by action upon such matters within the powers of the corporation as the incorporators may see fit. The temporary clerk shall be sworn and shall make and attest a record of the proceedings until the clerk has been chosen and sworn. A majority of the incorporators shall be a quorum for the transaction of business.

Whenever the certificate required by section thirteen of chapter one hundred and fifty-five of the General Laws has been filed in the office of the state secretary, said secretary shall issue and deliver to the incorporators a certified copy of this act under the seal of the commonwealth, and the corporation shall then be authorized to commence business, and stock thereof to the extent herein or hereafter duly authorized may, from time to time, be issued.

SECTION 14. The corporation shall not be subject to any of the provisions of chapter sixty-three of the General Laws, nor to any taxes based upon or measured by income which are presently enacted by the commonwealth. The securities, evidences of indebtedness, and shares of stock issued by the corporation, and income therefrom, shall be free from taxation with the commonwealth.

Any stockholder, or holder of any securities, evidences of indebtedness, or shares of the capital stock of the corporation who realizes a loss from the sale, redemption, or other disposition of any securities, evidences of indebtedness or shares of the capital stock of the corporation, including any such loss realized on a partial or complete liquidation of the corporation, and who is not entitled to deduct such loss in computing any of such stockholder's or holder's taxes to the commonwealth, shall be entitled to credit against any taxes subsequently becoming due to the commonwealth from such stockholders or other holders, a percentage of such loss equivalent to the highest rate of tax assessed for the year in which the loss occurs upon mercantile and business corporations as referred to in section two of chapter sixty-three of the General Laws.

SECTION 15. The provisions of chapter one hundred and ten A of the General Laws shall not apply to the shares of capital stock, bonds, debentures, notes, evidences of indebtedness, or any other securities of the corporation.

SECTION 16. This charter may be amended by the votes of the shareholders, and such amendments shall require approval by the affirmative vote of two thirds of the shareholders entitled to vote; provided, that no amendment of this charter which is

inconsistent with the general purposes expressed herein or which eliminates or curtails the right of the state secretary to examine the corporation or the obligation of the corporation to make reports as provided in section thirteen of chapter one hundred and fifty-five of the General Laws shall be made without amendment of this act; and provided further, that no amendment of this charter which affects a stockholder's voting right shall be made without the consent of each stockholder affected by such an amendment.

Within thirty days after any meeting at which amendments of this charter have been adopted, articles of amendment sworn to by the president, treasurer, and a majority of the directors of the corporation setting forth such amendment and the adoption thereof, shall be submitted to the state secretary, who shall examine them, and if he finds that they conform to requirements of the act, he shall so certify and endorse his approval thereon. Thereupon, the articles of amendment shall be filed in the office of the state secretary and no such amendment shall take effect until such articles of amendment shall have been filed as aforesaid.

Prior to or within sixty days after the effective date of any legislative amendment to this charter, the approval of such amendment shall be voted on by the stockholders of the corporation at a meeting duly called for the purpose. If such amendment is not approved by the affirmative vote of two thirds of the stockholders entitled to vote, any stockholder who has voted against the approval of such amendment if entitled to vote, or, if not entitled to vote, has registered his disapproval in writing with the corporation at, or before said meeting, may, within thirty days after said meeting, make a written demand upon the corporation for payment for his stock.

SECTION 17. The period of duration of the corporation shall be fifty years, subject, however, to the right of the members to dissolve the corporation prior to the expiration of said period as provided in section eighteen.

SECTION 18. The corporation may, upon the affirmative vote of two-thirds of its members petition for its dissolution by order of the supreme judicial or superior court, in the manner provided in section fifty of chapter one hundred and fifty-five of the General Laws. Upon any dissolution of the corporation the stockholders, if any, shall be paid on a pro rata basis that percentage of the assets of the corporation in excess of the obligations of the corporation which the amounts paid into the corporation for all stock bears to sum of (1) such amounts paid into the corporation for all the stock, and (2) the amounts of all donations made to the corporation; provided, that in no event shall a stockholder be paid upon such dissolution more than the amount paid into the corporation for his stock.

SECTION 19. If the corporation shall fail to commence operations within three years from the effective date of this act, then this act shall be null and void.

Approved July 19, 1978

Chap. 510. AN ACT AUTHORIZING THE DEPARTMENT OF PUBLIC WORKS TO ACQUIRE CERTAIN PUBLIC LANDS IN THE CITY OF HOLYOKE FOR HIGHWAY PURPOSES.

Be it enacted, etc., as follows:

Subject to the provisions of section one 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, March 1978" which said department is hereby directed to file with the office of the chief engineer, department of public works, and are bounded and described as follows:

PARCEL 12-8 (City of Holyoke)

A certain parcel of land owned by the city of Holyoke and being used as a part of the dike for the third level of the canal and to be diverted by the department of public works for construction of Interstate Route 391 for highway purposes, being bounded and described as follows:-

Beginning at a point on the southerly street line of Main street, said point bearing N37°-55'-55"E and eight hundred ten (810) feet distant from the intersection of the easterly street line of Berkshire street and the southerly street line of Main street, and extending thence along the southerly street line of Main street N37°-55'-55"E fifteen (15) feet, thence S52°-04'-05"E thirty-two and seventy-six hundredths (32.76) feet, thence S2°-52'-45"W eighteen and thirty-two hundredths (18.32) feet, thence N52°-04'-05"W forty-three and twenty-nine hundredths (43.29) feet to the point of beginning, and containing approximately five hundred and seventy (570) square feet of land.

PARCEL 12-23 (City of Holyoke)

A certain parcel of land owned by the city of Holyoke and being used for park purposes and to be diverted by the department of public works for construction of Interstate Route 391 for highway purposes, being bounded and described as follows:-

Beginning at a point on the northerly street line of High street said point marking the intersection of the northerly street line of High street and the westerly street line of Norfolk street and extending thence along the northerly street line of High street along a curve to the right of nine hundred thirty-nine and eighty one hundredths (939.80) feet radius two hundred fourteen and forty-five hundredths (214.45) feet to the beginning of another curve; thence extending along a curve to the right of thirty-two (32) feet radius fifty-four and fifty-seven hundredths (54.57) feet to the easterly street line of Ross avenue; thence extending along the easterly street line of Ross avenue N30°-57'-05"W one hundred nineteen and sixty-five hundredths

(119.65) feet to the beginning of a curve; thence extending along a curve to the right of thirty-two (32) feet radius thirty-seven and eighty-one hundredths (37.81) feet to the southerly street line of Maple street; thence extending along the southerly street line of Maple street N36°-44'-25"E one hundred fifty-eight and thirty-nine hundredths (158.39) feet to the westerly street line of Norfolk street, thence extending along the westerly street line of Norfolk street S55°-15'-35"E two hundred three and sixty-six hundredths (203.66) feet to the point of beginning; containing approximately forty thousand nine hundred eight (40,908) square feet of land.

PARCEL 12-25 (City of Holyoke)

A certain parcel of land owned by the city of Holyoke and being used for park purposes and to be diverted by the department of public works for construction of Interstate Route 391 for highway purposes, being bounded and described as follows:-

Beginning at a point on the northerly street line of Maple street, said point bearing S36°-44'-25"W and about two hundred ninety-five (295) feet distant from the intersection of the northerly street line of Maple street and the westerly street line of Jackson street and extending thence along the northerly street line of Maple street about one hundred eighty-six (186) feet to a stone bound; thence N53°-15'-35"W three (3.0) feet to the beginning of a curve; thence along a curve to the right of thirty-two (32) feet radius sixty-one and forty-seven hundredths (61.47) feet to the beginning of another curve on the easterly street one of Ross avenue; thence along a curve to the right of one thousand twenty-two and ninety-six hundredths (1022.96) feet radius one hundred eighty-nine and twenty-one hundredths (189.21) feet along the easterly street line of Ross avenue; thence N12°-36'-35"W three hundred (300) feet to the easterly location line of the State Highway Layout; thence by three courses in a southeasterly direction along said State Highway Layout, one hundred ninety (190) feet, one hundred thirty (130) feet and one hundred forty-five (145) feet to the point of beginning; containing approximately thirty-one thousand five hundred (31,500) square feet of land.

PARCEL 12-27 (City of Holyoke)

A certain parcel of land owned by the city of Holyoke and being used as part of the dike for the third level of the canal and to be diverted by the department of public works for construction of Interstate Route 391 for highway purposes, being bounded and described as follows:-

Beginning at a point on the southerly street line of Main street, said point marking the intersection of the southerly street line of Main street and the westerly street line of Canal street and extending thence S52°-04'-05"E along the westerly street line of Canal street six and ninety-seven hundredths (6.97) feet; thence S35°-47'-50"W fifteen and one hundredth (15.01) feet; thence N52°-04'-05"W seven and fifty-three hundredths (7.53) feet; thence N37°-55'-55"E fifteen (15.0) feet along the southerly street line of Main street to the point of beginning; containing approximately one hundred nine (109) square feet of land.

Approved July 19, 1978

Chap. 511. AN ACT RELATIVE TO MOTOR VEHICLE RATES CHARGED TO MOTORISTS AGE SIXTY-FIVE AND OVER.

Be it enacted, etc., as follows:

SECTION 1. Clause (d) of section 4 of chapter 175E of the General Laws, as appearing in section 19 of chapter 266 of the acts of 1976, is hereby amended by inserting after the third paragraph the following paragraph:-

For motor vehicle insurance, rates for an insured age sixty-five years or older, who otherwise qualify for the lowest rate classification applicable to drivers generally, shall be twenty-five per cent less than the applicable rate for such classification.

SECTION 2. This act shall apply to all motor vehicle insurance policies issued to become effective January first, nineteen hundred and seventy-nine or thereafter.

Approved July 19, 1978

Chap. 512. AN ACT ESTABLISHING A CLAIMS AND INDEMNITY PROCEDURE FOR THE COMMONWEALTH, ITS MUNICIPALITIES, COUNTIES AND DISTRICTS AND THE OFFICERS AND EMPLOYEES THEREOF.

Be it enacted, etc., as follows:

SECTION 1. Sections three A to three D, inclusive, of chapter twelve of the General Laws are hereby repealed.

SECTION 2. Section 6 of said chapter 12, as appearing in the Tercentenary Edition, is hereby amended by adding the following paragraph:-

He shall also consult with and advise district attorneys in all civil actions brought pursuant to chapter two hundred and fifty-eight, and may assist them in the defense of such actions.

SECTION 3. Section 12 of said chapter 12, as so appearing, is hereby amended by adding the following paragraph:-

The district attorney shall appear for a county constituting such district in all civil actions in which such county is a party under the provisions of chapter two hundred and fifty-eight.

SECTION 4. The first sentence of section 13 of said chapter 12, as appearing in section 1 of chapter 659 of the acts of 1977, is hereby amended by striking out the words "For the administration of the criminal law" and inserting in place thereof the words:- For the administration of the criminal law, or for the defense of civil actions brought pursuant to chapter two hundred and fifty-eight.

SECTION 5. Section 53 of chapter 33 of the General Laws, as appearing in section 1 of chapter 590 of the acts of 1954, is hereby amended by inserting after the word "person", in line 6, the words:- and except as otherwise provided by chapter two hundred and fifty-eight.

SECTION 6. Sections ninety-one and ninety-two of said chapter

thirty-three are hereby repealed.

SECTION 6A. The first sentence of section 93 of said chapter 33, as so appearing, is hereby amended by striking out, in lines 2 and 3, the words "or section ninety-one".

SECTION 6B. Section ninety-five of said chapter thirty-three is hereby repealed.

SECTION 7. Chapter 40 of the General Laws is hereby amended by inserting after section 1A the following section:-

Section 1B. A district may sue and be sued by its name to the same extent and upon the same conditions as a city or town.

Districts shall have the power and authority to assess member cities and towns for the purpose of paying a proper charge to effect insurance for payment of damages or for the purpose of paying a proper charge for payment of damages incurred pursuant to chapter two hundred and fifty-eight, and shall have the power and authority to defend civil actions brought against them pursuant to said chapter.

SECTION 8. Section 5 of said chapter 40 is hereby amended by striking out clause (1), as most recently amended by chapter 547 of the acts of 1974, and inserting in place thereof the following clause:-

(1) To pay a proper charge of an insurance company for acting as surety on the official bond of any town officer; to pay a proper charge for effecting insurance providing indemnity for or protection to a town treasurer or town collector of taxes against his liability for the loss, without fault, connivance or neglect on his part, of money for which he is accountable to the town; to pay a proper charge for effecting insurance for payment of damages incurred pursuant to chapter two hundred and fifty-eight, or for payment of such damages; pay a proper charge for effecting insurance providing indemnity for any such municipal employee named in section one hundred of chapter forty-one against loss by reason of any expenses within the provisions of said section; to pay a proper charge to prevent loss by reason of destruction or damage of buildings or personal property by fire insurance policies issued in the commonwealth, subject, however, to the recommendations of the school committee with respect to the nature and extent of such insurance of buildings and personal property under its control; to pay a proper charge for effecting insurance to cover the town's liability to pay workmen's compensation, or, if the town has elected to establish and maintain an insurance fund to pay workmen's compensation under section thirteen A, or if the town has determined otherwise to pay such workmen's compensation direct, to pay a proper charge for aggregate excess or single accident reinsurance to protect the town from extraordinary workmen's compensation losses; or to pay a proper charge for insurance against damage to or loss of any town property, real or personal, by any cause whatsoever, normally covered by insurance policies issued in the commonwealth and not otherwise provided for herein.

SECTION 9. Section 100 of chapter 41 of the General Laws, as most recently amended by section 1 of chapter 880 of the acts

of 1977, is hereby further amended by striking out the second paragraph.

SECTION 10. Section one hundred A, one hundred C to one hundred F, inclusive, one hundred I and one hundred J of said chapter forty-one are hereby repealed.

SECTION 11. Section 16 of chapter 71 of the General Laws is hereby amended by striking out clause (o), inserted by chapter 265 of the acts of 1971.

SECTION 12. Section thirty-eight L of said chapter seventy-one is hereby repealed.

SECTION 13. Section sixty-four of chapter one hundred and sixty-four of the General Laws is hereby repealed.

SECTION 14. Section twenty A of chapter two hundred and fifty of the General Laws is hereby repealed.

SECTION 15. The General Laws are hereby amended by striking out chapter 258 and inserting in place thereof the following chapter:-

CHAPTER 258.

CLAIMS AND INDEMNITY PROCEDURE FOR THE COMMONWEALTH, ITS MUNICIPALITIES, COUNTIES AND DISTRICTS AND THE OFFICERS AND EMPLOYEES THEREOF.

Section 1. As used in this chapter the following words shall have the following meanings:-

"Acting within the scope of his office or employment", acting in the performance of any lawfully ordered military duty, in the case of an officer or soldier of the military forces of the commonwealth.

"Executive officer of a public employer", the secretary of an executive office of the commonwealth, or in the case of an agency not within the executive office, the attorney general; the adjutant general of the military forces of the commonwealth; the county commissioners of a county; the mayor of a city, or as designated by the charter of the city; the selectmen of a town or as designated by the charter of the town; and the board, directors, or committee of a district in the case of the public employers of a district, and, in the case of any other public employer, the nominal chief executive officer or board.

"Public attorney", the attorney who shall defend all civil actions brought against a public employer pursuant to this chapter. In the case of the commonwealth he shall be the attorney general; in the case of any county he shall be the district attorney as designated in sections twelve and thirteen of chapter twelve; in the case of a city or town he shall be the city solicitor or town counsel, or, if the town has no such counsel, an attorney employed for the purpose by the selectmen; in the case of a district he shall be an attorney legally employed by the district for that purpose. A public attorney may also be an attorney furnished by an insurer obligated under the terms of a policy of insurance to defend the public employer against claims brought pursuant thereto.

"Public employee", elected or appointed, officers or employees of any public employer, whether serving full or part-time, temporary or permanent, compensated or uncompensated, and officers or soldiers of the military forces of the commonwealth.

"Public employer", the commonwealth and any county, city, town or district, and any department, office, commission, committee, council, board, division, bureau, institution or agency thereof exercises direction and control over the public employee, but not a private contractor with any such public employer, the Massachusetts Bay Transportation Authority, the Massachusetts Port Authority, the Massachusetts Turnpike Authority, or any other independent body politic and corporate.

Section 2. Public employers shall be liable for injury or loss of property or personal injury or death caused by the negligent or wrongful act or omission of any public employee while acting within the scope of his office or employment, in the same manner and to the same extent as a private individual under like circumstances, except that public employers shall not be liable to levy of execution on any real and personal property to satisfy judgment, and shall not be liable for interest prior to judgment or for punitive damages or for any amount in excess of one hundred thousand dollars. The remedies provided by this chapter shall be exclusive of any other civil action or proceeding by reason of the same subject matter against the public employer or, the public employee or his estate whose negligent or wrongful act or omission gave rise to such claim, and no such public employee or the estate of such public employee shall be liable for any injury or loss of property or personal injury or death caused by his negligent or wrongful act or omission while acting within the scope of his office or employment; provided, however, that a public employee shall provide reasonable cooperation to the public employer in the defense of any action brought under this chapter. Failure to provide such reasonable cooperation on the part of a public employee shall cause the public employee to be jointly liable with the public employer, to the extent that the failure to provide reasonable cooperation prejudiced the defense of the action. Information obtained from the public employee in providing such reasonable cooperation may not be used as evidence in any disciplinary action against the employee. Final judgment in an action brought against a public employer under this chapter shall constitute a complete bar to any action by a party to such judgment against such public employer or public employee by reason of the same subject matter.

Section 3. All civil actions brought against a public employer on a claim for damages cognizable under this chapter shall be brought in the county where the claimant resides or in the county where such public employer is situated, except that in the case of the commonwealth such civil actions shall be brought in the county where the claimant resides or in Suffolk county. The superior court shall have jurisdiction of all civil actions brought against a public employer.

Section 4. A civil action shall not be instituted against a public employer on a claim for damages under this chapter unless

the claimant shall have first presented his claim in writing to the executive officer of such public employer within two years after the date upon which the cause of action arose, and such claim shall have been finally denied by such executive officer in writing and sent by certified or registered mail, or as otherwise provided by this section. The failure of the executive officer to deny such claim in writing within six months after the date upon which it is presented, or the failure to reach final arbitration, settlement or compromise of such claim according to the provisions of section five, shall be deemed a final denial of such claim. No civil action shall be brought more than three years after the date upon which such cause of action accrued. Disposition of any claim by the executive officer of a public employer shall not be competent evidence of liability or amount of damages.

The provisions of this section shall not apply to such claims as may be asserted by third-party complaint, cross-claim or counter-claim.

Section 5. The executive officer of a public employer may arbitrate, compromise or settle any claim for damages under this chapter; provided, that any award, compromise or settlement in excess of two thousand five hundred dollars shall be made only with the prior approval of the public attorney for such public employer; provided further, however, that in any case where the public employer is the commonwealth, any award, compromise or settlement in excess of twenty thousand dollars shall be made only with the prior approval of the secretary of administration and finance. The executive officer shall not arbitrate, compromise or settle any such claim before it has been presented to him in writing or after six months have passed from the date upon which such claim was presented to him.

The acceptance by the claimant of any such award, compromise or settlement shall be in writing and shall, except when procured by fraud, be final and conclusive on the claimant, and shall constitute a complete release of any claim against the public employer or against the public employee whose negligent or wrongful act or omission gave rise to such a claim, and a complete bar to any action by the claimant against such public employer or public employee, by reason of the same subject matter.

Section 6. The public attorney shall defend all civil actions brought against a public employer pursuant to this chapter. Service of process for such civil action shall be made upon the public attorney or, where no such public attorney has been employed for such purpose at the time service is made, service shall be made upon the executive officer of such public employer.

Section 7. Any award, compromise or settlement of a civil action brought under this chapter in excess of twenty thousand dollars which has been approved by a public attorney for a public employer, or, in the case where the public employer is the commonwealth, approved by the secretary of administration and finance, shall be made final only after approval of same by a judge of the superior court having jurisdiction over the action.

The acceptance by the claimant of any such award, compromise or settlement shall be in writing and shall, except when procured

by fraud, be final and conclusive on the claimant, and shall constitute a complete release of any claim against the public employer or against the public employee whose negligent or wrongful act or omission gave rise to such claim, and a complete bar to any action by the claimant against such public employer or public employee, by reason of the same subject matter.

Section 8. A public employer may procure insurance for payment of damages incurred pursuant to this chapter.

Section 9. Public employers may indemnify public employees from personal financial loss and expenses, including legal fees and costs, if any, in an amount not to exceed one million dollars arising out of any claim, action, award, compromise, settlement or judgment by reason of an intentional tort, or by reason of any act or omission which constitutes a violation of the civil rights of any person under any federal or state law; if such employee or official at the time of such intentional tort or such act or omission was acting within the scope of his official duties or employment. No such employee or official shall be indemnified under this section for violation of any such civil rights if he acted in a grossly negligent, willful or malicious manner.

Section 10. The provisions of sections one to eight, inclusive, shall not apply to:-

(a) any claim based upon an act or omission of a public employee when such employee is exercising due care in the execution of any statute or any regulation of a public employer, or any municipal ordinance or by-law, whether or not such statute, regulation, ordinance or by-law is valid;

(b) any claim based upon the exercise or performance or the failure to exercise or perform a discretionary function or duty on the part of a public employer or public employee, acting within the scope of his office or employment, whether or not the discretion involved is abused;

(c) any claim arising out of an intentional tort, including assault, battery, false imprisonment, false arrest, intentional mental distress, malicious prosecution, malicious abuse of process, libel, slander, misrepresentation, deceit, invasion of privacy, interference with advantageous relations or interference with contractual relations;

(d) any claim arising in respect of the assessment or collection of any tax, or the lawful detention of any goods or merchandise by any law enforcement officer.

Section 11. If the judgment in any action brought under this chapter is in favor of the public employer, judgment for costs and execution thereon may issue in favor of the public employer, if the court finds the action brought by the claimant to have been frivolous or in bad faith, and final judgment on the action shall be a bar to any other or further action being brought on the same claim or subject matter.

SECTION 16. This act shall take effect upon its passage and shall apply to all causes of action arising on or after August sixteenth, nineteen hundred and seventy-seven.

SECTION 17. The provisions of chapter eight hundred and

eighty of the acts of nineteen hundred and seventy-seven shall not apply to causes of action arising on or after August sixteenth, nineteen hundred and seventy-seven.

SECTION 18. The provisions of this act shall be construed liberally for the accomplishment of the purposes thereof but shall not be construed to supersede or repeal section eighteen of chapter eighty-one and sections fifteen to twenty-five, inclusive, of chapter eighty-four of the General Laws. Any other provision of law inconsistent with any other provisions of this chapter shall not apply.

SECTION 19. If any provisions of this act or the application thereof to any person or circumstances shall, for any reason, be held to be invalid, the remainder of this act or the application of such provision to persons or circumstances other than to those to which it is held invalid shall not be affected thereby.

Approved July 20, 1978

Chap. 513. 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, in part, to provide funds immediately for 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, the sums set forth in sections two to seven, inclusive, of this act, for the several purposes and subject to the conditions in said sections two to seven, inclusive, are hereby made available, subject to the provisions of law regulating the disbursement of public funds and the approval thereof.

SECTION 2.

EXECUTIVE OFFICE OF ADMINISTRATION AND FINANCE.

1102-9791 For the cost of certain equipment; provided that the need for said equipment shall have the 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 items of appropriation, 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 are charged..... \$2,000,000

Bureau of Building Construction.

1102-9792 For the maintenance and repair of state-owned property to prevent deterioration or costly future repairs, in accordance with the provisions of section forty-six of chapter seven of the General Laws; said projects to be designated by the director of the bureau of building construction with the approval of the commissioner of administration provided that the need for said repairs shall have the prior verification by the house and senate committees on ways and means..... \$10,000,000

Central Services Division.

Motor Vehicle Management Bureau.

- 1102-9793 For the purchase of passenger vehicles and heavy automotive equip-
ment..... \$1,500,000
- 1102-9794 For a comprehensive study for telecommunications.... \$200,000

EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS.

Division of Waterways.

- 2270-8791 For channel improvements and erosion control, including necessary
engineering expenses, in Hopper Brook located in the town of
Williamstown..... \$50,000
- 2320-8791 For the design and construction of a public access boat launch in the
city of Everett on metropolitan district commission property located
behing the Monsanto Chemical company on the Mystic/Malden Riv-
ers; said facility to include a pier for public use, and other facili-
ties and safety features as required for safe operation of said fa-
cility..... \$200,000

Metropolitan District Commission.

Sewerage Division.

- 2430-8791 For the acquisition of land and for the preparation of plans for a
new maintenance facility in Metropolitan Boston..... \$300,000
M.D.C. Sewerage District Fund 100.0%
- 2430-8792 For certain improvements to Cranberry Brook in the city of Medford
..... \$200,000
M.D.C. Sewerage District Fund 100.0%

EXECUTIVE OFFICE OF TRANSPORTATION AND CONSTRUCTION.

Department of Public Works.

- 6020-8793 For the construction of expanded commuter parking facilities in the
towns of Sharon and Canton which services the south main line
region..... \$50,000
Highway Fund 100.0%

EXECUTIVE OFFICE OF EDUCATIONAL AFFAIRS.

University of Lowell.

- 7220-8791 For the construction of certain parking facilities on the south campus
including demolition and site modifications..... \$100,000

University of Massachusetts - Amherst.

- 7410-8792 For an ongoing program of repairs and renovations to various build-
ings including but not limited to roofing, elevators, mechanical
and electrical systems, and for improvements to roads and walks;
provided that not more than one hundred and twenty thousand
dollars may be expended from this item for the preparation of
plans for the renovation and upgrading of academic buildings
..... \$3,000,000

University of Massachusetts - Boston.

- 7416-8791 For the replacement of underground lighting cables at the Harbor
campus..... \$50,000

SECTION 3.

EXECUTIVE OFFICE OF ADMINISTRATION AND FINANCE.

Bureau of Building Construction.

- 1100-8781 Item 1100-8781 of section three of chapter nine hundred and twenty
of the acts of nineteen hundred and seventy-seven is hereby
amended by adding at the end thereof the following: ; provided,
further, notwithstanding the limitation of the provisions of section
seven A of chapter eight hundred and fifty-nine of the acts of
nineteen hundred and seventy-five this amount may be expended
in addition thereto

- 1100-8791) For plans and construction of a department of transportation building in the Park Square area of the city of Boston, including the cost of furnishings and equipment and for relocating equipment of agencies which will occupy the building; to be in addition to the amount appropriated in item 1100-8781 of section three of chapter nine hundred and twenty of the acts of nineteen hundred and seventy-seven..... \$58,000,000
- 1100-8781)
- 5162-8741) From the unexpended balance remaining in item numbers 8074-21 of section two of chapter one thousand one hundred and eighty of the acts of nineteen hundred and seventy-three, as amended by 5162-8751 of section two of chapter five hundred and nine of the acts of nineteen hundred and seventy-four, the sum of one million dollars is hereby transferred to the commissioner of administration and made available for the purposes of the following item:
- 1100-8751)
- 1100-8751) For the acquisition of certain land and buildings thereon located in the city of Pittsfield owned by the Berkshire Medical Center, for certain improvements to mechanical and electrical systems, and general repairs, and for such demolition as may be necessary to provide suitable space for state offices and facilities, and other compatible uses; the commissioner of administration is hereby authorized to carry out the purposes of this item; provided that no payment shall be made for such acquisition until at least one independent appraisal of the value of said property has been made by a qualified, disinterested appraiser, and provided further, that the cost of such appraisal or appraisals may be charged to this item.
- 1102-8791) 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 1102-8772 of section two of chapter four hundred and eighty-one of the acts of nineteen hundred and seventy-six..... \$3,500,000
- 1102-8792) For planning and renovations for energy conservation measures at various facilities of the commonwealth to be designated by the director of the bureau of building construction with the approval of the commissioner of administration; to be in addition to the amount appropriated in item 1102-8774 of section two of chapter four hundred and eighty-one of the acts of nineteen hundred and seventy-six..... \$4,000,000
- 1102-8793) 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
- 1102-8794) 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
- 1102-8795) 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 1102-8776 of section two of chapter four hundred and eighty-one of the acts of nineteen hundred and seventy-six..... \$400,000
- 1102-8796) 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 1102-8775 of section two of chapter four hundred and eighty-one of the acts of nineteen hundred and seventy-six..... \$400,000

1102-8797 For unexpended 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..... \$2,849,000

Bureau of State Buildings.

1102-8798 For the design and construction of an interceptor sewer to service the facilities on the property formerly known as the Grafton state hospital, including the acquisition of such additional land and interests therein as may be necessary for the installation of said system, by purchase, by eminent domain under chapter seventy-nine of the General Laws, or otherwise; provided that no payment shall be made for the acquisition of such additional land and interests therein until an independent appraisal of the value of the property has been made by a qualified, disinterested appraiser..... \$1,400,000

1102-8799 For the installation of sprinkler and other fire suppression systems in attic areas and in the Bulfinch dome area of the State House..... \$500,000

EXECUTIVE OFFICE OF ENVIRONMENTAL AFFIARS.

Division of Law Enforcement.

2020-8791 For the purchase of a marine offshore vessel..... \$285,000

Division of Conservation Services.

2030-8791 For assistance to certain cities and towns in the acquisition of lands as provided in chapter nine hundred and thirty-three of the acts of nineteen hundred and seventy-seven..... \$5,000,000

2030-8792 For assistance to the city of Springfield for the restoration, rehabilitation and improvement of Forest Park and Van Horn Park, in accordance with the provisions of chapter nine hundred and thirty-three of the acts of nineteen hundred and seventy-seven..... \$1,000,000

Department of Environmental Quality Engineering.

Division of Waterways.

2270-8791) For the construction on the New Bedford state pier of a general cargo shed including site preparation and development, and the cost of furnishings and equipment to be in addition to the amount appropriated in item 2270-0800 of section two of chapter seven hundred and twenty-one A of the acts of nineteen hundred and seventy-seven..... \$2,500,000

EXECUTIVE OFFICE OF HUMAN SERVICES.

Department of Youth Services.

Judge John J. Connelly Youth Center.

4221-8791 For certain renovations and improvements, including the cost of furnishings and equipment; to be in addition to the amount appropriated in item 4221-8781 of section three of chapter nine hundred and twenty of the acts of nineteen hundred and seventy-seven

\$1,000,000

Worcester Secure Treatment Unit.

- 4224-8791 For the construction of a multipurpose addition and certain renovations to the existing building, including the cost of furnishings and equipment, to be in addition to the amount appropriated in item 4224-8781 of section three of chapter nine hundred and twenty of the acts of nineteen hundred and seventy-seven \$640,000

Stephen L. French Youth Forestry Camp.

- 4231-8791) Item 8071-09 of section two of chapter six hundred and thirty-three
- 4231-8711) of the acts of nineteen hundred and seventy, as amended by item 8071-09 of section two of chapter three hundred and twenty-seven 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:-
- For the construction of a new forestry camp, including dormitories, infirmary, kitchen-dining facilities and administrative offices; including the cost of furnishings and equipment; to be in addition to the amount appropriated in item 8071-09 of section two of chapter six hundred and thirty-three of the acts of nineteen hundred and seventy..... \$150,000

Department of Corrections.

Correctional Institution at Walpole.

- 4313-8791 For renovations and upgrading of the heating and ventilation systems, or the installation of smoke ejectors and energy conservation improvements..... \$563,000

Correctional Institution at Framingham.

- 4315-8791 For the installation of a new locking system for the cottages, including a new gang release of all room doors and exit doors, and improvements to security at control stations..... \$320,000
- 4315-8792 For renovations and improvements to the second and third floors of the maximum security unit, including upgrading of security and mechanical electrical systems, and interior finishes... \$625,000

Correctional Institution at Norfolk.

- 4316-8791 For general renovations to the housing units and school building to improve rehabilitation facilities safety, security, and energy conservation, and including the cost of furnishings and equipment \$1,325,000
- 4316-8792 For improvements to the water supply..... \$640,000
- 4316-8793 For replacement of the utility distribution systems, including water supply lines, steam supply and return lines, and for upgrading of electrical feeders and waterproofing of electrical conduits systems and transformer vaults and for installation of a new freight elevator in the storehouse..... \$650,000
- 4316-8794 For replacement of the existing lock system with new electric release gang-locking systems at all floors and control doors of the inmate receiving building..... \$225,000
- 4316-8795 For certain renovations and repairs to buildings 3-2 and 4-3, including the cost of furnishings and equipment, to be in addition to the amount appropriated in item 4316-8771 of section two of chapter four hundred and eighty-one of the acts of nineteen hundred and seventy-six..... \$220,000

Shirley Pre-Release Center.

- 4343-8791 For renovations to the existing boiler plant, including new boilers, certain accessories, and modifications to existing equipment and mechanical systems, building structure repairs, renewal of roof, all related work, including the cost of furnishings and equipment, to be in addition to the amount appropriated in item 4343-8772 of section two of chapter four hundred and eighty-one of the acts of

	nineteen hundred and seventy-six.....	\$720,000
4343-8792	For the construction of a water distribution supply system including water mains, distribution system, and related items, to be in addition to amounts appropriated in item 8071-10 of section two of chapter six hundred and thirty-three of the acts of nineteen hundred and seventy.....	\$375,000

DEPARTMENT OF PUBLIC HEALTH.

Lakeville Hospital.

4531-8791	For the preparation of plans for air-conditioning of the hospital building.....	\$190,000
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Lemuel Shattuck Hospital.

4532-8791	For improvements to security in the correctional medical ward and a portion of the out-patient section of the hospital, including all necessary alteration for proper security, and including the cost of furnishings and equipment.....	\$400,000
4532-8792	For the construction of intensive care units in the hospital building, including isolation, security, and ancillary facilities, including the cost of furnishings and equipment.....	\$675,000

Massachusetts Hospital School.

4533-8791	For the construction of a new power plant including the cost of furnishings and equipment, and including a stack, fuel tanks, and modifications to the utility distribution systems; to be in addition to the amount appropriated in item 4533-8782 of section three of chapter nine hundred and twenty of the acts of nineteen hundred and seventy-seven.....	\$2,240,000
4533-8792	For the construction of a gymnasium and swimming pool for the physically handicapped to be in addition to the amount appropriated in chapter nine hundred and twenty of the acts of nineteen hundred and seventy-seven.....	\$3,700,000

Rutland Heights Hospital.

4535-8791	For certain renovations and modifications to existing buildings	\$2,896,000
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Western Massachusetts Hospital.

4537-8791	For renovations and improvements to the hospital building to comply with applicable codes and regulations; to be in addition to the amount appropriated in item 4537-8782 of section three of chapter nine hundred and twenty of the acts of nineteen hundred and seventy-seven.....	\$560,000
4537-8792	For the preparation of plans for a new boiler plant, or satellite heating plants, including any necessary stacks, fuel tanks, and utility systems.....	\$150,000

DEPARTMENT OF MENTAL HEALTH.

5011-8791	For the planning and 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 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; 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 selected facilities.....	\$14,500,000
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Worcester State Hospital.

5293-8791	For the preparations of plans for renovations to the hospital to comply with the Life Safety Code.....	\$50,000
5293-8792	For repairs to the Bryan building.....	\$140,000

Dr. Harry C. Solomon Mental Health Center.

5361-8791 For certain improvements including window replacement, ward air-conditioning, emergency power..... \$300,000

Massachusetts Mental Health Center.

5661-8791 For certain renovations and improvements to the third and fourth floors of the hospital building, including the cost of furnishings and equipment..... \$600,000

EXECUTIVE OFFICE OF EDUCATIONAL AFFAIRS.

Board of Trustees of State Colleges.

State College at Boston.

7108-8791 For the purchase of furnishings and equipment for the classroom-library auditorium and cafeteria building..... \$300,000

7108-8792 For the preparation of plans and construction of outdoor athletic and related facilities for the state college at Boston.... \$300,000

State College at Bridgewater.

7109-8791 For repairs, renovations, and improvements to Boyden hall, including the cost of furnishings and equipment; to be in addition to the amount appropriated in item 7109-8782 of section three of chapter nine hundred and twenty of the acts of nineteen hundred and seventy-seven..... \$2,200,000

State College at Fitchburg.

7110-8791 For the purchase of furnishings and equipment for the fine and industrial arts building..... \$300,000

State College at Framingham.

7111-8791 For the preparation of plans for certain renovations to May Hall \$150,000

State College at Salem.

7114-8752 Item 7114-8752 of section two of chapter five hundred and nineteen of the acts of nineteen hundred and seventy-four as amended by 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:-

For the reimbursement to the city of Salem for the commonwealth's share of the cost of replacement of a certain portion of a sanitary sewer line located on the property of the state college at Salem; provided, that the said commonwealth's share shall not exceed fifty thousand dollars; and, provided further, that this item shall not be subject to section forty of chapter seven of the General Laws; and for the construction of outdoor athletic facilities adjacent to the new physical education building.

7114-8771 Item 7114-8771 of section two of chapter four hundred and eighty-one of the acts of nineteen hundred and seventy-six is hereby amended by adding the words:- and for the repair and/or replacement of the existing built up roof on the administration building, repairs to the facade and front stairs of the auditorium and certain electrical and mechanical modifications.

7114-8791 For renovation to Horace Mann north and south campuses; including interior and exterior repairs and modification to conform to the state building code to be in addition to the amount appropriated in item 7114-8753 of chapter five hundred and nineteen of the acts of nineteen hundred and seventy-four..... \$2,200,000

7114-8792 For replacement of a certain steam line..... \$300,000

Massachusetts College of Art.

7117-8791 For preparation of plans for phase II renovations of building 149; to be in addition to the amount appropriated in item 7117-8781 of section three of chapter nine hundred and twenty of the acts of nineteen hundred and seventy-seven..... \$300,000

Massachusetts Maritime Academy.

7118-8791 For plans and construction of outdoor athletic and related facilities \$250,000

University of Lowell.

7112-8721) Item 8072-45 of section two of chapter nine hundred and seventy-
7112-8713) six of the acts of nineteen hundred and seventy-one, as amended
by item 8072-45 of section two of chapter four hundred and eighty-
one of the acts of nineteen hundred and seventy-six, is hereby
further amended by striking out the wording and inserting in
place thereof the following:-

For the construction of a music, fine arts, classroom, auditorium
building, including the cost of furnishings and equipment; modifi-
cations to lighting, doors, ramps, walkways, flooring and acous-
tics; renovations of administrative offices; extension of the north
lobby enclosure; and for certain campus safety and site improve-
ments, including walks and lighting; to be in addition to the
amount appropriated in item 8071-39 of section two of chapter six
hundred and thirty-three of the acts of nineteen hundred and
seventy; total project cost not to exceed five million six hundred
and eighty thousand dollars.

Southeastern Massachusetts University.

7310-8791) For construction of a science building including the cost of furni-
8067-22) shings and equipment to be in addition to the amount provided in
item 8067-22 of section two of chapter five hundred and ninety of
the acts of nineteen hundred and sixty-six; total project cost not
to exceed seven million seven hundred and four thousand dollars
..... \$7,400,000

University of Massachusetts - Amherst.

7410-8791 For plans and renovations and repairs to Brooks house and Knowlton
house, including the cost of furnishings and equipment; to be in
addition to the amount authorized in item 7410-8782 of chapter
nine hundred and twenty of the acts of nineteen hundred and
seventy-seven..... \$1,850,000

University of Massachusetts Medical School.

7411-8791 For the purchase and installation of an integrated electronic data
processing system..... \$325,000

7411-8792 For the purchase of furnishings and equipment for the teaching hos-
pital..... \$1,000,000

University of Massachusetts - Boston.

7416-8792 For modifications to the heating and ventilating system of building
010..... \$525,000

7416-8793 For replacement of roof of the library building 090..... \$250,000

Massachusetts Board of Regional Community Colleges.

Bristol Community College.

7503-8791 For access roads, parking areas and landscaping..... \$1,462,000

7503-8792 For plans for a business technology building, cost not to exceed two
million dollars..... \$175,000

Cape Cod Community College.

7504-8791 For the purchase and installation of stage lighting and certain other
equipment for the fine arts complex..... \$270,000

7504-8792 For interior and exterior renovations, modifications and repairs of
buildings, including the cost of furnishings and equipment
..... \$1,600,000

Massachusetts Bay Community College.

7507-8791 For the preparation of plans for site improvements, including utilities,
drainage, landscaping, lighting and parking..... \$200,000

Northern Essex Community College.

7510-8791	For repairs and replacement of roofing.....	\$300,000
7510-8792	For plans for a fine arts center project cost not to exceed five million dollars.....	\$250,000

EXECUTIVE OFFICE OF PUBLIC SAFETY.

Massachusetts Criminal Justice Training Council.

8200-8791	For the renovations to the Feeding Hills training school for use as the western Massachusetts law enforcement academy...	\$600,000
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SECTION 4.

EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS.

Department of Environmental Management.Division of Forests and Parks.

2120-8791)	For land acquisition and the construction of certain facilities at Heritage state park in Lowell; including the costs of furnishings and equipment, including equipment of historical significance; 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; to be in addition to the amount appropriated in item 2120-8774 of section four of chapter four hundred and eighty-one of the acts of nineteen hundred and seventy-six....	\$4,100,000
2120-8774)		
2120-8792	For the acquisition of Spectacle and Rainsford islands and Long Island head for the Boston Harbor island state park and for certain improvements; to be in addition to the amount appropriated in chapter seven hundred and forty-two of the acts of nineteen hundred and seventy.....	\$1,500,000
2120-8793	For the construction of an access road from the Podunk pike to the Wells state park.....	\$350,000
2120-8794	For the rehabilitation of existing recreational facilities....	\$1,125,000
2120-8795	For the acquisition of land in the Halibut point area in the town of Rockport.....	\$400,000
2120-8796)	Item 2630-8753 of section four of chapter five hundred and nineteen of the acts of nineteen hundred and seventy-four is hereby amended by striking out said item and inserting in place thereof the following:-	
2630-8753)		
2120-8796	For the design and construction of a skating rink in southern Berkshire county; provided that funds appropriated in this item may be utilized for the acquisition of a certain sports complex in the town of Lenox and for the renovation, rehabilitation and improvement of the complex; provided further, that no payment shall be made for such acquisition until at least one independent appraisal of said real property and land has been made by a qualified disinterested appraiser.....	\$1,200,000
2120-8797	For the rehabilitation of the Summit House on Mount Holyoke and for the reconstruction of a building or the construction of a new building for a visitors center, including furnishings and equipment for both facilities, including related costs; provided that this item shall not be subject to the provisions of section forty of chapter seven of the General Laws.....	\$600,000
2120-8798)	Item 2630-8752 of section four 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 new wording:-	
2630-8752)		
2120-8798	For the design and construction of a skating rink in central Hampshire county to be in addition to the amount appropriated in item 2630-8752 of section four of chapter five hundred and nineteen of the acts of nineteen hundred and seventy-four.....	\$300,000
2120-8799	For the acquisition of a tract of land bordering the Harold Parker state forest in the town of Andover.....	\$200,000

- 2121-8791 For site development and the construction of a regional office facility in Pittsfield, including the cost of furnishings and equipment to be in addition to the amount appropriated in items 2120-8783 of section five of chapter nine hundred and twenty of the acts of nineteen hundred and seventy-seven..... \$125,000
- 2121-8792 For the acquisition and development in connection with the establishment of Fall River Heritage state park, including the cost of furnishings and equipment; provided, that this item shall not be subject to the provisions of section forty of chapter seven of the General Laws..... \$5,000,000

SECTION 5.

EXECUTIVE OFFICE OF TRANSPORTATION AND CONSTRUCTION.

Department of Public Works.

Administrative and Engineering.

- 6020-8791 For the preparation of plans for an addition to the existing research and materials building in Wellesley..... \$150,000
- 6020-8792 For the construction of a pedestrian overpass at Route 114 in the vicinity of North Parish road and Winthrop avenue in the city of Lawrence..... \$250,000

EXECUTIVE OFFICE OF PUBLIC SAFETY.

Department of Public Safety.

Division of State Police.

- 8312-8791 For the construction of a garage and maintenance shop, including the costs of furnishings and equipment..... \$1,200,000
- 8312-8792 For the construction of a state police station, in the vicinity of Route 1 and 128; including land and site work and development, and including the cost of furnishings and equipment..... \$170,000
- 8312-8793 For the acquisition of certain property in the town of Brookline \$80,000

SECTION 6.

EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS.

Metropolitan District Commission.

Metropolitan Water System.

- 2420-8791) For the installation of new meters and equipment for remote monitoring and rehabilitation of the existing system; to be in addition to the amount appropriated in item 2420-8772 of section six of chapter four hundred and eighty-one of the acts of nineteen hundred and seventy-six..... \$1,500,000
- 2420-8772)
- 2420-8792 For replacement of certain water mains in Cambridge, Arlington, Medford, Brookline, Chelsea and Everett..... \$3,130,000
- 2420-8793 For the construction of certain pipeline improvements to various water mains including new pumps and altitude valves.... \$4,020,000

SECTION 7.

EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS.

Department of Environmental Management.

Division of Forests and Parks.

- 2121-8782 For a project feasibility study and environmental impact report and preparation of preliminary plans and descriptive specifications of a new parks system in the Southwest Corridor in the city of Boston; provided, that community groups organized under the laws of the commonwealth prior to the effective date of this act shall participate in said studies and plans..... \$200,000

Metropolitan District Commission.

Metropolitan Parks District.

2440-8791)	For certain improvements to existing parks and existing recreational facilities, including repairs to swimming pools; to be in addition to the amount appropriated in item 2440-8771 of section five of chapter four hundred and eighty-one of the acts of nineteen hundred and seventy-six; provided however that an amount not to exceed three hundred thousand dollars shall be spent to improve and restore Fellsmere pond in the city of Malden.....	\$800,000
2440-8771)		
2440-8792	For site development for park and recreation purposes at the Chelsea naval hospital site.....	\$1,600,000
2440-8793)	For the restoration of Alexander Bajko rink and Martin J. Olsen pool in the Hyde Park district of the city of Boston and for the extension and completion of site work at John F. Thompson center for handicapped children; for clearing of adjoining swamp area; for opening greater public access to the woodlands of Stony Brook reservation in Hyde Park and Roslindale; for needed environmental work to Turtle pond and Enneking woodlands and the other wooded areas of said reservation, including the cost of equipment; as authorized by chapter five hundred and fifty-eight of the acts of nineteen hundred and fifty-five, to be in addition to any other federal or state funds or assistance which may be available for the purposes of said act; prior appropriation continued	\$750,000
2444-9013)		
2440-8794	For the construction and reconstruction of shoreline recreational facilities between and including Castle Island and Tenean Beach including, but not limited to, piers, sanitariums, shelters, tennis courts, playgrounds and landscaping.....	\$2,500,000
2440-8795)	For the improvement, including investigations and the control of noxious odors, and stabilization against erosion of Lynn and King's beaches; and for associated work including, but not limited to temporary and permanent breakwaters, barriers or impoundment basins; including the cost of beach cleaning equipment and chemicals to control odors; to be in addition to any federal funds or other assistance which may be available for the purposes of this item; and further provided that expenditures for this item shall be in addition to available funds appropriated in item 2442-9034 as contained in section two of chapter eight hundred and thirty-three of the acts of nineteen hundred and seventy...	\$1,150,000
2442-9034)		
2440-8796	For the rehabilitation of existing seawalls, including the removal and replacing of sections, new concrete cap walls, sidewalks, pile foundations and including a comprehensive study toward a long-term solution to the erosion problem.....	\$1,200,000
2440-8797	For the removal of the salt water in the lower Mystic lake	\$640,000
2440-8798	For the construction of parks, reservations and recreational facilities, including the acquisition of certain land.....	\$1,000,000
2440-8799	For the development of a recreational facility in the town of Braintree	\$300,000
2444-8790	For the planning, purchase and installation of communications equipment including the conversion of the existing system to be used by other metropolitan district commission divisions...	\$600,000
2449-8791)	For the redevelopment of the Franklin Park Zoo to be in addition to the amount appropriated in section seven of chapter eight hundred and three of the acts of nineteen hundred and seventy-two	\$11,000,000
2449-7373)		

SECTION 8. To meet the cost of the expenditures authorized by section two of this act there is hereby appropriated from the General Fund and other funds as specified therein the sum of seventeen million six hundred and fifty thousand dollars, said appropriation to expire June thirtieth, nineteen hundred and eighty-one.

SECTION 9. 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-eight, 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 10. 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 three to six, inclusive, of this act, and may issue and renew from time to time notes of the commonwealth therefor, bearing interest payable at such time 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-three. 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 three to six, inclusive, are charged.

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 one hundred and thirty-nine million, one hundred and ninety-five thousand dollars.

All bonds issued by the commonwealth, as aforesaid, shall be designated on their face, Capital Outlay Loan, Act of 1978, 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 three. Bonds and 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 fourteen million nine hundred thousand dollars.

All bonds issued by the commonwealth, as aforesaid, shall be designated on their face, State Recreation Areas Loan, Act of 1978 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 three. 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 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 one million eight hundred and fifty thousand dollars.

All bonds issued by the commonwealth, as aforesaid, shall be designated on their face, Highway Improvement Loan, Act of 1979 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 three. 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 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 specified by the governor from time to time, but not exceeding, in the aggregate, the sum of eight million six hundred fifty thousand dollars.

All bonds issued by the commonwealth, as aforesaid, shall be designated on their face, Metropolitan Water District Loan, Act of 1978, 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 three. All interest and payments on account of principal of such obligations shall be payable from the Metropolitan District Water 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 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 twenty-one million seven hundred and forty thousand dollars.

All bonds issued by the commonwealth, as aforesaid, shall be designated on their face, Metropolitan Parks District Loan, Act of 1978, 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 the issue thereof and the entire issue not later than

June thirtieth, two thousand and three. All interest and payments on account of principal of such obligations shall be payable from the Metropolitan District Parks 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 16. The metropolitan district commission is hereby authorized and directed to name the bridge over the Neponset river from Neponset avenue in the Dorchester section of the city of Boston to Hancock street and Quincy Shore Drive in the city of Quincy after Reverend Cormac Walsh, a deceased chaplain of the United States Navy. Said commission is directed to display suitable markers on said bridge.

SECTION 17. Chapter 29 of the General Laws is hereby amended by inserting after section 49 the following section:-

Section 49A. Notwithstanding any other provisions of the laws of the commonwealth, whenever the state treasurer is authorized to issue and sell bonds of the commonwealth and he determines to issue and sell all or a portion of such bonds in denominations of less than five thousand dollars (minibonds), he may issue and sell such minibonds at public or private sale, maturing in such amounts and upon such dates, at such interest rate or rates, payable at such time and in such manner, at par or at discount, in bearer or registered form, and upon such other terms and conditions, all as he shall determine to be in the best interests of the commonwealth; provided that (1) not more than one million dollars principal amount of minibonds shall be sold by the state treasurer in any one fiscal year; (2) no minibond shall mature more than five years after its date; (3) no one sale to a purchaser of minibonds shall be in an aggregate principal amount equal to or greater than five thousand dollars; and (4) each minibond shall provide that it shall be redeemed by the commonwealth upon due presentation by an appropriate person on any business day after one year from its date of sale by the state treasurer at such price as the state treasurer shall determine according to a schedule established with respect to each issue of minibonds prior to the sale thereof. The state treasurer may adopt regulations with respect to the issuance and sale of minibonds. Sections forty-five, forty-nine, and fifty-three of this chapter shall not apply to the issuance of minibonds.

SECTION 18. Chapter 4 of the acts of 1976 is hereby amended by inserting after section 10 the following section:-

Section 10A. Whenever the governor and the state treasurer shall have determined it to be in the best interests of the commonwealth to refund outstanding bonds issued during March of nineteen hundred and seventy-six pursuant to section ten of this act, the state treasurer may with the approval of the governor, issue and sell bonds in an amount not to exceed six hundred and seventy-two million dollars for the purposes of purchasing, funding or refunding all or any of the principal of and the interest payable with respect to such outstanding bonds to the redemption or maturity dates thereof, together with any sinking

funds with respect thereto, redemption premiums, if any, all expenses incidental to the calling, retirement or payment of the outstanding bonds and to the issuance of the refunding bonds including, without limitation, bond discount, and any amount necessary for the payment of interest upon the refunding bonds issued pursuant to this section from the date of their sale to the date of maturity of the outstanding bonds to be refunded or to the date upon which the outstanding bonds to be refunded will be paid pursuant to the call thereof or any agreement with the holders thereof.

All bonds issued pursuant to this section shall be designated on their face "General Obligation Debt Service Refunding Bond". Such bonds may be issued and sold at par or discount, at public or private sale, registered or with interest coupons attached, and may be 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, or in any combination thereof, and section forty-nine of chapter twenty-nine of the General Laws shall not apply to the repayment provisions of any term bonds. The rate or rates of interest shall be as the state treasurer shall designate or approve, and the bonds shall be sold at such interest costs as he and the governor shall approve. Except as may be otherwise provided in this section, all of the terms and conditions of the issue and sale of such bonds, and of such bonds, shall be as the state treasurer shall determine to be in the best interests of the commonwealth. Section fifty-three of said chapter twenty-nine shall not apply to any such sale.

If any bonds are issued hereunder as term bonds, the state treasurer may establish or cause to be established a reserve or sinking fund for the payment or redemption of any such term bonds and for the payment of interest thereon. Payments to any such reserve or 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 such term bonds are issued, shall for all purposes, including the purposes of section fifty of said chapter twenty-nine, 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. Amounts in such reserve or sinking funds may be invested as provided in the following paragraph, and earnings thereon may be taken into account in establishing or making payments to any such reserve or sinking fund. Payments from any such reserve or sinking fund for the payment or 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 bonds issued in accordance with this section, such proceeds, together with investment earnings thereon, and amounts in any reserve or sinking fund established in accordance with the preceding paragraph, together with investment earnings thereon, shall be held by the state treasurer in trust, or may be deposited by the state treasurer in trust, on such terms as the state treasurer shall approve, with a trustee or escrow agent, which trustee or escrow agent shall be a banking institution or trust company

with trust powers having a paid-up capital and surplus of not less than fifty million dollars, for investment in (i) direct obligations of, or obligations the payment of the principal and interest of which are unconditionally guaranteed by, the United States of America; (ii) obligations of the Federal National Mortgage Association, the Government National Mortgage Association, the Federal Financing Bank, the Federal Intermediate Credit Banks, Federal Banks for Cooperatives, Federal Land Banks, Federal Home Loan Banks, Farmers Home Administration and Federal Home Loan Mortgage Corporation, or by any other agency or corporation which has been or is hereafter created pursuant to an act of Congress of the United States as an agency or instrumentality thereof; (iii) housing authority bonds issued by public agencies or municipalities and fully secured as to the payment of both principal and interest by a pledge of annual contributions under an annual contributions contract or contracts with the United States of America or project notes issued by public agencies or municipalities and fully secured as to the payment of both principal and interest by a requisition or payment agreement with the United States of America; (iv) interest-bearing time deposits or certificates of deposit of banking institutions or trust companies organized under the laws of any state of the United States or any national banking association, provided that such deposits or certificates shall be continuously and fully secured by obligations described in clauses (i), (ii) and (iii) having a market value, exclusive of accrued interest, at least equal to the aggregate amount of such deposits and certificates; or (v) any of the securities described in clauses (i) to (iii), inclusive, which are subject to repurchase agreements with any bank or trust company organized under the laws of any state of the United States or any national banking association. Such proceeds, including the earnings from any such investments, shall be applied for the purposes specified in this section; provided, however, that net earnings on investments or proceeds of bonds issued in accordance with the provisions of this section not used for such purposes shall be deposited by the state treasurer in the general fund.

In connection with the issuance of bonds pursuant to this section and to induce the purchase of such bonds, the state treasurer may covenant on behalf of the commonwealth from time to time with the purchasers or with the holders of such bonds or with a trustee or trustees, which trustee or trustees shall be banking institutions or trust companies with trust powers having paid up capital and surplus of not less than fifty million dollars, for the benefit of such holders with respect to the proceeds and investment earnings thereon of bonds issued pursuant to this section, to mandatory and voluntary redemptions, the prices thereof and the manner of notice therefor, to the operation of and investment of amounts in any reserve or sinking fund, 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 on March ninth, nineteen hundred and seventy-six; and to any other matter appropriate and proper and not inconsistent with law in connection with the bonds. Without limiting the generality of the foregoing sentence, the state treasurer shall so covenant, on such terms as he deems to be in the best interests of the commonwealth to the effect that, subject to appropriation, the aggregate net difference between (i) the annual debt service, consisting of principal, interest and sinking fund payments, if any, required to be paid by the commonwealth for each year that any of such bonds is to remain outstanding with respect to the refunding bonds being issued pursuant to this section; and (ii) the annual debt service, consisting of principal, interest and sinking fund payments, if any, which, but for the refunding thereof, would be required to be paid by the commonwealth for each year that any of such refunded bonds is to or would remain outstanding with respect to the outstanding bonds being refunded shall be applied, in addition to any sums otherwise applied or required to be applied by the commonwealth for such purpose, for the purpose of establishing a fund to accumulate assets in advance of the payment of retirement allowances, provided that such monies shall be used solely for the purpose of offsetting the anticipated future cost of funding the contributory retirement systems of the state employees and teachers as defined in section one of chapter thirty-two of the General Laws. Such covenant may provide for the deposit of such aggregate net difference on such schedule as the state treasurer deems to be in the best interests of the commonwealth; provided, however, that any such schedule shall require such payments to be made to the greatest extent practicable in the years in which such savings are realized, taking into account years, if any, in which the debt service on the refunding bonds exceeds debt service on the refunded 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 contract or indenture on 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. As recommended by the governor in a message to the general court dated July first, nineteen hundred and seventy-eight in pursuance of Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth, the bonds issued pursuant to this section, whether term bonds or on the serial payment plan, shall be for a term not exceeding thirty years.

Before the issue and sale of bonds issued pursuant to this section, the state treasurer shall have advised the general court, by filing a report with the clerks of the house of representatives and the senate, of the manner in which the discretion conferred upon the state treasurer by this section has been or will be exercised, except as to any discretionary matters which cannot reasonably be determined until a subsequent time. In exercising the discretion conferred by this section the state treasurer shall invite and consider proposals from interested underwriters, and, if any bonds issued pursuant to this section

are to be issued and sold at private sale, the state treasurer shall, at least five days before the execution of a purchase agreement with respect to such sale, have advised the general court in the manner aforesaid of the procedure employed in selecting a managing underwriter or underwriters, the identify of such underwriter or underwriters and the reasons for its or their selection.

Any right against the commonwealth of a holder of a bond issued hereunder may be enforced as provided in chapter two hundred and fifty-eight of the General Laws. 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 the principal of and the interest on bonds issued pursuant to this section, and the full faith and credit of the commonwealth is pledged to such payment.

SECTION 19. Section 4 of chapter 703 of the acts of 1964 is hereby amended by striking out clause (g) and inserting in place thereof the following:

(g) To borrow from time to time to finance and refinance the cost of projects and to refund obligations earlier incurred for such purpose and for refunding, and to sell its bonds and notes therefor, payable solely from its revenues, as provided in section seven;

SECTION 20. Section 10 of said chapter 703 is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- The commonwealth, acting by and through the trustees, may enter into a contract or contracts with the Authority for state financial assistance in the form of a guarantee by the commonwealth of bonds of the Authority issued for any of the purposes specified in the first sentence of section seven.

SECTION 21. Section 49 of chapter 29 of the General Laws is hereby amended by adding the following two paragraphs:-

Notwithstanding any general or special provision of law to the contrary, a provision in any statute authorizing the state treasurer to issue and sell bonds of the commonwealth providing that such bonds shall bear interest at such rate as the state treasurer, with the approval of the governor, shall fix; or a provision of similar import, shall be construed to provide that such bonds shall bear interest at such rate or rates as the state treasurer, with the approval of the governor, shall fix.

Unless otherwise specifically provided, a provision in any act authorizing the state treasurer to issue and sell bonds of the commonwealth shall authorize him, with the approval of the governor, to issue and sell bonds subject to call for redemption at any time or from time to time, with or without premium, as he determines to be in the best interest of the commonwealth. The provisions of this section shall apply to all bonds issued after the effective date of this act.

I disapprove Item 2430-8792; Item 2030-8792; Item 7108-8792; Item 7118-8791; Item 7510-8792; Item 8200-8791; Item 6020-8792; Item 2440-8799; Item 2444-8790; Item 7503-8792

I reduce Item 4533-8792 to \$3,200,000.

I reduce Item 4535-8791 to \$896,000.

The remainder of this bill I hereby approve.

Approved July 20, 1978

Chap. 514. AN ACT ESTABLISHING THE DEPARTMENT OF REVENUE.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to establish a department of revenue, 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 4A of chapter 7 of the General Laws is hereby amended by striking out the first sentence, as most recently amended by section 22 of chapter 872 of the acts of 1977, and inserting in place thereof the following sentence:- The executive office for administration and finance, shall include a comptroller's division, in charge of a comptroller, who shall have the rank of a deputy commissioner and shall be appointed by the governor for a term coterminous with that of the governor, and shall receive a salary of thirty-three thousand nine hundred and twenty-eight dollars; a purchasing agent's division, in charge of a purchasing agent, who shall have the rank of a deputy commissioner and shall be appointed by the governor for a term coterminous with that of the governor, and shall receive a salary of thirty-three thousand nine hundred and twenty-eight dollars; a division of personnel administration, in charge of a personnel administrator, who shall have the rank of deputy commissioner; a division of employee relations, headed by a deputy commissioner for employee relations; a fiscal affairs division, headed by a deputy commissioner for fiscal affairs; and a central services division, headed by a deputy commissioner for central services; and a department of revenue, headed by a commissioner of revenue.

SECTION 1A. Said first paragraph of said section 4A of said chapter 7 is hereby further amended by striking out the first sentence, as most recently amended by section one of this act, and inserting in place thereof the following sentence:- The executive office for administration and finance shall include a comptroller's division, in charge of a comptroller, who shall have the rank of a deputy commissioner and shall be appointed by the governor for a term coterminous with that of the governor, and shall receive a salary of thirty-four thousand four hundred and fifty-three dollars; a purchasing agent's division, in charge of a purchasing agent, who shall have the rank of a deputy commissioner and shall be appointed by the governor for a term coterminous with that of the governor, and shall receive a salary of thirty-four thousand four hundred and fifty-three dollars; a division of personnel administration, in charge of a personnel administrator, who shall have the rank of deputy commissioner; a division of employee relations, headed by a deputy commissioner for employee relations; a fiscal affairs division, headed by a

deputy commissioner for fiscal affairs; and a central services division, headed by a deputy commissioner for central services; and a department of revenue, headed by the commissioner of revenue.

SECTION 1B. Said first paragraph of said section 4A of said chapter 7 is hereby further amended by striking out the first sentence, as most recently amended by section 1 A of this act, and inserting in place thereof the following sentence:- The executive office for administration and finance shall include a comptroller's division, in charge of a comptroller, who shall have the rank of a deputy commissioner and shall be appointed by the governor for a term coterminous with that of the governor, and shall receive a salary of thirty-five thousand and fifty-three dollars; a purchasing agent's division, in charge of a purchasing agent, who shall have the rank of a deputy commissioner and shall be appointed by the governor for a term coterminous with that of the governor, and shall receive a salary of thirty-five thousand and fifty-three dollars; a division of personnel administration, in charge of a personnel administrator, who shall have the rank of deputy commissioner; a division of employee relations, headed by a deputy commissioner for employee relations; a fiscal affairs division, headed by a deputy commissioner for fiscal affairs; and a central services division, headed by a deputy commissioner for central services; and a department of revenue, headed by the commissioner of revenue.

SECTION 2. Section 4G of said chapter 7 is hereby amended by striking out the first paragraph, as amended by section 2 of chapter 805 of the acts of 1972, and inserting in place thereof the following paragraph:-

The following agencies are hereby declared to be within the executive office for administration and finance: the civil service commission; the municipal personnel advisory board; the Massachusetts Commission Against Discrimination; the finance advisory board; the retirement law commission; the teachers' retirement board established by section sixteen of chapter fifteen; the commissioners to invest and manage the Massachusetts School Fund as provided in section three of chapter seventy; the board of economic advisors; the group insurance commission; the criminal history system advisory committee; the criminal history systems board; and the security and privacy council.

SECTION 3. Clause (3) of section 30T of said chapter 7, as appearing in section 2 of chapter 943 of the acts of 1971, is hereby amended by striking out, in lines 1 and 2, the words "corporations and taxation" and inserting in place thereof the word:- revenue.

SECTION 4. Section 6 of chapter 10 of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by striking out, in line 2, the words "corporations and taxation" and inserting in place thereof the word:- revenue.

SECTION 5. The General Laws are hereby amended by striking out chapter 14 and inserting in place thereof the following chapter:-

CHAPTER 14.

DEPARTMENT OF REVENUE.

Section 1. There shall be a department of revenue, in this chapter called the department, consisting of a division of administration, a division of audit, a division of processing, a division of operations and a division of local services, including within the said division of local services a bureau of local assessment, and a bureau of accounts to be headed by a director of accounts; and such other administrative units as may be established in or assigned to said department from time to time by the secretary of administration and finance. Each division shall be headed by a deputy commissioner and the bureau of accounts shall be headed by a director. Each deputy commissioner, each chief of bureau and the director of the bureau of accounts shall be appointed by the commissioner with the approval of said secretary, and may be removed in like manner; each shall be a person of ability and experience, and shall devote his entire time to the duties of his office; provided, however, that the positions as deputy commissioners, chiefs of bureaus and director shall not be subject to the provisions of chapter thirty-one or section nine A of chapter thirty.

The commissioner may designate a competent employee in the bureau of accounts to perform the duties of the director of accounts in case of his absence, death or disability; and notes of counties, towns and districts, when certified by such employee, shall have the same validity as if certified by the director.

There shall be within the department of revenue, but not subject to its control or supervision, the appellate tax board established by section one of chapter fifty-eight A.

Section 2. The commissioner of revenue, in this chapter called the commissioner, shall be appointed by the secretary of administration and finance, with the approval of the governor, and may be removed in like manner; the commissioner shall be a person of ability and experience, shall devote full time to his duties and shall not hold any other salaried public office, or engage in any business or profession for profit during his incumbency; his entire time to the duties of his office, and shall perform such functions as said secretary shall from time to time assign to him; provided, however, that the position of commissioner shall not be subject to the provisions of chapter thirty-one or section nine A of chapter thirty.

The commissioner shall give to the state treasurer a bond for the faithful performance of his official duties in a penal sum and with sureties approved by the governor. The commissioner shall receive a salary of thirty-three thousand nine hundred and twenty-eight dollars.

Section 3. The commissioner shall be responsible for administering and enforcing all laws which the department is or shall be required to administer and enforce. He shall be the executive and administrative head of the department, and each division, bureau, section and district office thereof shall be under his direction, control and supervision.

The commissioner shall assign to all officials, agents, clerks and other employees of the department their respective duties,

and may transfer them. He may from time to time authorize any official 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 him by any provision of law, and may at any time revoke any such authority. He may from time to time designate such employees of the department as he deems expedient as deputy collectors. Such deputies shall give bond for the faithful performance of their duties in such sum and in such form and subject to such conditions as he may prescribe, shall have all the powers of collectors under chapter sixty, and shall serve without pay except for their regular compensation as employees of the department.

Section 4. Any person appointed to any supervisory position in the department, whether or not the same shall be classified under chapter thirty-one, shall be a person with experience and skill in the field of taxation or in the field of the duties of such position. So far as feasible each appointment to each such position not so classified shall be made by promoting an employee of the department serving in a position so classified; and in such event upon termination of his service in such supervisory position such employee shall, at his request, be restored to his former position without loss of seniority and with full civil service status and rights therein; except that if such termination shall have been caused by his delinquency, his right to be so restored shall be determined in accordance with section forty-three of chapter thirty-one.

No position shall be created in the department, except the positions of deputy commissioner, chief of bureau and director of accounts unless and until the same shall be classified under chapter thirty-one; provided, however, that the secretary from time to time may, upon recommendation of the commissioner of revenue and the personnel administrator, exempt from the requirements of this paragraph positions with significant supervisory duties; provided, further, however, that at no time shall there be more than twenty-five positions in the aggregate not so classified because of any such exemption or exemptions.

Section 5. Within each of the divisions established in section one the commissioner shall, with the approval of the secretary, from time to time establish such branches, bureaus, sections, offices and other units as shall be necessary for efficient and economical administration of the work of the department, and, if necessary for such purpose, may with the approval of the secretary, from time to time consolidate or abolish the same. He shall prepare and keep current a general statement of such organization of the department, of the assignment of functions to its various administrative units, officials and employees, and of the established places at which and methods whereby the public may secure information or make requests. Such statement shall be known as the department's "description of organization". He shall file with the state secretary an attested copy of such description and of each amendment thereto, and the substance of it shall be included in each annual report he shall make to the governor and the general court.

Section 6. In addition to exercising the powers and performing the duties which are or shall be assigned to the commissioner by chapters fifty-eight to sixty-five C, inclusive, and by any other provision of law, the commissioner:

1. Shall make, with the approval of the secretary, and from time to time may revise, in like manner, such reasonable regulations, not consistent with law, as may be necessary to interpret and enforce any statute imposing any tax, excise or fee which is or shall be assessed or collected by the commissioner, or to prescribe the procedures to be followed within the department in seeking an abatement, refund, reimbursement or other relief under such statute. In each instance such regulations shall be general in scope and subject to the requirements of section thirty-seven of chapter thirty and section two of chapter thirty A.

2. Shall prepare and submit to the governor and the general court an annual report containing data and comment on the work of the department, recommendations for legislation or other action by the governor or general court, and such other information relating to the field of taxation as may be appropriate. Such report shall be printed, and copies thereof shall be made available for public distribution.

SECTION 5A. Section 2 of chapter 14 of the General Laws, as appearing in section 5 of this act, is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

The commissioner shall give to the state treasurer a bond for the faithful performance of his official duties in a penal sum and with sureties approved by the governor. The commissioner shall receive a salary of thirty-four thousand four hundred and fifty-three dollars.

SECTION 5B. Said section 2 of said chapter 14 is hereby further amended by striking out the second paragraph, as amended by section 5A of this act, and inserting in place thereof the following paragraph:-

The commissioner shall give to the state treasurer a bond for the faithful performance of his official duties in a penal sum and with sureties approved by the governor. The commissioner shall receive a salary of thirty-five thousand fifty-three dollars.

SECTION 6. The second paragraph of section 11 of chapter 15 of the General Laws, as appearing in section 1 of chapter 636 of the acts of 1974, is hereby amended by striking out, in lines 12, 18 and 19, the words "corporations and taxation", and inserting in place thereof the word:- revenue.

SECTION 7. Paragraph (e) of section 15 of chapter 23B of the General Laws, as appearing in section 1 of chapter 848 of the acts of 1970, is hereby amended by striking out, in line 3, the words "corporations and taxation", and inserting in place thereof the word:- revenue.

SECTION 8. Paragraph (f) of said section 15 of said chapter 23B, as so appearing, is hereby amended by striking out, in line 17, the words "corporations and taxation" and inserting in place thereof the word:- revenue.

SECTION 9. Section 17A of chapter 25 of the General Laws, as appearing in chapter 1093 of the acts of 1971, is hereby amended by striking out, in lines 3, 6, and 10, the words "corporations and taxation" and inserting in place thereof, in each instance, the word:- revenue.

SECTION 10. Section 5 of chapter 26 of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by striking out, in line 3, the words "corporations and taxation" and inserting in place thereof the word:- revenue.

SECTION 11. The definition of "Governmental body" of section 11A of chapter 30A of the General Laws, as amended by section 1 of chapter 397 of the acts of 1976, is hereby further amended by striking out, in lines 11 and 12, the words ", the state tax commission".

SECTION 12. The first paragraph of subdivision (4) of section 16 of chapter 32 of the General Laws, as most recently amended by section 53 of chapter 363A of the acts of 1977, is hereby further amended by striking out the first sentence and inserting in place thereof the following sentence:- There shall be an unpaid contributory retirement appeal board which shall consist of three members as follows: the director of the bureau of accounts or an assistant who shall be designated in writing from time to time by the commissioner of revenue, the commissioner of insurance or an assistant who shall be designated in writing from time to time by said commissioner, and an assistant attorney general who shall be designated in writing from time to time by the attorney general.

SECTION 13. Section 31 of chapter 35 of the General Laws, as most recently amended by chapter 160 of the acts of 1975, is hereby further amended by striking out, in line 4, the words "state tax commission" and inserting in place thereof the words:- commissioner of revenue.

SECTION 14. Said chapter 35 is hereby further amended by striking out section 46, as most recently amended by section 29 of chapter 849 of the acts of 1969, and inserting in place thereof the following section:-

Section 46. The commissioner of revenue shall annually, on or before August first, make a report to the governor and to the general court, which shall include the material portions of the returns made under section forty-five, compiled in tabular form, with his suggestions and recommendations.

SECTION 15. Section 31A of chapter 36 of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by striking out, in line 4, the words "corporations and taxation" and inserting in place thereof the word:- revenue.

SECTION 16. Section 5 of chapter 40 of the General Laws is hereby amended by striking out clause (38), as amended by section 9 of chapter 358 of the acts of 1946, and inserting in place thereof the following clause:-

(38) For the preservation, care and maintenance of, and for the further protection by insurance and otherwise of the town's

interest in, real estate held by it under purchases and takings for non-payment of taxes, such appropriation to be expended on account of any particular real estate only in case there shall have been filed with the clerk of the town a certificate of its mayor or selectmen approved by the commissioner of revenue, stating that the town's interest therein has not been reasonably protected, and subject to the provisions of section fifty A of chapter sixty.

SECTION 17. The second paragraph of section 12B of said chapter 40, as appearing in section 1 of chapter 576 of the acts of 1953, is hereby amended by striking out, in lines 1 and 2, the words "corporations and taxation" and inserting in place thereof the word:- revenue.

SECTION 18. Section 12E of said chapter 40, as so appearing, is hereby amended by striking out, in lines 7 and 8, the words "corporations and taxation" and inserting in place thereof the word:- revenue.

SECTION 19. Section 13 of chapter 41 of the General Laws, as most recently amended by section 1 of chapter 233 of the acts of 1962, is hereby further amended by striking out, in line 5, the words "corporations and taxation" and inserting in place thereof the word:- revenue.

SECTION 20. Section 13A of said chapter 41, as amended by section 2 of said chapter 233, is hereby further amended by striking out, in line 5, the words "corporations and taxation" and inserting in place thereof the word:- revenue.

SECTION 21. Section 27 of said chapter 41, as amended by section 1 of chapter 118 of the acts of 1936, is hereby further amended by striking out, in line 3, the words "corporations and taxation" and inserting in place thereof the word:- revenue.

SECTION 22. The first sentence of section 35 of said chapter 41, as amended by chapter 66 of the acts of 1963, is hereby further amended by striking out, in lines 2 and 3, the words "corporations and taxation" and inserting in place thereof the word:- revenue.

SECTION 23. Section 39A of said chapter 41 is hereby amended by striking out, in line 11, as appearing in chapter 89 of the acts of 1939, the words "corporations and taxation" and inserting in place thereof the word:- revenue.

SECTION 24. The first sentence of section 39B of said chapter 41, as most recently amended by section 4 of chapter 45 of the acts of 1967, is hereby further amended by striking out, in lines 1 and 2, the words "corporations and taxation" and inserting in place thereof the word:- revenue.

SECTION 25. Section 99H of said chapter 41, as appearing in chapter 878 of the acts of 1969, is hereby amended by striking out, in line 2, the words "corporations and taxation" and inserting in place thereof the word:- revenue.

SECTION 26. The second paragraph of section 99I of said chapter 41, as so appearing, is hereby amended by striking out,

in line 6, the words "state tax commission" and inserting in place thereof the words:- commissioner of revenue.

SECTION 27. Section 108B of said chapter 41, as most recently amended by section 5 of chapter 45 of the acts of 1967, is hereby further amended by striking out the third sentence and inserting in place thereof the following sentence:- If the said prudential committee or commissioners, as the case may be, and the selectmen cannot agree on the amounts and the commissioner of revenue is so notified, the said commissioner may determine the amounts and shall notify the assessors who shall include the amounts determined by said commissioner in the aggregate amount assessed annually for district taxes, and the amounts assessed shall be paid said assessors and collectors.

SECTION 28. Section 123A of said chapter 41, inserted by section 2 of chapter 563 of the acts of 1969, is hereby amended by striking out, in line 9, the words "corporations and taxation" and inserting in place thereof the word:- revenue.

SECTION 29. Section 1 of chapter 44 of the General Laws is hereby amended by striking out the definition of "Director", as appearing in the Tercentenary Edition, and inserting in place thereof the following definition:-

"Director", director of accounts in the department of revenue.

SECTION 30. Said section 1 of said chapter 44 is hereby further amended by striking out the definition of "Equalized valuation", inserted by section 1 of chapter 23 of the acts of 1968, and inserting in place thereof the following definition:-

"Equalized valuation" shall mean the equalized valuation of the aggregate property in a city or town subject to local taxation, as most recently reported by the commissioner of revenue to the general court under the provisions of section ten C of chapter fifty-eight.

SECTION 31. Section 44 of said chapter 44, as appearing in the Tercentenary Edition, is hereby amended by striking out, in line 1, the words "corporations and taxation" and inserting in place thereof the word:- revenue.

SECTION 32. The second sentence of section 46A of said chapter 44, inserted by chapter 155 of the acts of 1932, is hereby amended by striking out, in lines 11 and 12, the words "corporations and taxation" and inserting in place thereof the word:- revenue.

SECTION 33. Section 63 of chapter 48 of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by striking out, in lines 8 and 9, the words "corporations and taxation" and inserting in place thereof the word:- revenue.

SECTION 34. Section 1 of chapter 58 of the General Laws is hereby amended by striking out the first sentence, as most recently amended by section 30 of chapter 684 of the acts of 1975, and inserting in place thereof the following sentence:- The commissioner of revenue, in chapters fifty-eight to sixty-five C, inclusive, called the commissioner, may visit any town, inspect the work of its assessors and give them such information and

require of them such action as will tend to produce uniformity throughout the commonwealth in valuation and assessments.

SECTION 35. Section 2 of said chapter 58, as most recently amended by section 31 of said chapter 684, is hereby further amended by striking out the second and third paragraphs and inserting in place thereof the following paragraphs:-

Any person aggrieved by any classification made by the commissioner under any provision of chapters fifty-nine and sixty-three or by any action taken by the commissioner under this section may, on or before April thirtieth of said year or the thirtieth day after such list is sent out by the commissioner, whichever is later, file an application with the appellate tax board on a form approved by it, stating therein the classification claimed.

The appellate tax board shall, within ten days after the decision on said application, give written notice thereof to the applicant. The decision of the board shall be binding upon the parties to any proceeding pending or brought before it which involves a tax for the year to which the decision is applicable. For the purpose of this section, "person" shall include a board of assessors.

SECTION 36. Said chapter 58 is hereby further amended by striking out sections 7A to 7D, inclusive, and inserting in place thereof the following four sections:-

Section 7A. Any city having a plan D or plan E charter by the affirmative vote of a majority of all the members of its city council, any other city by vote of its city council subject to the provisions of its charter, and any town, by a majority vote at an annual or special town meeting called for the purpose, may petition the commissioner for the installation of an assessment system. Said commissioner shall, as soon as possible after the receipt of such petition, cause such assessment system to be installed and the assessor or assessors of such city or town shall, unless such vote is in like manner rescinded, thereafter conform with the provisions thereof.

Section 7B. Whenever, after such assessment system has been installed, the assessor or assessors of a city or town requests the advice or assistance of the commissioner, he shall render such assistance as in his judgment may be necessary.

Such assistance shall be rendered by the bureau of local assessment established in section one of chapter fourteen and shall include but not be limited to the following:-

(a) assistance in mapping and revaluation programs, specifications, contracts, supervision;

(b) technical assistance in appraising special properties, which shall include but not be limited to utilities, shopping centers, bowling alleys;

(c) assistance with unusual abatement applications and with the preparation of appellate tax board cases;

(d) annual check of assessment procedures with recommendations, where necessary, to the town officials for specific needs;

(e) assistance in setting up records and modernizing office procedures; and

(f) assistance in training of personnel in assessment procedures.

Section 7C. Assessment systems installed in accordance with this chapter shall be such as will, in the judgment of the commissioner, be most effective in providing adequate maps for assessment purposes, in maintaining detailed and accurate records of each parcel of property assessed and, generally, in producing uniform and equitable valuations and assessments throughout the city or town in accordance with law. The commissioner may supply approximately at cost to cities and towns where such assessment systems have been installed such maps, forms, books, instructional materials and supplies as may be required at the time of the original installation and from time to time thereafter.

Section 7D. Whenever a city or town causes an assessment system to be installed by a person of its own selection and, by vote of its city council as prescribed in section seven A or a town meeting requests the commissioner to accept such system in lieu of a system installed by him, the commissioner may, in his discretion, accept the system so installed and thereafter he shall furnish such advice and assistance as may be requested of him in accordance with section seven C.

SECTION 37. Section 8 of said chapter 58 is hereby amended by striking out the word "commission", as inserted by section 6 of chapter 654 of the acts of 1953, and inserting in place thereof the word:- commissioner,- and by striking out the word "it", as so inserted, and inserting in place thereof the word:- he.

SECTION 38. Said chapter 58 is hereby further amended by striking out section 8A, as most recently amended by section 1 of chapter 889 of the acts of 1977, and inserting in place thereof the following section:-

Section 8A. The state treasurer shall annually reimburse each city and town for the amount of taxes lost by such city or town through an abatement to a paraplegic veteran or the surviving spouse of such paraplegic veteran, authorized by the commissioner of revenue and granted under the provisions of section eight.

SECTION 39. Section 8B of said chapter 58, inserted by section 1 of chapter 487 of the acts of 1974, is hereby amended by striking out, in lines 3 and 4, the words "state tax commission" and inserting in place thereof the words:- commissioner of revenue.

SECTION 40. Section 9 of said chapter 58, as appearing in section 43 of chapter 14 of the acts of 1966, is hereby amended by striking out, in line 2, the word "commission" and inserting in place thereof the word:- commissioner.

SECTION 41. Said chapter 58 is hereby further amended by striking out section 10, as most recently amended by section 1 of chapter 256 of the acts of 1968, and inserting in place thereof the following section:-

Section 10. In determining the equalized valuations required by section nine, the commissioner may require from state, city and town officers such returns and statements relative to the

amount and value of taxable property in the several cities and towns as he deems necessary. He shall also collect and tabulate from any available sources such information relative to the assessments and the sale prices or the actual or appraised values of taxable property of every important class, and the income derived therefrom, as may be necessary to determine the proportions which assessments bear to fair cash value for each city and town and each class of property therein and the fair cash value of all such property in each city and town. All generally accepted methods for determining values of real and personal property, including a comparison of sales prices, capitalization of income and replacement cost less depreciation, shall be available to the commissioner. If a city or town fails to submit such information in its possession as the commissioner requests in writing for use in determining the equalized valuations required by section nine and such failure continues for thirty days after such written request, such city or town shall not have a right of appeal to the appellate tax board as provided under section ten B and the decision of the commissioner with respect to such city or town shall be final.

SECTION 42. Said chapter 58 is hereby further amended by striking out sections 10A to 10C, inclusive, and inserting in place thereof the following three sections:-

Section 10A. On or before April twentieth, in each year in which an equalization is to be established, the commissioner shall hold a public hearing on the proposed equalized valuations. He shall send written notice thereof, together with a copy of the proposed equalized valuations, to the assessors of each city and town not less than two weeks prior thereto. The commissioner may, on the basis of any new information furnished to him at such hearing or otherwise, change the proposed equalized valuation of any city or town. Notice of any change shall be sent to the assessors of such city or town within one week after the close of said hearing.

Section 10B. On or before June first next following, a city or town aggrieved by the equalized valuation established for it by the commissioner under sections nine and ten A may appeal the determination of the commissioner to the appellate tax board. The appellant shall have the burden of proving that the equalized valuation of such city or town is substantially different from the commissioner's determination. Every such appeal shall be decided by the board not later than December first of the year in which it is filed. If the board fails to act upon an appeal within said time, it shall be deemed to be a denial of such appeal. The decision of the board shall be final.

Section 10C. On or before December thirty-first in each year in which an equalization is to be established, the commissioner shall, on the basis of the equalized valuations determined under sections nine and ten A, as modified by the appellate tax board under section ten B, establish a final equalization and apportionment upon the several cities and towns as of January first in such year of the fair cash value of all property in the commonwealth subject to local taxation, the fair cash value of all such

property in each city and town, the ratio which the fair cash value of all such property in each city and town bears to the fair cash value of all such property in the commonwealth, and the proportion of county tax, which should be assessed upon each city and town. The commissioner shall report his final equalization and apportionment to the general court, on or before December thirty-first, to assist him in determining the amount of any state tax or county tax to be imposed upon the several cities and towns.

SECTION 43. The first sentence of the first paragraph of section 13 of said chapter 58 is hereby amended by striking out, in line 2, the word "commission", as appearing in section 6 of chapter 492 of the acts of 1974, and inserting in place thereof the word:- commissioner.

SECTION 44. The third paragraph of said section 13 of said chapter 58 is hereby amended by striking out, in lines 2, 4, and 8, the word "commission", as so appearing, and inserting in place thereof the word:- commissioner,- by striking out, in line 9, the word "it" and inserting in place thereof the word:- he,- and by striking out, in line 10, the word "it" and inserting in place thereof, the word:- him.

SECTION 45. Section 14 of said chapter 58, as so appearing, is hereby amended by striking out, in lines 1, 13, 14 and 16, the word "commission" and inserting in place thereof, in each instance, the word:- commissioner,- by striking out, in line 2, the word "it", and inserting in place thereof the word:- he,- and by striking out, in line 5, the word "its", and inserting in place thereof the word:- his.

SECTION 46. Section 15 of said chapter 58 is hereby amended by striking out the word "commission", inserted by section 11 of chapter 654 of the acts of 1953, and inserting in place thereof the word:- commissioner.

SECTION 47. Section 17A of said chapter 58 is hereby amended by striking out the word "commission", as inserted by section 12 of said chapter 654 of the acts of 1953, and inserting in place thereof the word:- commissioner.

SECTION 48. Section 17B of said chapter 58, as most recently amended by section 1 of chapter 468 of the acts of 1961, is hereby further amended by striking out, in lines 2, 10, 11, 17, 18 and 19, the word "commission" and inserting in place thereof the word:- commissioner.

SECTION 49. Subsection (a) of section 18A of said chapter 58, as amended by section 33 of chapter 684 of the acts of 1975, is hereby further amended by striking out, in lines 2 and 9, the word "commission" and inserting in place thereof, in each instance, the word:- commissioner.

SECTION 50. Paragraph (2) of subsection (b) of said section 18A of said chapter 58, as appearing in section 7 of chapter 492 of the acts of 1974, is hereby amended by striking out, in lines 1 and 3, the word "commission" and inserting in place

thereof the word:- commissioner.

SECTION 51. Paragraph (3) of said subsection (b) of said section 18A of said chapter 58, as so appearing, is hereby amended by striking out, in lines 1 and 19, the word "commission" and inserting in place thereof, in each instance, the word:- commissioner.

SECTION 52. The first paragraph of section 18B of said chapter 58, as appearing in section 13 of chapter 497 of the acts of 1971, is hereby amended by striking out, in line 2, the word "commission" and inserting in place thereof the word:- commissioner.

SECTION 53. The second paragraph of said section 18B of said chapter 58, as so appearing, is hereby amended by striking out, in lines 1 and 2 and in line 3, the words "state tax commission" and inserting in place thereof, in each instance, the words:- commissioner of revenue,- and by striking out, in line 4, the word "its" and inserting in place thereof the word:- his.

SECTION 54. The first paragraph of section 18C of said chapter 58, as appearing in section 3 of chapter 813 of the acts of 1971, is hereby amended by striking out, in line 1, the word "commission" and inserting in place thereof the word:- commissioner.

SECTION 55. The second paragraph of said section 18C of said chapter 58, as so appearing, is hereby amended by striking out, in lines 5, 10, 16 and 21, the word "commission" and inserting in place thereof, in each instance, the word:- commissioner.

SECTION 56. Section 25 of said chapter 58, as most recently amended by section 35 of chapter 14 of the acts of 1966, is hereby further amended by striking out, in line 1, the word "commission" and inserting in place thereof the word:- commissioner.

SECTION 57. Section 25A of said chapter 58, as most recently amended by section 4 of chapter 52 of the acts of 1973, is hereby amended by striking out, in line 1 and in lines 13 and 14, the word "commission" and inserting in place thereof, in each instance, the word:- commissioner,- and by striking out, in line 16, the words "state tax commission" and inserting in place thereof the words:- commissioner of revenue.

SECTION 58. The first sentence of section 25B of said chapter 58 is hereby amended by striking out, in line 1, the words "state tax commission", as appearing in section 2 of chapter 563 of the acts of 1964, and inserting in place thereof the words:- commissioner of revenue.

SECTION 59. The first paragraph of clause (c) of said section 25B of said chapter 58, as appearing in said section 2 of said chapter 563, is hereby amended by striking out, in line 2, the word "commission" and inserting in place thereof the word:- commissioner.

SECTION 60. The second paragraph of said clause (c) of said section 25B of said chapter 58, as so appearing, is hereby

amended by striking out, in line 3, wherever it appears, in lines 7 and 8, 9 and 10, 12, 22 and 24, the word "commission", and inserting in place thereof, in each instance, the word:- commis-sioner.

SECTION 61. Section 28B of said chapter 58, inserted by section 1 of chapter 483 of the acts of 1947, is hereby amended by striking out, in lines 14 and 15, the words "corporations and taxation" and inserting in place thereof the word:- revenue.

SECTION 62. Section 28C of said chapter 58, inserted by chapter 500 of the acts of 1964, is hereby amended by striking out, in line 1, the word "commission" and inserting in place thereof the word:- commissioner.

SECTION 63. The second paragraph of said section 28C of said chapter 58, as appearing in said chapter 500, is hereby further amended by striking out, in lines 9 and 10, the words "corporations and taxation" and by inserting in place thereof the word:- revenue.

SECTION 64. Section 29 of said chapter 58 is hereby amended by striking out the introductory paragraph, as amended by section 20 of chapter 654 of the acts of 1953, and inserting in place thereof the following paragraph:-

The commissioner shall annually make the following reports to the governor and the general court: .

SECTION 65. Paragraph (1) of said section 29 of said chapter 58 is hereby amended by striking out, in line 1, the word "its", as inserted by chapter 129 of the acts of 1956, and inserting in place thereof the word:- his, - and by striking out, in line 5, the word "it", as so inserted, and inserting in place thereof the word:- he.

SECTION 66. Section 31 of said chapter 58 is hereby amended by striking out the words "with the approval of the commission", inserted by section 21 of chapter 654 of the acts of 1953.

SECTION 67. The first sentence of the first paragraph of section 1 of chapter 58A of the General Laws, as appearing in section 3 of chapter 400 of the acts of 1937, is hereby amended by striking out, in line 2, the words "corporations and taxation" and inserting in place thereof the word:- revenue.

SECTION 68. The second paragraph of said section 1 of said chapter 58A, as most recently amended by chapter 987 of the acts of 1977, is hereby further amended by striking out the first sentence and inserting in place thereof the following sentence:- No member of the board shall, while he remains a member, act as attorney, counsellor or accountant in any contested matter of taxation before the department of revenue, before any board of assessors or before the courts of the commonwealth; but the foregoing shall not be construed to prevent a member of the board from acting outside of office hours of the board as attorney, counsellor or accountant in any tax matters other than those dealing with taxes levied by the commonwealth or by a subdivision thereof.

SECTION 69. Section 6 of said chapter 58A, as most recently amended by section 2 of chapter 415 of the acts of 1976, is hereby further amended by striking out the fifth, sixth, seventh, eighth and ninth sentences, and inserting in place thereof the following sentences:-

Whenever the commissioner of revenue, in this chapter called the commissioner, before whom an application in writing for the abatement of a tax is or shall be pending, fails to act upon said application prior to the expiration of six months from the date of filing of the same, it shall then be deemed to be denied unless the applicant shall have filed with the commissioner, prior to such expiration, his written consent to the failure of the commissioner to act on said application within said six months' period. Said consent may be withdrawn by the applicant at any time, in which event said application, unless previously acted on by the commissioner, shall be deemed to be denied at the expiration of said six months' period or on the date of such withdrawal, whichever is later. The applicant, at any time within six months from the date on which any such application shall be deemed to be denied by the commissioner under the foregoing provisions of this section, shall have the right to take any appeal from such denial to which he may be entitled by law in the same manner as though the commissioner had in fact refused to grant the abatement applied for. The commissioner shall have authority to act on any such application after the date of any such denial if the applicant has not seasonably taken an appeal from such denial. During the period allowed for the taking of an appeal, the commissioner may by agreement with the applicant abate the tax in whole or in part in final settlement of said application, and shall also have the authority granted to him by section seven to abate in whole or in part any tax as to which an appeal has been seasonably taken.

SECTION 70. Section 7 of said chapter 58A is hereby amended by striking out the word "commission", inserted by section 25 of chapter 654 of the acts of 1953, and inserting in place thereof the word:- commissioner, - and by striking out the word "it", as so inserted, and inserting in place thereof the word:- him.

SECTION 71. Section 9 of said chapter 58A, as most recently amended by chapter 871 of the acts of 1971, is hereby further amended by striking out, in line 4, the word "commission" and inserting in place thereof the word:- commissioner.

SECTION 72. Said chapter 58A is hereby further amended by striking out section 13, as most recently amended by section 5 of chapter 415 of the acts of 1976, and inserting in place thereof the following section:-

Section 13. The board shall make a decision in each case heard by it and may make findings of fact and report thereon in writing; provided, that every decision granting an abatement without findings of fact and report which relates to a tax on land with one or more buildings thereon shall, if so requested by the appellee in writing at the commencement of the hearing, state separately the value of the land and of each building. Except in cases heard under the informal procedure authorized

by section seven A, the board shall make such findings and report thereon if so requested by either party within ten days of a decision without findings of fact. Such report may, in the discretion of the board, contain an opinion in writing, in addition to the findings of fact and decision. If no party requests such findings and report, all parties shall be deemed, to have waived all rights of appeal to the supreme judicial court upon questions as to the admission or exclusion of evidence, or as to whether a finding was warranted by the evidence. All reports, findings and opinions of the board and all evidence received by the board, including a transcript of any official report of the proceedings, shall be open to the inspection of the public; except that the originals of books, documents, records, models, diagrams and other exhibits introduced in evidence before the board may be withdrawn from the custody of the board in such manner and upon such terms as the board may in its discretion prescribe. The decision of the board shall be final as to findings of fact. From any decision of the board upon an appeal from a decision or determination of the commissioner, or of a board of assessors, except decisions of the board under sections twenty-five and twenty-six of chapter sixty-five, an appeal as to matters of law may be taken to the supreme judicial court by either party to the proceedings before the board who has not waived such right of appeal. A claim of appeal shall be filed with the clerk of the board in accordance with the Massachusetts Rules of Appellate Procedure which rules shall govern such appeal. The court shall not consider any issue of law which does not appear to have been raised in the proceedings before the board. 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 commissioner, 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. If costs are ordered against a taxpayer execution shall issue therefor. The appeal to the supreme judicial court under this section shall be the exclusive method of reviewing any action of the board, except action under sections twenty-five and twenty-six of chapter sixty-five. For want of prosecution of an appeal in accordance with the provisions of this section the board, or, if the appeal has been entered in the supreme judicial court, a justice of that court, may dismiss the appeal. Upon dismissal of an appeal the decision of the board shall thereupon have full force and effect.

SECTION 73. Paragraph (5) of clause sixteenth of section 5 of chapter 59 of the General Laws, as appearing in chapter 541 of the acts of 1957, is hereby amended by striking out, in lines 1 and 2, the words "the commision".

SECTION 74. Clause Forty-first of said section 5 of said chapter 59, as appearing in section 1 of chapter 347 of the acts of 1974, is hereby amended by striking out, in line 9, the words "state tax commission," and inserting in place thereof the words:- commissioner of revenues.

SECTION 75. Section 6 of said chapter 59 is hereby amended by striking out the second and third sentences, inserted by section 1 of chapter 497 of the acts of 1968, and inserting in place thereof the following sentences:- Whenever a city or town in which such land is located shall have made a general revaluation of all its real property for purposes of taxation, the valuation of such land for the purpose of payments authorized by this section shall be determined by the commissioner of revenue as of January first, between January first and June first in the year nineteen hundred and seventy and in every fifth year thereafter, so that the payment with respect to such land shall remain substantially the same as that made prior to such revaluation. The city, town or district owning such land, if aggrieved by the determination of the commissioner, may within three months after written notice thereof appeal to the appellate tax board.

SECTION 76. Section 7A of said chapter 59 is hereby amended by striking out the third and fourth sentences, added by section 2 of said chapter 497, and inserting in place thereof the following sentence:- Whenever a city or town in which such land is located shall have made a general revaluation of all its real property for purposes of taxation, the valuation of such land for the purpose of payments authorized by this section shall be determined by the commissioner of revenue as of January first, between January first and June first, in the year nineteen hundred and seventy and in every fifth year thereafter, so that the payment with respect to such land shall remain substantially the same as that made prior to such revaluation. The holding municipality or district, if aggrieved by the determination of the commissioner, may within three months after written notice thereof appeal to the appellate tax board.

SECTION 77. The second sentence of section 8A of said chapter 59, as appearing in chapter 310 of the acts of 1969, is hereby amended by striking out, in line 4, the words "state tax commission", and inserting in place thereof the words:- commissioner of revenue.

SECTION 78. The first paragraph of section 23 of said chapter 59, as appearing in chapter 43 of the acts of 1975, is hereby amended by striking out, in lines 22, 30 and 33, the word "commission", and inserting in place thereof, in each instance, the word:- commissioner, - and by striking out, in line 27, the words "commission or" - and by striking out, in line 28, the words "as the case may be".

SECTION 79. The first sentence of section 25 of said chapter 59 is hereby amended by striking out the word "commission", inserted by section 30 of chapter 654 of the acts of 1953, and inserting in place thereof the word:- commissioner.

SECTION 80. The second paragraph of section 38 of said

chapter 59, as appearing in chapter 853 of the acts of 1975, is hereby amended by striking out, in lines 3, 6, 15 and 16, the word "commission" and inserting in place thereof the word: - commissioner, - and by striking out, in line 8, the word "commission's" and inserting in place thereof the word: - commissioner's.

SECTION 81. Section 38A of said chapter 59, as most recently amended by chapter 199 of the acts of 1977, is hereby further amended by striking out the first and second paragraphs and inserting in place thereof the following paragraphs:-

Every person, other than a gas or electric company as defined in section one of chapter one hundred and sixty-four, owning a pipeline used for transmitting for a distance of twenty-five miles or more natural gas or petroleum or the products or by-products of either, shall, on or before January thirty-first in each year, make a return to the commissioner signed and sworn to by such person, which shall be in such form and detail as the commissioner shall prescribe, and shall contain all information which he shall consider necessary to enable him to value such pipeline in each city or town as of January first of such year. Property returned to the commissioner under this section need not be included in the list required to be filed by such person under section twenty-nine; but the return made to the commissioner shall be open to inspection by the board of assessors of every city and town where such pipeline is subject to taxation.

On or before March fifteenth in each year, the commissioner shall determine and certify to the owner of such pipeline and to the board of assessors of every city and town where such pipeline is subject to taxation, the valuation as of January first in such year of such pipeline in said city or town. Every owner and board of assessors to whom any such valuation shall have been so certified may, on or before April fifteenth then next ensuing, appeal to the appellate tax board from such valuation. Every such appeal shall relate to the valuation of only one pipeline system in one city or town and shall name as appellees the commissioner and all persons, other than the appellant, to whom such valuation was required to be certified. Said board shall hear and decide the subject matter of such appeal and give notice of its decision to the commissioner, the owner, and the board of assessors; and, except as provided in section thirteen of chapter fifty-eight A, such decision shall be final and conclusive. Said board shall consolidate for the purpose of the hearing and decision aforesaid all appeals relating to the valuation of the same pipeline system in the same city or town, and in its discretion may so consolidate all appeals involving the same pipeline system although such appeals relate to more than one city or town.

SECTION 82. The third paragraph of said section 38A of said chapter 59, as appearing in section 2 of chapter 614 of the acts of 1952, is hereby further amended by striking out the first sentence and inserting in place thereof the following sentence:- Every pipeline subject to this section shall be assessed by the board of assessors of the city or town in which it is located at the valuation certified by the commissioner under this section; provided, however, that in the event of a final decision of the appellate tax board or of the supreme judicial court under the

preceding paragraph establishing a different valuation, the assessors shall grant an abatement, or assess and commit to the collector with their warrant for collection an additional tax, as the case may be, to conform with the valuation so established by such final decision.

SECTION 83. Section 39 of said chapter 59, as most recently amended by section 1 of chapter 344 of the acts of 1955, is hereby amended by striking out, in lines 6 and 7, 9, 23, 29 and 30, 33 and 52, the words "state tax commission" and inserting in place thereof, in each instance, the words:- commissioner of revenue.

SECTION 84. Said chapter 59 is hereby further amended by striking out sections 40 to 42, inclusive, and inserting in place thereof the following three sections:-

Section 40. Every board of assessors shall, as and when required by the commissioner, furnish him with any and all information in its knowledge or possession relating to any property, the value of which he is required to determine by the preceding section.

Section 41. Every telephone or telegraph company owning any property required to be valued by the commissioner under section thirty-nine shall annually, on or before a date determined by the commissioner but in no case later than March first, make a return to the commissioner signed and sworn to by its treasurer. This return shall be in the form and detail prescribed by the commissioner and shall contain all information which he shall consider necessary to enable him to make the valuations required by section thirty-nine, and shall relate, so far as is possible, to the situation of the company and its property on January first of the year when made. Property returned to the commissioner as herein provided need not be included in the list required to be filed by a telephone or telegraph company under section twenty-nine.

Section 42. If any company, or any treasurer thereof, shall in any year refuse or neglect to make the return required by the preceding section, the commissioner shall estimate the value of the property of the company, and in such case the value determined by the commissioner shall not be less than twice the value determined in the previous year.

SECTION 85. Section 6 of chapter 60 of the General Laws, as appearing in chapter 71 of the acts of 1975, is hereby further amended by striking out, in line 3, the words "corporations and taxation" and inserting in place thereof the word:- revenue.

SECTION 86. The second paragraph of section 77 of said chapter 60, as most recently amended by section 37 of chapter 654 of the acts of 1953, is hereby further amended by striking out the second and third sentences and inserting in place thereof the following two sentences:- After foreclosure the town while it is the owner of record of such land may apply to the commissioner for an extension of the time during which such provisions shall not be enforceable against it. The commissioner shall have the

power in her discretion to grant such an extension for a period not exceeding one year from the date of the foreclosure, and thereafter, from time to time, upon similar applications, may in his discretion grant similar additional extensions.

SECTION 87. Section 1 of chapter 60A of the General Laws, is hereby amended by striking out the third paragraph, as appearing in section 1 of chapter 640 of the acts of 1954, and inserting in place thereof the following paragraph:-

Nothing in this section shall be construed to prevent the board of assessors or the commissioner of revenue, as the case may be, from granting an abatement in any case in which the valuation aforesaid is in their or his opinion excessive.

SECTION 88. Section 2A of said chapter 60A is hereby amended by striking out the first sentence, as most recently amended by section 2 of chapter 737 of the acts of 1977, 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 more than one day 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 commissioner of revenue, 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 section 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 commissioner of revenue, 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 commissioner of revenue, as the case may be.

SECTION 89. The fourth sentence of the fifth paragraph of section 2 of chapter 61 of the General Laws, as appearing in section 1 of chapter 873 of the acts of 1969, is hereby amended by striking out, in line 4, the words "corporations and taxation" and inserting in place thereof the word:- revenue.

SECTION 90. Section 6 of chapter 61A of the General Laws, as appearing in section 1 of chapter 1118 of the acts of 1973, is hereby amended by striking out, in lines 8 and 9, the words "corporations and taxation" and inserting in place thereof the word:- revenue.

SECTION 91. Section 11 of said chapter 61A is hereby amended by striking out, in lines 3, 15 and 22, the words "corporations and taxation", as appearing in said section 1 of chapter 1118, and inserting in place thereof the word:- revenue.

SECTION 92. Section 20 of said chapter 61A, as so appearing, is hereby amended by striking out, in line 8, the words "state

tax commission" and inserting in place thereof the words:- commissioner of revenue.

SECTION 93. Said chapter 61A is hereby further amended by striking out section 22, as so appearing, and inserting in place thereof the following section:-

Section 22. The commissioner of revenue shall promulgate such rules and regulations and shall prescribe the use of such forms and procedures as he deems appropriate to and consistent with effectuation of the purposes of this chapter.

SECTION 94. Section 1 of chapter 62 of the General Laws is hereby amended by striking out subsections (a) and (b), as appearing in section 2 of chapter 723 of the acts of 1973, and inserting in place thereof the following subsection:-

(a) "Commissioner", the commissioner of revenue.

SECTION 95. Paragraph (b) of section 5A of said chapter 62, as so appearing, is hereby amended by striking out, in line 1, the word "commission" and inserting in place thereof the word:- commissioner.

SECTION 96. Said chapter 62 is hereby further amended by striking out section 16, as amended by section 43 of chapter 654 of the acts of 1953, and inserting in place thereof the following section:-

Section 16. For the purpose of facilitating the settlement and distribution of estates held by trustees and the other fiduciaries named in section thirteen, the commissioner may on behalf of the commonwealth agree on the amount of taxes at any time due or to become due from such estates under this chapter, and payment in accordance with such agreement shall be full satisfaction of the taxes to which the agreement relates.

SECTION 97. Paragraph (D) of section 63 of said chapter 62, as appearing in section 11 of chapter 723 of the acts of 1973, is hereby amended by striking out the fifth sentence and inserting in place thereof the following sentence:- The commissioner shall by regulation provide for proportionate releases in intervening years.

SECTION 98. Section 64 of said chapter 62, added by section 1 of chapter 423 of the acts of 1968, is hereby amended by striking out, in lines 4 and 8, the word "commission" and inserting in place thereof, in each instance, the word:- commissioner.

SECTION 99. Section 1 of chapter 623 of the General Laws is hereby amended by striking out the definitions of "Commission" and "Commissioner", as appearing in section 1 of chapter 17 of the acts of 1959, and inserting in place thereof the following definition:-

"Commissioner", the commissioner of revenue.

SECTION 100. Section 2 of said chapter 62B is hereby amended by striking out the first sentence, as amended by section 33 of chapter 698 of the acts of 1966, and inserting in place thereof the following sentence:- Every employer making payment to employees on or after February fifteenth, nineteen hundred and

fifty-nine, of wages subject to tax under chapter sixty-two shall deduct and withhold a tax upon such wages in accordance with tables prepared by the commissioner which tax so withheld shall be substantially equivalent to the tax imposed by said chapter sixty-two.

SECTION 101. The fourth paragraph of said section 2 of said chapter 62B, as appearing in section 1 of chapter 17 of the acts of 1959, is hereby amended by striking out, in line 1, the word "commission" and inserting in place thereof the word:- commissioner.

SECTION 102. The fifth paragraph of said section 2 of said chapter 62B, as so appearing, is hereby amended by striking out, in line 1, the word "commission" and inserting in place thereof the word:- commissioner,-and by striking out, in line 2, the word "it", and inserting in place thereof the word:- he.

SECTION 103. Paragraph (d) of section 4 of said chapter 62B, as appearing in section 36 of chapter 698 of the acts of 1966, is hereby amended by striking out, in line 6, the word "commission", and inserting in place thereof the word:- commissioner.

SECTION 104. Paragraph (e) of said section 4 of said chapter 62B, as so appearing, is hereby amended by striking out, in lines 2 and 3, the words ", with the approval of the commission,".

SECTION 105. Section 5 of said chapter 62B, as most recently amended by section 15 of chapter 415 of the acts of 1976, is hereby further amended by striking out, in line 15, the words ", with the approval of the commission,".

SECTION 106. The second paragraph of section 13 of said chapter 62B is hereby amended by striking out clause (d), as appearing in section 1 of chapter 17 of the acts of 1959, and inserting in place thereof the following clause:- (d) Such other information as the commissioner may prescribe.

SECTION 107. The fourth paragraph of said section 13 of said chapter 62B, as so appearing, is hereby amended by striking out, in line 1, the word "commission" and inserting in place thereof the word:- commissioner.

SECTION 108. The fifth paragraph of said section 13 of said chapter 62B, as so appearing, is hereby amended by striking out, in line 2, the word "commission" and inserting in place thereof the word:- commissioner.

SECTION 109. The sixth paragraph of said section 13 of said chapter 62B, as so appearing, is hereby amended by striking out, in line 4, the word "commission" and inserting in place thereof the word:- commissioner.

SECTION 110. The second paragraph of section 14 of said chapter 62B, as so appearing, is hereby amended by striking out, in line 3, the word "commission" and inserting in place thereof the word:- commissioner.

SECTION 111. Section 1 of chapter 62C of the General Laws,

as appearing in section 22 of chapter 415 of the acts of 1976, is hereby amended by striking out the definitions of "Commission" and "Commissioner" and inserting in place thereof the following definition:-

"Commissioner", the commissioner of revenue.

SECTION 112. Section 3 of said chapter 62C, as so appearing, is hereby amended by striking out, in lines 5 and 6, the words "with the approval of the commission",- and striking out, in lines 6, 11 and 13, the word "commission" and inserting in place thereof, in each instance, the word:- commissioner.

SECTION 113. Section 4 of said chapter 62C, as so appearing, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

The commissioner may by regulation provide with respect to any amount required to be shown on a form prescribed by him 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.

SECTION 114. Said section 4 of said chapter 62C, as so appearing, is hereby further amended by striking out the third paragraph and inserting in place thereof the following paragraph:-

In the assessment or collection of any tax, or in the allowance of any amount as a credit, refund, or abatement, the commissioner, may, under regulations issued by him, 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 115. Section 5 of said chapter 62C, as so appearing, is hereby amended by striking out, in lines 2 and 3, the words ", with the approval of the commission",.

SECTION 116. Section 10 of said chapter 62C, as so appearing, is hereby amended by striking out, in line 4, the word "commission" and inserting in place thereof the word:- commissioner.

SECTION 117. Paragraph (b) of section 16 of said chapter 62C, as so appearing, is hereby amended by striking out, in line 3, the word "commission" and inserting in place thereof the word:- commissioner.

SECTION 118. Paragraph (h) of said section 16 of said chapter 62C, as so appearing, is hereby amended by striking out, in line 3, the word "commission" and inserting in place thereof the word:- commissioner.

SECTION 119. Paragraph (i) of said section 16 of said chapter 62C, as so appearing, is hereby amended by striking out, in line 3, the word "commission" and inserting in place thereof the word:- commissioner.

SECTION 120. Paragraph (a) of section 17 of said chapter 62C, as so appearing, is hereby amended by striking out, in lines 6 and 7, the words ", with the approval of the commission".

SECTION 121. Section 23 of said chapter 62C, as so appearing, is hereby amended by striking out, in lines 8 and 9, the words "Pursuant to regulations of the state tax commission, the" and inserting in place thereof the word:- The.

SECTION 122. Section 30 of said chapter 62C, as so appearing, is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

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 commissioner for an abatement thereof under section thirty-seven within one year of the date of notice of such final determination by the federal government. The commissioner shall not be limited in his 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.

SECTION 123. The third paragraph of said section 30 of said chapter 62C, as so appearing, is hereby amended by striking out, in lines 5 and 6, the word "commission" and inserting in place thereof the word:- commissioner.

SECTION 124. The third paragraph of section 33 of said chapter 62C, as so appearing, is hereby amended by striking out, in line 3, the word "commission" and inserting in place thereof the word:- commissioner.

SECTION 125. Section 37 of said chapter 62C, as so appearing, is hereby amended by striking out, in line 3, the word "commission" and inserting in place thereof the word:- commissioner,- and by striking out, in line 3, the word "it" and inserting in place thereof the word:- him.

SECTION 126. Said section 37 of said chapter 62 C, as so appearing, is hereby further amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

The commissioner shall, if requested, give the applicant a hearing upon his application; and if the commissioner finds that the tax is excessive in amount or illegal, he shall abate the tax, in whole or in part, accordingly. The commissioner shall give notice to the applicant of his decision upon the application.

SECTION 127. The third paragraph of said section 37 of said chapter 62C, as so appearing, is hereby amended by striking out, in line 6, the word "commission" and inserting in place thereof the word:- commissioner,- and by striking out, in line 7, the word "it" and inserting in place thereof the word:- he.

SECTION 128. Section 38 of said chapter 62C, as appearing in said section 22 of said chapter 415, is hereby amended by striking out, in line 8, the word "commission", and inserting in place thereof the word:- commissioner.

SECTION 129. Section 39 of said chapter 62C, as so appearing, is hereby amended by striking out, in lines 1 and 2, and in

lines 4, 7 and 11, the word "commission" and inserting in place thereof, in each instance, the word:- commissioner,- and by striking out, in line 15, the word "commission's" and inserting in place thereof the word:- commissioner's.

SECTION 130. Section 42 of said chapter 62C, as so appearing, is hereby amended by striking out, in line 4, the word "commission" and inserting in place thereof the word:- commissioner.

SECTION 131. Section 43 of said chapter 62C, as so appearing, is hereby amended by striking out, in lines 1 and 4, the word "commission" and inserting in place thereof, in each instance, the word:- commissioner,- and by striking out, in line 4, the word "it" and inserting in place thereof the word:- him.

SECTION 132. Said chapter 62C is hereby further amended by striking out section 45, as so appearing, and inserting in place thereof the following section:-

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 depository 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. He shall also prescribe which taxpayers or classes of taxpayers must make payments of taxes to designated banks and the method or methods of making such payments. Notwithstanding any provision of section thirty-three A of this chapter, the commissioner shall also so 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.

SECTION 133. Subsection (d) of section 50 of said chapter 62C, as so appearing, is hereby amended by striking out, in line 2, the word "commission" and inserting in place thereof the word:- commissioner.

SECTION 134. Subsection (f) of said section 50 of said chapter 62C, as so appearing, is hereby further amended by striking out, in lines 1 and 2, the words "Subject to such regulations as the commission may prescribe, the" and inserting in place thereof the word:- The.

SECTION 135. Section 51 of said chapter 62C, as so appearing, is hereby amended by striking out the fifth sentence and inserting in place thereof the following sentence:- Prior to and after the date of such sale or transfer, the commissioner may waive such lien and any or all of the other requirements of this section.

SECTION 136. Section 52 of said chapter 62C, as so appearing, is hereby amended by striking out, in lines 1 and 2, the words "or commission, as the case may be,".

SECTION 137. Paragraph (2) of subsection (e) of section 56

of said chapter 62C, as so appearing, is hereby amended by striking out, in line 1, the word "commission", and inserting in place thereof the word:- commissioner.

SECTION 138. Section 64 of said chapter 62C, as so appearing, is hereby amended by striking out subsection (a) and inserting in place thereof the following subsection:-

(a) It shall be lawful for the commissioner, under regulations prescribed by him, to release the levy upon all or part of the property or rights to property levied upon where he determines that such action will facilitate the collection of the liability, but such release shall not operate to prevent any subsequent levy.

SECTION 139. Section 67 of said chapter 62C, as so appearing, is hereby amended by striking out, in line 13, the words ", with the approval of the commission",- and by striking out, in line 16, the word "commission", and inserting in place thereof the word:- commissioner.

SECTION 140. Section 69 of said chapter 62C, as so appearing, is hereby amended by striking out, in lines 1 and 2, the words ", with the approval of the commission."

SECTION 141. Section 70 of said chapter 62C, as so appearing, is hereby amended by striking out, in line 3, the words "corporations and taxation" and inserting in place thereof the word:- revenue.

SECTION 142. Section 71 of said chapter 62C, as so appearing, is hereby amended by striking out, in line 5, the words "or the commission".

SECTION 143. Section 73 of said chapter 62C, as so appearing, is hereby amended by striking out, in line 6, the words "or the commission".

SECTION 144. Subsection (c) of section 31C of chapter 63 of the General Laws, as appearing in chapter 791 of the acts of 1973, is hereby amended by striking out, in lines 14, 22 and 23 and in lines 34, 41, 49, and 62, the words "state tax commission" and inserting in place thereof, in each instance, the word:- commissioner.

SECTION 145. Subsection (d) of said section 31C of said chapter 63, as so appearing, is hereby amended by striking out, in lines 23 and 24, the words "state tax commission" and inserting in place thereof the word:- commissioner.

SECTION 146. Subsection (d) of section 38E of chapter 63 of the General Laws, as appearing in section 2 of chapter 848 of the acts of 1970, is hereby amended by striking out, in lines 8 and 14, the words "state tax commission" and inserting in place thereof, in each instance, the word:- revenue.

SECTION 147. The eighth sentence of section 52 of chapter 63 of the General Laws, as appearing in section 3 of chapter 415 of the acts of 1976, is hereby amended by striking out, in lines 10 and 11, the words "state tax commission" and inserting in place thereof the word:- commissioner.

SECTION 148. Chapter 63 of the General Laws is hereby amended by striking out section 68A, as most recently amended by section 6 of chapter 515 of the acts of 1954, and inserting in place thereof the following section:-

Section 68A. If the value of the works, structures, real estate, machinery, poles, underground conduits, wires and pipes owned by a corporation taxable under any provision of this chapter and which are subject to local taxation within the commonwealth, as determined by the commissioner, is less than the value thereof as determined by the assessors of the town where it is situated, the commissioner shall give notice of his determination to such corporation; and, unless within one month after the date of such notice the corporation applies to said assessors for an abatement, and, upon the refusal of the assessors to grant an abatement, prosecutes an appeal under section sixty-four of chapter fifty-nine, giving notice thereof to the commissioner, the valuation of the commission shall be conclusive upon said corporation.

SECTION 149. Section 1 of chapter 63A of the General Laws, as appearing in section 1 of chapter 580 of the acts of 1955, is hereby amended by striking out subsections (a) and (b) and inserting in place thereof the following subsection:-

(a) "Commissioner", the commissioner of revenue.

SECTION 150. Section 2 of chapter 63B of the General Laws, is hereby amended by striking out in lines 6 and 7, as appearing in section 5 of chapter 714 of the acts of 1963 the words ", with the approval of the commission,".

SECTION 151. The second paragraph of section 3 of said chapter 63B, as so appearing, is hereby amended by striking out, in line 2, the word "commission" and inserting in place thereof the word:- commissioner.

SECTION 152. Section 7 of said chapter 63B, as so appearing, is hereby amended by striking out, in line 3, the word "commission" and inserting in place thereof the word:- commissioner.

SECTION 153. Section 1 of chapter 64A of the General Laws is hereby amended by striking out paragraph (a), as appearing in the Tercentenary Edition, and inserting in place thereof the following paragraph:-

(a) "Commissioner", the commissioner of revenue.

SECTION 154. The second sentence of section 7 of said chapter 64A, as appearing in section 1 of chapter 728 of the acts of 1957, is hereby amended by striking out, in line 4, the words "state tax commission" and inserting in place thereof the words:- commissioner of revenue.

SECTION 155. Section 7A of said chapter 64A is hereby amended by striking out the third and fourth sentences, as appearing in section 1 of chapter 410 of the acts of 1960, and inserting in place thereof the following two sentences:- Such claim shall be on a form prescribed by the commissioner. The commissioner shall transmit all claims approved by him to the comptroller for certification, and the amount approved by the

commissioner and certified as aforesaid shall be paid forthwith from the proceeds of the excise tax levied under this chapter without specific appropriation.

SECTION 156. Section 8A of chapter 64A of the General Laws, as most recently amended by section 48 of chapter 415 of the acts of 1976, is hereby further amended by striking out, in line 10, the words "state tax commission" and inserting in place thereof the word:- commissioner.

SECTION 157. Section 9 of chapter 64A of the General Laws is hereby amended by striking out, the words "state tax commission", inserted by section 74 of chapter 654 of the acts of 1953, and inserting in place thereof the words:- commissioner of revenue.

SECTION 158. Section 26 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 lines 3, 9 and 10, the words "corporations and taxation" and inserting in place thereof, in each instance, the word:- revenue.

SECTION 159. Section 29 of said chapter 64C, as appearing in section 5 of chapter 435 of the acts of 1966, is hereby amended by striking out, in lines 4 and 5, the words ", with the approval of the commission",- and by striking out, in lines 8 and 14, the word "commission" and inserting in place thereof, in each instance, the word:- commissioner.

SECTION 160. Section 30 of said chapter 64C, as most recently amended by section 59 of chapter 415 of the acts of 1976, is hereby further amended by striking out, in lines 3, 9, and 17, the word "commission" and inserting in place thereof, in each instance, the word:- commissioner.

SECTION 161. Section 31 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 6, the word "commission" and inserting in place thereof the word:- commissioner.

SECTION 162. Section 39 of said chapter 64C is hereby amended by striking out, in line 5, as so appearing, the word "commission" and inserting in place thereof the word:- commissioner.

SECTION 163. Section 4 of chapter 64D of the General Laws, as most recently amended by section 63 of chapter 415 of the acts of 1976, is hereby further amended by striking out, in lines 2 and 3, the words "state tax commission" and inserting in place thereof the word:- commissioner.

SECTION 164. Section 1 of chapter 64E of the General Laws, as appearing in section 1 of chapter 619 of the acts of 1956, is hereby amended by striking out paragraphs (a) and (b) and inserting in place thereof the following paragraph:-

(a) "Commissioner", the commissioner of revenue.

SECTION 165. Section 5 of said chapter 64E, as most recently amended by section 2 of chapter 728 of the acts of 1957, is hereby further amended by striking out, in line 18, the word "commission" and inserting in place thereof the word:- commis-

sioner.

SECTION 166. Section 10 of said chapter 64E, as appearing in section 1 of chapter 619 of the acts of 1956, is hereby amended by striking out, in lines 9 and 10, the words "state tax commission" and inserting in place thereof, in each instance, the word:- commissioner.

SECTION 167. Section 1 of chapter 64F of the General Laws, as appearing in section 2 of said chapter 619, is hereby amended by striking out paragraph (a) and (b) and inserting in place thereof the following paragraph:-

(a) "Commissioner", the commissioner of revenue.

SECTION 168. Section 1 of chapter 64H of the General Laws is hereby amended by striking out paragraphs (2) and (3), as appearing in section 1 of chapter 757 of the acts of 1967, and inserting in place thereof the following paragraph:-

(2) "Commissioner", the commissioner of revenue.

SECTION 169. Section 6 of said chapter 64H is hereby amended by striking out paragraph (t), as appearing in section 1 of chapter 757 of the acts of 1967, and inserting in place thereof the following paragraph:-

(t) Sales of tangible personal property through coin operated vending machines at ten cents or less, provided the retailer is primarily engaged in making such sales and keeps records satisfactory to the commissioner.

SECTION 169A. Paragraph (bb) of said section 6 of said chapter 64H, inserted by section 63 of chapter 684 of the acts of 1975, is hereby amended by striking out, in line 15, the word "commission" and inserting in place thereof the word:- commissioner.

SECTION 169B. Said section 6 of said chapter 64H is hereby further amended by striking out paragraph (cc), inserted by section 47 of chapter 363A of the acts of 1977, and inserting in place thereof the following paragraph:-

(cc) meals prepared by employees thereof and served in any hospital, sanatorium, convalescent or nursing home, or boarding home for the aged licensed under section seventy-one of chapter one hundred and eleven or in any institution or private house licensed under section twenty-nine of chapter nineteen; meals prepared by the members thereof and served on its premises by any church or synagogue or by any church or synagogue organization to any organization of such church or synagogue the proceeds of which are to be used for religious or charitable purposes; meals furnished by any person while transporting passengers for hire by air to or from any place within the commonwealth, meals furnished to any organization in which membership is limited to persons sixty years of age or over and said organization has previously filed with the commissioner, on a form approved by the commissioner, satisfactory proof of its eligibility hereunder; and meals furnished to students by public and private nonprofit primary and secondary schools; and, meals furnished through programs established under section L of

chapter fifteen.

SECTION 170. Section 29 of said chapter 64H, as appearing in section 1 of chapter 757 of the acts of 1967, is hereby amended by striking out, in line 5, the words "or the commission".

SECTION 171. Section 1 of chapter 64I of the General Laws is hereby amended by striking out, in line 3, as appearing in section 2 of said chapter 757, the word, "commission".

SECTION 172. Section 3 of said chapter 64I, as so appearing, is hereby amended by striking out, in line 7, the word "commission" and inserting in place thereof the word:- commissioner.

SECTION 173. The second paragraph of section 4 of said chapter 64I, as amended by section 3 of chapter 797 of the acts of 1967, is hereby further amended by striking out, in line 9, the words ", with the approval of the commission".

SECTION 174. The second paragraph of section 26 of said chapter 64I, as appearing in section 2 of chapter 757 of the acts of 1967, is hereby amended by striking out, in line 5, the word "commission" and inserting in place thereof the word:- commis-sioner.

SECTION 175. Section 14 of chapter 65 of the General Laws, as amended by section 88 of chapter 654 of the acts of 1953, is hereby further amended by striking out the second sentence and inserting in place thereof the following sentence:- Whenever it is possible to compute the present value of any interest, the commissioner may effect such settlement of the tax as he shall deem to be for the best interests of the commonwealth, and payment of the sum so agreed upon shall be a full satisfaction of such tax.

SECTION 176. Said chapter 65 is hereby further amended by striking out section 26, as most recently amended by section 3 of chapter 469 of the acts of 1961, and inserting in place thereof the following section:-

Section 26. At any time within two months after the date of giving notice of any determination of value by the commissioner under section twenty-five, any person aggrieved by said determination may request the commissioner to alter such determination. If the commissioner alters or refuses to alter his determination, he shall notify the aggrieved person by mail. Failure of the commissioner to take action within two months from the receipt by him of such written request shall be deemed a refusal of the commissioner to alter his determination. At any time within two months after the mailing of such notice, or, if no action is taken, within two months after the time when such request is deemed to be refused, any person aggrieved by such alteration or refusal to alter may appeal to the appellate tax board. Said board shall appraise such property as has been valued by the commissioner at its value as of the date of death of the decedent, shall give notice of its decision to the commissioner and the appellant, and shall make return thereof to the probate court. Such return, when accepted by the court, shall be final except that any party aggrieved by such appraisal shall have an appeal

on matters of law.

In all proceedings before the appellate tax board under this section, the commissioner shall receive notice and may be heard.

SECTION 177. The third paragraph of section 27 of said chapter 65, as appearing in section 83 of chapter 415 of the acts of 1976, is hereby amended by striking out, in line 11, the word "commission" and inserting in place thereof the word:- commissioner.

SECTION 177A. The fourth paragraph of said section 27 of said chapter 65, as so appearing, is hereby amended by striking out, in line 10, the word "commission" and inserting in place thereof the word:- commissioner.

SECTION 177B. The sixth paragraph of said section 27 of said chapter 65, as so appearing, is hereby amended by striking out, in lines 2 and 3, the words "or commission".

SECTION 178. Chapter 65 of the General Laws is hereby amended by striking out section 27A, inserted by section 59 of chapter 555 of the acts of 1971, and inserting in place thereof the following section:-

Section 27A. An executor, administrator, trustee, grantee, donee, survivor or beneficiary aggrieved by the assessment of a tax under this chapter may apply in writing to the commissioner, upon a form approved by him, for an abatement thereof at any time within one year after the date of the certification of such tax or within one year after the date of payment thereof, whichever is later. The commissioner shall, if requested thereon, grant the applicant a hearing upon his application. If the commissioner finds that the tax is excessive in amount or illegal, he shall abate the tax, in whole or in part, accordingly. If the tax has been paid, the state treasurer, upon certification of the commissioner, shall repay to the applicant the amount of such abatement without any appropriation therefor by the general court. The decision of the commissioner shall be final. The commissioner shall give notice to the applicant of his decision upon the application. This section shall be in addition to and not in modification of any other remedies provided by this chapter.

SECTION 179. Section 6 of chapter 65A of the General Laws is hereby amended by striking out the words "state tax commissioner", inserted by section 91 of chapter 654 of the acts of 1953, and inserting in place thereof the word:- commissioner.

SECTION 180. Section 1 of chapter 65B of the General Laws, as amended by section 1 of chapter 428 of the acts of 1943, is hereby amended by striking out, in lines 5 and 6, the words "corporations and taxation", and inserting in place thereof the word:- revenue.

SECTION 181. Section 3 of said chapter 65B is hereby amended by striking out the words "state tax commission", inserted by section 92 of chapter 654 of the acts of 1953, and inserting in place thereof the word:- commissioner.

SECTION 182. Paragraph (a) of section 4 of said chapter 65B

is hereby amended by striking out the words "state tax commission", inserted by section 93 of said chapter 654, and inserting in place thereof the word:- commissioner.

SECTION 183. Section 1 of chapter 65C of the General Laws, as appearing in section 74 of chapter 684 of the acts of 1975, is hereby amended by striking out paragraphs (b) and (c) and inserting in place thereof the following paragraph:-

(b) "Commissioner", the commissioner of revenue.

SECTION 184. Section 8 of said chapter 65C, as amended by section 91 of chapter 415 of the acts of 1976, is hereby further amended by striking out, in line 4, the words "or commission".

SECTION 185. The second sentence of subsection (b) of section 10 of said chapter 65C, as appearing in section 74 of chapter 684 of the acts of 1975, is hereby amended by striking out, in line 3, the word "commission" and inserting in place thereof the word:- commissioner.

SECTION 186. Paragraph (a) of section 2 of chapter 70 of the General Laws, as appearing in section 40 of chapter 14 of the acts of 1966, is hereby amended by striking out, in line 5, the words "state tax commission" and inserting in place thereof the words:- commissioner of revenue.

SECTION 187. Section 5 of chapter 70 of the General Laws is hereby amended by striking out, in lines 12 and 26, as so appearing, the words "state tax commission" and inserting in place thereof, in each instance, the words:- commissioner of revenue.

SECTION 188. The second paragraph of section 7B of chapter 71 of the General Laws, as appearing in section 8 of chapter 563 of the acts of 1964, is hereby amended by striking out, in line 2, the words "state tax commission" and inserting in place thereof the words:- commissioner of revenue.

SECTION 189. Section 12 of chapter 80 of the General Laws is hereby amended by striking out the last sentence, added by chapter 116 of the acts of 1947, and inserting in place thereof the following sentence:- A lien under this section may be dissolved by filing for record in the registry of deeds of the county or district where the land subject to the lien lies a certificate, in a form approved by the commissioner of revenue, from the collector of taxes that the assessment, constituting the lien, together with any interest and costs thereon, has been paid or legally abated.

SECTION 190. Section 31 of chapter 81 of the General Laws, as appearing in section 14 of chapter 497 of the acts of 1971, is hereby amended by striking out, in lines 31, 35 and 36 and 47, the words "state tax commission", and inserting in place thereof, in each instance, the words:- commissioner of revenue.

SECTION 191. The second paragraph of section 26 of chapter 92 of the General Laws, as appearing in section 6 of chapter 549 of the acts of 1946, is hereby amended by striking out, in line 8, the words "corporations and taxation" and inserting in place

thereof the word:- revenue.

SECTION 192. The fourth paragraph of section 295B of chapter 94 of the General Laws, as appearing in chapter 443 of the acts of 1957, is hereby amended by striking out, in line 2, the words "corporations and taxation" and inserting in place thereof the word:- revenue.

SECTION 193. Section 8 of chapter 107 of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by striking out, in lines 7 and 8, the words "commissioner of corporations and taxation" and inserting in place thereof the words:- state secretary.

SECTION 194. Section 4B of chapter 110 of the General Laws, as amended by chapter 466 of the acts of 1948, is hereby further amended by striking out in line 17, the words "commissioner of corporations and taxation" and inserting in place thereof the words:- state secretary.

SECTION 195. Section 165 of chapter 111 of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by striking out, in line 9, the words "corporations and taxation" and inserting in place thereof the word:- revenue.

SECTION 196. The second 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, in lines 5 and 6 and in line 14, the words "state tax commission" and inserting in place thereof the words:- commissioner of revenue.

SECTION 197. The second sentence of the fifth paragraph of said section 10 of said chapter 121A, inserted by section 94 of chapter 415 of the acts of 1976, is hereby amended by striking out, in line 2, the words "corporations and taxation" and inserting in place thereof the word:- revenue.

SECTION 198. The eighth paragraph of said section 10 of said chapter 121A, as appearing in section 7 of chapter 827 of the acts of 1975, is hereby amended by striking out, in line 1, the words "tax commission",- and by striking out, in lines 2 and 7, the words "corporations and taxation", and inserting in place thereof the word:- revenue.

SECTION 199. Section 16 of said chapter 121A, as amended by section 11 of said chapter 827, is hereby further amended by striking out, in line 8, the words "corporations and taxation" and inserting in place thereof the word:- revenue.

SECTION 200. Section 18B of said chapter 121A, as most recently amended by section 14 of said chapter 827, is hereby further amended by striking out, in line 3, the words "corporations and taxation" and inserting in place thereof the word:- revenue.

SECTION 201. The last sentence of section 17 of chapter 132 of the General Laws, as appearing in section 11 of chapter 657 of the acts of 1956, is hereby amended by striking out, in

line 3, the words "and the state tax commission".

SECTION 202. Chapter 138 of the General Laws is hereby amended by striking out section 20A, as amended by section 95 of chapter 654 of the acts of 1953, and inserting in place thereof the following section:-

Section 20A. The commission may annually grant to a person or corporation licensed as a public warehouseman under section one of chapter one hundred and five, or corresponding provisions of earlier laws, a permit to store and warehouse alcoholic beverages, subject, however, to such regulations as shall be made by the commissioner of revenue relative to the receipt, storage and removal of alcoholic beverages stored under authority of such a permit, and said commissioner of revenue is hereby empowered to make, amend or annul such regulations and the commissioner of revenue shall enforce the same. The fee for such a permit shall be ten dollars. Whoever without such a permit receives alcoholic beverages for the purpose of storing and warehousing the same in a public warehouse shall be subject to the penalties prescribed in section two.

SECTION 203. Section 21 of chapter 138 of the General Laws is hereby amended by striking out, in lines 51 and 88, as appearing in chapter 415 of the acts of 1976, the words "corporations and taxation" and inserting in place thereof the word:- revenue.

SECTION 204. The last sentence of section 2 of chapter 155 of the General Laws, added by section 6 of chapter 750 of the acts of 1962, is hereby amended by striking out, in lines 2 and 3, the words "corporations and taxation" and inserting in place thereof the word:- revenue.

SECTION 205. Section 50A of said chapter 155, as amended by section 12 of said chapter 750, is hereby further amended by striking out, in line 4, the words "corporations and taxation" and inserting in place thereof the word:- revenue.

SECTION 206. Clause (b) of section 100 of chapter 156B of the General Laws, as amended by chapter 197 of the acts of 1967, is hereby further amended by striking out, in line 5, the words "corporations and taxation" and inserting in place thereof the word:- revenue.

SECTION 207. Clause (d) of said section 100 of said chapter 156B, as appearing in section 44 of chapter 685 of the acts of 1965, is hereby amended by striking out, in line 3, the words "corporations and taxation" and inserting in place thereof the word:- revenue.

SECTION 208. Section 101 of chapter 156B, as so appearing, is hereby amended by striking out, in line 3, and in lines 7 and 8, the words "corporations and taxation" and inserting in place thereof, in each instance, the word:- revenue.

SECTION 209. The third paragraph of section 17 of chapter 158 of the General Laws, as appearing in chapter 526 of the acts of 1966, is hereby amended by striking out, in line 11, the words "corporations and taxation" and inserting in place thereof

the word:- revenue.

SECTION 210. Section 44 of chapter 160 of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by striking out, in line 7, the words "corporations and taxation" and inserting in place thereof the word:- revenue.

SECTION 211. Section 34 of chapter 161 of the General Laws, as so appearing, is hereby amended by striking out, in line 7, the words "corporations and taxation" and inserting in place thereof the word:- revenue.

SECTION 212. Section 5 of chapter 167 of the General Laws, as most recently amended by chapter 463 of the acts of 1975, is hereby further amended by striking out, in line 21, the words "corporations and taxation" and inserting in place thereof the word:- revenue.

SECTION 213. Section 5 of chapter 170 of the General Laws is hereby amended by striking out, in line 28, as appearing in section 1 of chapter 371 of the acts of 1950, the words "corporations and taxation" and inserting in place thereof the word:- revenue.

SECTION 214. The definition of "Board" in section 1 of chapter 172 of the General Laws, as appearing in chapter 493 of the acts of 1961, is hereby amended by striking out, in lines 2 and 3, the words "corporations and taxation" and inserting in place thereof the word:- revenue.

SECTION 215. Section 105 of chapter 175 of the General Laws is hereby amended by striking out, in line 30, as appearing in the Tercentenary Edition, the words "corporations and taxation" and inserting in place thereof the word:- revenue.

SECTION 216. The third paragraph of section 2 of chapter 176B of the General Laws, as appearing in chapter 306 of the acts of 1941, is hereby amended by striking out, in lines 4 and 5, the words "corporations and taxation" and inserting in place thereof the word:- revenue.

SECTION 217. Section 15 of chapter 176C of the General Laws, as appearing in chapter 334 of the acts of 1941, is hereby amended by striking out, in line 3, the words "corporations and taxation" and inserting in place thereof the word:- revenue.

SECTION 218. Section 2 of chapter 176E of the General Laws, as appearing in chapter 714 of the acts of 1962, is hereby amended by striking out, in line 15, the words "corporations and taxation" and inserting in place thereof the word:- revenue.

SECTION 219. Section 2 of chapter 176F of the General Laws, as appearing in chapter 774 of the acts of 1962, is hereby amended by striking out, in line 14, the words "corporations and taxation" and inserting in place thereof the word:- revenue.

SECTION 220. Section 11B of chapter 180 of the General Laws, as appearing in section 5 of chapter 819 of the acts of 1971, is hereby amended by striking out, in line 15, the words "corporations and taxation" and inserting in place thereof the

word:- revenue.

SECTION 221. The second paragraph of section 17A of said chapter 180, as most recently amended by section 2C of chapter 1078 of the acts of 1973, is hereby further amended by striking out, in line 14, the words "corporations and taxation" and inserting in place thereof the word:- revenue.

SECTION 222. The third sentence of section 17C of said chapter 180, as amended by chapter 307 of the acts of 1973, is hereby further amended by striking out, in line 9, the words "corporations and taxation" and inserting in place thereof the word:- revenue.

SECTION 223. Section 17G of said chapter 180, as most recently amended by section 3 of chapter 463 of the acts of 1970, is hereby further amended by striking out, in line 28, the words "corporations and taxation" and inserting in place thereof the word:- revenue.

SECTION 224. The first sentence of section 3 of chapter 193 of the General Laws, as amended by section 80 of chapter 624 of the acts of 1975, is hereby further amended by striking out, in line 8, the words "corporations and taxation" and inserting in place thereof the word:- revenue.

SECTION 225. The third sentence of section 13 of chapter 200 of the General Laws, as amended by section 81 of said chapter 684, is hereby further amended by striking out, in line 4, the words "corporations and taxation" and inserting in place thereof the word:- revenue.

SECTION 226. The first sentence of section 32 of chapter 202 of the General Laws, as amended by section 2 of chapter 445 of the acts of 1952, is hereby further amended by striking out, in line 9, the words "corporations and taxation" and inserting in place thereof the word:- revenue.

SECTION 227. Section 17A of chapter 203 of the General Laws, inserted by chapter 50 of the acts of 1932, is hereby amended by striking out, in lines 14 and 15, the words "corporations and taxation" and inserting in place thereof the word:- revenue.

SECTION 228. Section 3 of chapter 204 of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by striking out, in line 23, the words "corporations and taxation" and inserting in place thereof the word:- revenue.

SECTION 229. Section 149 of chapter 216 of the General Laws, as so appearing, is hereby amended by striking out, in line 21, the words "corporations and taxation" and inserting in place thereof the word:- revenue.

SECTION 230. Section 16 of chapter 217 of the General Laws is hereby amended by striking out, in line 2, as appearing in the Tercentenary Edition, the words "corporations and taxation" and inserting in place thereof the word:- revenue.

SECTION 231. Section 6 of chapter 246 of the General Laws,

as most recently amended by section 128 of chapter 377 of the acts of 1975, is hereby further amended by striking out, in line 9, the words "corporations and taxation" and inserting in place thereof the word:- revenue.

SECTION 232. Section 6 of chapter 268 of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by striking out, in line 5, the words "corporations and taxation" and inserting in place thereof the word:- revenue.

SECTION 233. Section 36 of said chapter 271, as so appearing, is hereby amended by striking out, in line 11, the words "corporations and taxation" and inserting in place thereof the word:- revenue.

SECTION 234. The last sentence of section 6 of chapter 43 of the acts of 1934, as most recently amended by chapter 528 of the acts of 1957, is hereby further amended by striking out, in lines 5 and 6, the words "corporations and taxation" and inserting in place thereof the word:- revenue.

SECTION 235. Section 2 of chapter 564 of the acts of 1947, is hereby amended by striking out, in line 10, the words "corporations and taxation" and inserting in place thereof the word:- revenue.

SECTION 236. Section one hundred and six of chapter six hundred and fifty-four of the acts of nineteen hundred and fifty-three is hereby repealed.

SECTION 237. Section 1 of chapter 699 of the acts of 1955 is hereby amended by striking out, in line 11, the words "corporations and taxation" and inserting in place thereof the word:- revenue.

SECTION 238. Section 4 of said chapter 699 is hereby amended by striking out, in lines 3 and 4, the words "corporations and taxation" and inserting in place thereof the words:- revenue.

SECTION 239. Section 6 of said chapter 699 is hereby amended by striking out, in lines 13 and 14, the words "state tax commission" and inserting in place thereof the words:- commissioner of revenue.

SECTION 240. Section 7 of said chapter 699 is hereby amended by striking out, in line 8, the words "state tax commission" and inserting in place thereof the words:- commissioner of revenue.

SECTION 241. Section 1 of chapter 208 of the acts of 1956, is hereby amended by striking out, in line 17, the words "corporations and taxation" and inserting in place thereof the word:- revenue.

SECTION 242. Section 3 of said chapter 208 is hereby amended by striking out, in lines 3 and 4, the words "corporations and taxation" and inserting in place thereof the word:- revenue.

SECTION 243. Section 4 of said chapter 208 is hereby amended by striking out, in lines 11 and 12, the words "state tax commission" and inserting in place thereof the word:- commissioner.

SECTION 244. Section 2 of chapter 236 of the acts of 1956 is hereby amended by striking out, in lines 3 and 4, the words "corporations and taxation" and inserting in place thereof the word:- revenue.

SECTION 245. Section 1 of chapter 451 of the acts of 1957 is hereby amended by striking out, in line 11, the words "corporations and taxation" and inserting in place thereof the word:- revenue.

SECTION 246. Section 3 of said chapter 451 is hereby amended by striking out, in lines 3 and 4, the words "corporations and taxation" and inserting in place thereof the word:- revenue.

SECTION 247. Section 4 of said chapter 451 is hereby amended by striking out, in line 13, the words "state tax commission" and inserting in place thereof the words:- commissioner of revenue.

SECTION 248. Section 5 of said chapter 451 is hereby amended by striking out, in line 8, the words "state tax commission" and inserting in place thereof the words:- commissioner of revenue.

SECTION 249. The sixth paragraph of section 6 of chapter 294 of the acts of 1961, as appearing in section 1 of chapter 306 of the acts of 1973, is hereby amended by striking out the last sentence and inserting in place thereof the following sentence:- All accounts for which no claimant can be found after six years following the discontinuance of the business of any such member shall, if no other provisions to care for said claim have been made, be turned over to the commissioner of revenue pursuant to the provisions of chapter two hundred A of the General Laws.

SECTION 250. Section 2 of chapter 465 of the acts of 1963 is hereby amended by striking out, in line 3, the words "corporations and taxation" and inserting in place thereof the word:- revenue.

SECTION 251. Subsection 1 of section 1 of chapter 14 of the acts of 1966 is hereby amended by striking out paragraph (2).

SECTION 252. Said subsection 1 of said section 1 of said chapter 14 is hereby further amended by striking out paragraph (3) and inserting in place thereof the following paragraph:-

(3) "Commissioner", the commissioner of revenue in the department of revenue.

SECTION 253. Paragraph (a) of subsection 7 of said section 1 of said chapter 14 is hereby amended by striking out, in line 7, the words "with the approval of the commission,".

SECTION 254. Paragraph (c) of said subsection 7 of said section 1 of said chapter 14, is hereby amended by striking out, in line 4, the words "of the commission", - and by striking out, in lines 7, 9, 12, 14, 16, 17 and 18 and 23, the word "commission" and inserting in place thereof, in each instance, the word:- commissioner, - and by striking out, in line 17, the word "its" and inserting in place thereof the word:- his.

SECTION 255. Subsection 9 of said section 1 of said chapter 14, as amended by section 1 of chapter 531 of the acts of 1967, is hereby further amended by striking out the second sentence

and inserting in place thereof the following sentence:- Such returns shall be filed upon a form furnished by the commissioner and containing such information reasonably necessary for the administration of this section as the commissioner may require.

SECTION 256. The third sentence of said subsection 9 of said section 1 of said chapter 14, as amended by section 1 of chapter 531 of the acts of 1967, is hereby further amended by striking out, in line 1, the word "commission" and inserting in place thereof the word:- commissioner.

SECTION 257. Paragraph (a) of subsection 13 of said section 1 of said chapter 14 is hereby amended by striking out, in line 2, the words "and the commission", - and by striking out, in lines 4 and 7, the words "the commission", - and by striking out, in lines 11 and 13, the words "the commission or".

SECTION 258. Subparagraph (3) of paragraph (b) of said subsection 13 of said section 1 of said chapter 14 is hereby amended by striking out, in line 5, the word "commission" and inserting in place thereof the word:- commissioner.

SECTION 259. Subsection 14 of said section 1 of said chapter 14 is hereby amended by striking out, in line 7, the word "commission" and inserting in place thereof the word:- commissioner.

SECTION 260. The first paragraph of subsection 20 of said section 1 of said chapter 14 is hereby amended by striking out, in lines 3, 8, 10, 11 and 12, the word "commission" and inserting in place thereof, in each instance, the word:- commissioner, - and by striking out, in lines 4 and 8, the words "the commission", and inserting in place thereof, in each instance, the word:- him.

SECTION 261. The second paragraph of said subsection 20 of said section 1 of said chapter 14 is hereby amended by striking out, in lines 2, 7 and 11, the word "commission" and inserting in place thereof the word:- commissioner, - and by striking out, in line 8, the word "it" and inserting in place thereof the word:- he.

SECTION 262. Subsection 21 of section 1 of said chapter 14 is hereby amended by striking out, in line 8, the word "commission" and inserting in place thereof the word:- commissioner.

SECTION 263. Subsection 22 of said section 1 of said chapter 14 is hereby amended by striking out, in lines 2, 5 and 13, the word "commission" and inserting in place thereof the word:- commissioner.

SECTION 264. The first paragraph of subsection 24 of said section 1 of said chapter 14 is hereby amended by striking out, in line 5, the words "or the commission".

SECTION 265. Subsection 25 of said section 1 of said chapter 14 is hereby amended by striking out, in line 14, the word "commission" and inserting in place thereof the word:- commissioner.

SECTION 266. Paragraph (b) of subsection 27 of said section 1

of said chapter 14 is hereby amended by striking out, in line 8, the word "commission" and inserting in place thereof the word:- commissioner.

SECTION 267. Subsection 30 of said section 1 of said chapter 14 is hereby amended by striking out in line 1, the word "commission" and inserting in place thereof the word:- commissioner, - and by striking out, in line 2, the word "it" and inserting in place thereof the word:- he.

SECTION 268. Subsection 1 of section 2 of said chapter 14 is hereby amended by striking out, in line 4, the word, "commission".

SECTION 269. Paragraph (a) of subsection 7 of said section 2 of said chapter 14 is hereby amended by striking out, in line 9, the words "with the approval of the commission,".

SECTION 270. Paragraph (a) of subsection 10 of said section 2 of said chapter 14 is hereby amended by striking out, in line 9, the word "commission", and inserting in place thereof the word:- commissioner.

SECTION 271. Subsection 13 of said section 2 of said chapter 14 is hereby amended by striking out, in lines 5 and 6, the words "or the commission".

SECTION 272. Section 73 of said chapter 14 is hereby amended by striking out, in line 5, the words "state tax commission" and inserting in place thereof the words:- commissioner of revenue.

SECTION 273. Section 74 of said chapter 14 is hereby amended by striking out, in line 14, the words "state tax commission" and inserting in place thereof the words:- commissioner of revenue.

SECTION 274. Section 78 of said chapter 14 is hereby amended by striking out, in line 2, the words "state tax commission" and inserting in place thereof the words:- commissioner of revenue, - and by striking out, in line 11, the word "commission" and inserting in place thereof the word:- commissioner.

SECTION 275. Section 78A of said chapter 14 is hereby amended by striking out, in lines 6 and 7, the words "corporations and taxation" and inserting in place thereof the word:- revenue.

SECTION 276. The first sentence of the second paragraph of section 3 of chapter 708 of the acts of 1966, as most recently amended by chapter 517 of the acts of 1975, is hereby further amended by striking out, in line 4, the words "corporations and taxation" and inserting in place thereof the word:- revenue.

SECTION 277. Sections forty, forty-one and forty-two of chapter eight hundred and seventy-two of the acts of nineteen hundred and seventy-seven are hereby repealed.

SECTION 277A. Said chapter 872 is hereby further amended by striking out section 204 and inserting in place thereof the following section:-

Section 204. Sections one, three A, four, seven, ten, thirteen, sixteen, nineteen, twenty-two, twenty-five, twenty-eight, thirty-one, thirty-four, thirty-seven, forty-three, forty-six, forty-nine, fifty-two, fifty-five, fifty-eight, sixty-one, sixty-four, sixty-

seven, seventy, seventy-three, seventy-six, seventy-nine, eighty-two, eighty-four E, eighty-five, eighty-seven A, eighty-eight, ninety-one, ninety-four, ninety-seven, one hundred, one hundred and three, one hundred and six, one hundred and nine, one hundred and twelve, one hundred and fifteen, one hundred and eighteen, one hundred and twenty-one, one hundred and twenty-four, one hundred and twenty-seven, one hundred and thirty, one hundred and thirty-three, one hundred and thirty-six, one hundred and thirty-nine, one hundred and forty-two, one hundred and forty-five, one hundred and forty-eight, one hundred and fifty-two, one hundred and fifty-five, one hundred and fifty-eight, one hundred and sixty-one, one hundred and sixty-four, one hundred and sixty-seven, one hundred and seventy, one hundred and seventy-three, one hundred and seventy-six, one hundred and seventy-nine, one hundred and eighty-two, one hundred and eighty-five, one hundred and eighty-eight, one hundred and ninety-one, one hundred and ninety-four, one hundred and ninety-seven and two hundred of this act shall take effect as of July thirty-first, nineteen hundred and seventy-seven.

Sections two, three B, five, eight, eleven, fourteen, seventeen, twenty, twenty-three, twenty-six, twenty-nine, thirty-two, thirty-five, thirty-eight, forty-four, forty-seven, fifty, fifty-three, fifty-six, fifty-nine, sixty-two, sixty-five, sixty-eight, seventy-one, seventy-four, seventy-seven, eighty, eighty-three, eighty-four F, eighty-six, eighty-seven B, eighty-nine, ninety-two, ninety-five, ninety-eight, one hundred and one, one hundred and four, one hundred and seven, one hundred and ten, one hundred and thirteen, one hundred and sixteen, one hundred and nineteen, one hundred and twenty-two, one hundred and twenty-five, one hundred and twenty-eight, one hundred and thirty-one, one hundred and thirty-four, one hundred and thirty-seven, one hundred and forty, one hundred and forty-three, one hundred and forty-six, one hundred and forty-nine, one hundred and fifty-three, one hundred and fifty-six, one hundred and fifty-nine, one hundred and sixty-two, one hundred and sixty-five, one hundred and sixty-eight, one hundred and seventy-one, one hundred and seventy-four, one hundred and seventy-seven, one hundred and eighty, one hundred and eighty-three, one hundred and eighty-six, one hundred and eighty-nine, one hundred and ninety-two, one hundred and ninety-five, one hundred and ninety-eight and two hundred and one of this act shall take effect as of October first, nineteen hundred and seventy-eight.

Section three, three C, six, nine, twelve, fifteen, eighteen, twenty-one, twenty-four, twenty-seven, thirty, thirty-three, thirty-six, thirty-nine, forty-five, forty-eight, fifty-one, fifty-four, fifty-seven, sixty, sixty-three, sixty-six, sixty-nine, seventy-two, seventy-five, seventy-eight, eighty-one, eighty-four, eighty-four G, eighty-seven, eighty-seven C, ninety, ninety-three, ninety-six, ninety-nine, one hundred and two, one hundred and five, one hundred and eight, one hundred and eleven, one hundred and fourteen, one hundred and seventeen, one hundred and twenty, one hundred and twenty-three, one hundred and twenty-six, one hundred and twenty-nine, one hundred and thirty-two, one hundred and thirty-five, one hundred and thirty-eight, one

hundred and forty-one, one hundred and forty-four, one hundred and forty-seven, one hundred and fifty-one, one hundred and fifty-four, one hundred and fifty-seven, one hundred and sixty, one hundred and sixty-three, one hundred and sixty-six, one hundred and sixty-nine, one hundred and seventy-two, one hundred and seventy-five, one hundred and seventy-eight, one hundred and eighty-one, one hundred and eighty-four, one hundred and eighty-seven, one hundred and ninety, one hundred and ninety-three, one hundred and ninety-six, one hundred and ninety-nine and two hundred and two of this act shall take effect as of September thirtieth, nineteen hundred and seventy-nine.

Sections eighty-four A and eighty-four B of this act shall take effect as of July first, nineteen hundred and seventy-six. Section eighty-four C of this act shall take effect as of January first, nineteen hundred and seventy-seven. Section eighty-four D of this act shall take effect as of April first, nineteen hundred and seventy-seven. Section one hundred and fifty of this act shall take effect as of July first, nineteen hundred and seventy-nine.

SECTION 278. Upon the effective date of this act, the commissioner of revenue shall succeed to all the powers and duties of the commissioner of corporations and taxation and shall exercise in his own name any power and perform any duty which is assigned to the commissioner of corporations and taxation by the General Laws and by any other provision of law. All books, papers, records and documents in the custody of or maintained by the commissioner of corporations and taxation are hereby transferred to the custody of the commissioner of revenue as of said date.

All petitions, applications, hearings and other proceedings duly pending before and all legal and other proceedings duly begun or defended by the commissioner of corporations and taxation shall continue unabated and remain in full force and effect notwithstanding passage of this act and may be completed before or by the commissioner of revenue.

All regulations, rulings, decisions and other determinations made by the commissioner of corporations and taxation and in effect immediately prior to the effective date of this act shall continue in effect until they are subsequently altered, amended, modified or revoked by the commissioner of revenue.

SECTION 279. Upon the effective date of this act, the state tax commission is hereby abolished. The commissioner of revenue shall succeed to all the powers and duties of such commission, unless otherwise specified by law, and shall exercise in his own name any power and perform any duty which is assigned to the said commission by chapters fifty-eight to sixty-five C, inclusive, of the General Laws and by any other provision of law.

SECTION 280. Wherever in the General Laws or in any special law reference is made to the commissioner of corporations and taxation or the state tax commission, such references, upon the effective date of this act, shall mean the commissioner of revenue.

SECTION 281. All officers and employees of any administrative

unit including but not limited to any division, commission, council, board, office, bureau or committee of the department of corporations and taxation who immediately prior to the effective date of this act hold permanent appointment in positions classified under chapter thirty-one of the General Laws or have tenure in their positions by reason of section nine A of chapter thirty, are hereby transferred to the department of revenue without impairment of civil service status, seniority, retirement and other rights, and without interruption of service within the meaning of said chapter thirty-one, or said section nine A of said chapter thirty and without reduction in compensation and salary grade notwithstanding any change in title or duties resulting from this act, subject to the provisions of said chapter thirty-one and the rules and regulations adopted thereunder.

All officers and employees of any administrative unit including but not limited to any division, commission, council, board, office, bureau or committee of the department of corporations and taxation who immediately prior to the effective date of this act do not hold permanent appointment in positions classified under said chapter thirty-one, nor have tenure in their positions by reason of said section nine A, are hereby transferred to the department of revenue under this act without impairment of seniority, retirement and other rights, and without interruption of service within the meaning of said section nine A of said chapter thirty, and said chapter thirty-one, and without reduction in compensation and salary grade, notwithstanding any change in title or duties resulting from this act.

Nothing in this section shall be construed to confer upon any employee any rights not held immediately prior to the effective date of this act or to prohibit any reduction of salary or grade, transfer, reassignment, suspension, discharge, layoff, or abolition of position not prohibited prior to said effective date.

SECTION 282. All books, papers, records, documents, equipment, lands, interests in land, buildings, facilities and other property both personal and real, which immediately prior to the effective date of this act, are in the custody of any division, commission, council, board, office, bureau, committee or administrative unit within the department of corporations and taxation from which powers and duties are transferred to any other division, commission, council, board, office, bureau, committee or administrative unit within the department of revenue by the provisions of this act, and which relate to or are maintained for the purpose of the exercise of such powers or the performance of such duties, are hereby transferred to such other division, commission, council, board, office, bureau, committee or administrative unit; provided, that all such property held in trust shall continue to be held in trust, and be administered in accordance with the terms of such trust, by such other division, commission, council, board, office, bureau, committee or administrative unit or, if such division, commission, council, board, office, bureau, committee or administrative unit shall decline such trust, by the trustees appointed by any court of competent jurisdiction upon application of any interested person for such appointment or for instructions in connection therewith.

All questions regarding the identification of such property and of the divisions, commissions, councils, boards, offices, bureaus, committees or administrative units to which custody thereof is so transferred shall be determined by the commissioner of revenue.

SECTION 283. All monies heretofore appropriated for any division, commission, council, board, office, bureau, committee or administrative unit from which powers and duties are transferred to any other division, commission, council, board, office, bureau, committee or administrative unit by the provisions of this act for the purpose of the exercise of such powers or the performance of such duties, and remaining unexpended on the effective date of this act, are hereby transferred to, and shall be available for expenditure by, such other division, commission, council, board, office, bureau, committee or administrative unit.

All questions regarding the identification of such monies and of the divisions, commissions, councils, boards, offices, bureaus, committees or administrative units to which they are so transferred shall be determined by the commissioner of revenue.

SECTION 284. All duly existing contracts, leases and obligations of any division, commission, council, board, office, bureau, committee or administrative unit from which powers and duties are transferred to any other division, commission, council, board, office, bureau, committee or administrative unit by the provisions of this act which relate to the exercise of such powers for the performance of such duties, and which are in force immediately prior to the effective date of this act, shall thereafter be performed by such other division, commission, council, board, office, bureau, committee or administrative unit. This section shall not affect any renewal provision or option to renew contained to any such lease in existence on said effective date, all of which may thereafter be exercised by such other division, commission, council, board, office, bureau, committee or administrative unit.

All questions regarding the identification of such contracts, leases and obligations and of the divisions, commissions, councils, boards, offices, bureaus, committees or administrative units to which the performance thereof is so transferred shall be determined by the commissioner of revenue.

SECTION 285. All petitions, hearings and other proceedings duly brought before, and all prosecutions and legal and other proceedings duly begun by, any division, commission, council, board, office, bureau, committee or administrative unit from which powers and duties are transferred to any other division, commission, council, board, office, bureau, committee or administrative unit by the provisions of this act which arise from or relate to the exercise of such powers or the performance of such duties, and which are pending immediately prior to the effective date of this act, shall continue unabated and remain in force notwithstanding the passage of this act, and shall thereafter be completed before or by such other division, commission, council, board, office, bureau, committee or administrative unit, as the case may be.

All orders, rules and regulations duly made, and all licenses,

permits, certificates and approvals duly granted, by any division, commission, council, board, office, bureau, committee or administrative unit from which powers and duties are so transferred to any other division, commission, council, board, office, bureau, committee or administrative unit, which arise from or relate to the exercise of such powers or the performance of such duties, and which are in force immediately prior to said effective date, shall continue in force, and the provisions thereof shall thereafter be enforced, until superseded, revised, rescinded or canceled in accordance with law, by such other division, commission, council, board, office, bureau, committee or administrative unit.

All questions regarding the identification of such petitions, hearings, prosecutions, proceedings, orders, rules, regulations, licenses, permits, certificates and approvals, and of the divisions, commissions, councils, boards, offices, bureaus, committees or administrative units to which the completion or enforcement thereof is so transferred shall be determined by the commissioner of revenue.

SECTION 286. Wherever the name of any agency, division, commission, council, board, office, bureau, committee or administrative unit within the department of corporations and taxation from which powers and duties are transferred by the provisions of this act, appears in any statute, order, rule, regulation or other document related to the exercise of such powers or the performance of such duties, such name shall be construed as referring to the agency, division, commission, council, board, office, bureau, committee or administrative unit within such department of revenue to which such powers and duties are so transferred.

SECTION 287. Sections one and two and sections five to two hundred and seventy-six, inclusive, and two hundred and seventy-eight to two hundred and eighty-seven, inclusive, of this act shall take effect as of August first, nineteen hundred and seventy-eight.

Section two hundred and seventy-seven shall take effect as of January first, nineteen hundred and seventy-eight.

Sections one A and five A shall take effect on October first, nineteen hundred and seventy-eight.

Sections one B and five B shall take effect on September thirtieth, nineteen hundred and seventy-nine.

SECTION 288. The salary of the commissioner of revenue as established by section five of this act shall take effect as of January first, nineteen hundred and seventy-eight.

Approved July 20, 1978

Chap. 515. AN ACT INCREASING THE AMOUNT OF MONEY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY MAY BORROW TO CONSTRUCT AND EQUIP A COURT HOUSE FOR THE DISTRICT COURT OF FITCHBURG.

Be it enacted, etc., as follows:

SECTION 1. The second paragraph of section 1 of chapter 314 of the acts of 1976 is hereby amended by striking out, in line 9, the words "one million five hundred thousand dollars" and inserting in place thereof the words:- one million eight hundred thousand dollars.

SECTION 2. Section 2 of said chapter 314 is hereby amended by striking out, in line 5, the words "one million seven hundred and fifty thousand dollars" and inserting in place thereof the words:- two million fifty thousand dollars.

SECTION 3. This act shall take effect upon its passage.
Approved July 20, 1978

Chap. 516. AN ACT FURTHER AMENDING THE CHARTER OF BOWDOIN COLLEGE.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to amend the charter of Bowdoin College to strike out a provision therein requiring the treasurer of said college to be an ex officio member of its board of trustees, which amendment, due to the provisions of the Articles of Separation of eighteen hundred and nineteen, requires enactments by the legislatures of Maine and Massachusetts, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Chapter 12 of the acts of 1794, is hereby amended by striking out the third enacting clause, as appearing in section 1 of chapter 264 of the acts of 1973, and inserting in place thereof the following clause:-

And be it further enacted by the Authority aforesaid, that for the more orderly conducting the Business of the said Corporation, the President and Trustees shall have full power and authority, from time to time, to elect a Vice-President and Secretary of the said Corporation, and to declare the tenures and duties of their respective Offices; and to elect Trustees of said Corporation, for such terms and upon such conditions as they may from time to time determine, and also to remove any Trustee from the same Corporation, when, in their Judgment, he shall be incapable or shall neglect or refuse to perform the duties of his Office: Provided, nevertheless, that the Number of the said Trustees, including the President of the said College, for the time being, shall never be greater than thirteen, nor less than seven.

Approved July 20, 1978

Chap. 517. AN ACT PROVIDING THAT THE POSITIONS OF CLERK IN THE POLICE DEPARTMENT OF THE CITY OF TAUNTON SHALL BE EXEMPT FROM THE CIVIL SERVICE LAW.

Be it enacted, etc., as follows:

SECTION 1. The positions of clerk in the police department of the city of Taunton shall be exempt from the provisions of

chapter thirty-one of the General Laws.

SECTION 2. This act shall take effect upon its passage.
Approved July 20, 1978

Chap. 518. AN ACT PROVIDING FOR THE IMPANELLING OF GRAND JURIES IN WORCESTER COUNTY FOR THREE SITTINGS FOR TERMS OF FOUR MONTHS.

Be it enacted, etc., as follows:

SECTION 1. Chapter 277 of the General Laws is hereby amended by striking out section 2E, inserted by section 2 of chapter 315 of the acts of 1977, and inserting in place thereof the following section:-

Section 2E. The clerk of the court for Worcester county shall, not less than twenty-eight days before the first Mondays of January and May, and the second Monday of September, respectively, issue writs of venire facias for thirty-five veniremen from whom the court shall select twenty-three grand jurors to serve in said court, who shall serve for each sitting thereof for four months and until another grand jury has been impanelled in their stead.

SECTION 2. This act shall be applicable to the impanelling of grand jurors in Worcester county for the year nineteen hundred and seventy-eight and subsequent years, and the grand jury impanelled in said county under section two E of chapter two hundred and seventy-seven of the General Laws, inserted by section two of chapter three hundred and fifteen of the acts of nineteen hundred and seventy-seven shall continue to serve until the grand jury provided for under said section two E of said chapter two hundred and seventy-seven, as amended by section one of this act, has been impanelled in its stead.

SECTION 3. This act shall take effect upon its passage.
Approved July 20, 1978

Chap. 519. AN ACT RELATIVE TO THE GLOUCESTER FISHERIES COMMISSION.

Be it enacted, etc., as follows:

SECTION 1. Chapter 620 of the acts of 1956 is hereby amended by striking out section 3, as amended by section 1 of chapter 631 of the acts of 1962, and inserting in place thereof the following section:-

Section 3. There shall be nine members of the commission one of whom shall be the mayor of the city of Gloucester who shall be the chairman and eight persons to be appointed by said mayor, in accordance with the city charter, three of whom shall be members of the city council of said city and five of whom shall be actively connected with the production, processing or employment phases of the fishing industry.

SECTION 2. Said chapter 260 is hereby further amended by

striking out section 3A, inserted by section 2 of said chapter 631, and inserting in place thereof the following section:-

Section 3A. The mayor may appoint an executive secretary to said commission upon its recommendation. Said executive secretary shall have no vote and shall receive such compensation as may be determined by the mayor with the approval of the city council.

SECTION 3. Said chapter 260 is hereby further amended by striking out section 4, as amended by section 3 of said chapter 631, and inserting in place thereof the following two sections:-

Section 4. The city of Gloucester is hereby authorized to appropriate annually a sum of money not exceeding sixty thousand dollars for the purposes of said commission.

Section 4A. Said commission may accept and expend gifts, bequests or devises of personal property or interests in real property for the purposes of said commission in the name of said city or of said commission subject to the approval of the mayor and the city council of said city as provided in section fifty-three A of chapter forty-four of the General Laws.

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

Approved July 20, 1978

Chap. 520. AN ACT RELATIVE TO THE TERMS OF CERTAIN BONDS TO BE ISSUED BY THE COMMONWEALTH.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to eliminate inconvenience in the issuance of bonds and notes to carry out the purposes of an act passed during the regular annual legislative session in the year nineteen hundred and seventy-seven, 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 law to the contrary, the bonds which the state treasurer is authorized to issue under section nine of chapter three hundred and fifty-six of the acts of nineteen hundred and seventy-seven, providing for a comprehensive rail transit, accelerated highway and railroad improvement bonding authorization for the commonwealth, shall be issued for maximum terms of twenty years, the initial maturities of which shall be payable not later than one year from the date of issue thereof and the entire issue not later than June thirtieth, two thousand and three, as recommended by the governor in a message to the General Court dated January nineteenth, nineteen hundred and seventy-eight in pursuance of Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth.

Approved July 20, 1978

Chap. 521. AN ACT ESTABLISHING THE STATE OFFICE OF MINORITY ASSISTANCE WITHIN THE DEPARTMENT OF COMMERCE AND DEVELOPMENT.

Be it enacted, etc., as follows:

SECTION 1. Section 3 of chapter 23A of the General Laws is hereby amended by striking out the first sentence, as amended by section 1 of chapter 1178 of the acts of 1973, and inserting in place thereof the following sentence:- There shall be in the department the following five divisions: economic development, small business assistance, state office of minority business assistance, and tourism and planning.

SECTION 2. Said chapter 23A is hereby further amended by adding after section 35, added by section 1 of chapter 865 of the acts of 1975, the following six sections:-

Section 36. It is the policy of the commonwealth to promote and facilitate the fullest possible participation by all citizens in the affairs of the commonwealth. The commonwealth has recognized for many years the special handicaps and obstacles faced by its minority citizens in effecting full participation. Minority business enterprises frequently face special handicaps and problems in achieving viable economic status. Various public and private programs have been initiated to assist minority business enterprises to achieve economic viability, though many businesses have not been adequately informed of these programs because of inadequate coordination and communication efforts, with the result that many services available are never adequately delivered to those who need them. The state government, as the biggest business in the commonwealth of Massachusetts, has a special responsibility to see that all available services and programs are put to the best use. These steps are necessary to guarantee the fullest participation by all citizens of the commonwealth in the economy of the state and to guarantee the fullest benefits to citizens of programs and services available for assistance.

Section 37. As used in sections thirty-eight to forty-one, inclusive, the following words shall have the following meanings, unless a contrary intent is clearly indicated:-

"SOMBA", the state office of minority business assistance as established by executive order ninety-two of nineteen hundred and seventy-two, amended by executive order one hundred and twenty-four of nineteen hundred and seventy-six, and designated by section thirty-eight.

"Minority business enterprise", for the purpose of receipt of services from SOMBA, means a business enterprise that is owned or controlled by one or more socially or economically disadvantaged persons. Such disadvantage may arise from cultural, racial, chronic economic circumstances or background or other similar cause. Such persons include, but are not limited to, Negroes, Puerto Ricans, Spanish-speaking Americans, American Indians, Eskimos, and Aleuts.

"Secretary", the secretary of manpower affairs.

"Department", the department of commerce and development.

"Commissioner", the commissioner of the department.

"Deputy commissioner", the director of SOMBA.

Section 38. There shall be a state office of minority business assistance which shall be a division of the department of commerce

and development within the executive office of manpower affairs.

Section 39. The commissioner shall have all necessary authority to utilize existing staff in the department to effect the purposes of sections thirty-six to forty-one, inclusive, and shall have the authority to seek such funds, public or private, as may be available and needed to carry out the intent of said sections.

Section 40. SOMBA shall have a director who shall be a deputy commissioner, an assistant director who shall be an assistant deputy commissioner, and such other specialists in minority business assistance as may, from time to time, be authorized. SOMBA, may, either on its own staff or by contract with community groups, private companies, or public or non-profit agencies, have available community liaison officers, financial and marketing experts, and persons skilled in public and private contract procurement procedures.

Section 41. (1) SOMBA shall seek to develop a listing of minority businesses within the commonwealth, and shall, from time to time, notify such businesses of the programs and services available to them, whether from public or private sources, or from local, state or federal agencies.

(2) SOMBA is hereby authorized, subject to approval by the Commissioner, to establish its own programs and policies and to seek from any official or agency of the commonwealth or its political subdivisions, such information and assistance as is necessary to carry out its functions and duties; and all officials, agencies or political subdivisions of the commonwealth are hereby directed to supply such information or assistance.

(3) SOMBA shall receive assistance from state agencies including, where consistent with existing law, commitments that such agencies do a limited amount of preferential contracting and subcontracting with minority businesses. SOMBA shall assist minority businesses in making use of any special programs which may be operated by the state or by various departments and agencies of the federal government.

(4) SOMBA, through the secretary and the commissioner, shall coordinate its activities with those of other offices and activities of the department, and shall assist minority businesses in their dealings with federal agencies and with state departments and agencies, including, but not limited to, the department of labor and industries, the department of corporations and taxation, the state purchasing agent and the division of employment security. In coordination with the state director of affirmative action, SOMBA shall also provide assistance to all cabinet secretaries in evaluating economic activities of their offices to determine how their offices may be of assistance in providing fair opportunities for minority businesses.

(5) SOMBA shall work with banks, insurance companies, and other private businesses in the commonwealth to encourage the formation of seed money funds for facilitating the starting-up and expansion of minority businesses. SOMBA shall provide assistance to minority businesses in their efforts to obtain loan money and operating capital from private and public lenders.

(6) SOMBA shall seek to increase the amount of financial

assistance available to minority businesses from private financial institutions: and may, from time to time, sponsor conferences, workshops, or other informational programs.

(7) SOMBA shall seek to encourage voluntary assistance programs by which nonminority business employees are loaned to minority businesses or by which minority business persons are taken into viable business ventures to acquire training and experience in managing business affairs.

(8) SOMBA is authorized to encourage state contract awarding authorities to seek to increase the incidence of joint ventures between nonminority state contractors and minority contractors, by specifically pointing out that such arrangements would constitute one method of partially meeting affirmative action requirements imposed upon both nonminority state contractors and the state. The director of affirmative action shall be kept informed of actions taken under this provision. SOMBA shall follow advertisements for construction work by public bodies in the commonwealth, shall notify minority general contractors and subcontractors of the bid opening dates for the approximate amount of the contract and subcontract work being bid, shall assist them in securing bonds and in bidding for that construction work and shall initiate a program to help qualified minority persons to get started as small business firms in the construction field by helping to arrange joint ventures with qualified general contractors and subcontractors and by arranging for administrative and accounting assistance to help them carry out their subcontract and general contract obligations during the period of contract performance.

(9) SOMBA shall, through the commissioner and the secretary, submit an annual report to the general court on the minority businesses which it assists, the type of services which it renders, the difficulties it encounters. Such report shall include such recommendations for legislative or executive action as deemed necessary or desirable.

Approved July 20, 1978

Chap. 522. AN ACT REQUIRING CLASSROOM INSTRUCTION FOR REAL ESTATE BROKERS AND SALESMEN.

Be it enacted, etc., as follows:

SECTION 1. Section 87SS of chapter 112 of the General Laws, as most recently amended by chapter 222 of the acts of 1975, is hereby further amended by inserting after the first paragraph the following paragraph:-

Every individual applicant for a license as a salesman who is required to take an examination therefor shall, as a prerequisite to taking such examination, submit proof satisfactory to the board that he has completed courses in real estate subjects approved by the board, such courses to total twenty-four classroom hours of instruction. Every individual applicant for a license as a broker who is required to take an examination therefor shall, as a prerequisite to taking such examination, submit proof satisfactory to the board that he has been actively associated with a real estate broker for a period of one year as

a real estate salesman and that he has completed additional courses in real estate subjects approved by the board, such courses to total thirty classroom hours of instruction.

SECTION 2. The provisions of this act shall apply to all applications for a real estate license as a broker or salesman filed with the board of registration of real estate brokers and salesmen on or after January first, nineteen hundred and eighty.

Approved July 20, 1978

Chap. 523. AN ACT PROVIDING VOTING RIGHTS FOR RETIRED MEMBERS OF THE RETIREMENT SYSTEM FOR PUBLIC EMPLOYEES.

Be it enacted, etc., as follows:

SECTION 1. Clause (ii) of paragraph (a) of subdivision (1) of section 3 of chapter 32 of the General Laws, as appearing in section 1 of chapter 658 of the acts of 1945, is hereby amended by striking out the last sentence and inserting in place thereof the following sentence:- Any member in active in service shall have full voting powers in the system as provided in section twenty.

SECTION 2. Paragraph (h) of subdivision (3) of section 20 of said chapter 32, added by section 3 of chapter 890 of the acts of 1977, is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:- The council shall make available nomination papers to any member in or retired from service so requesting and shall require that such nomination papers be signed by the candidate, and returned to the office of the county retirement board for safekeeping until the election board shall meet.

SECTION 3. Paragraph (b) of subdivision (4) of said section 20 of said chapter 32 is hereby amended by striking out the two sentences inserted by section 3 of chapter 481 of the acts of 1971, and inserting in place thereof the following two sentences:- Such board shall consist of three members as follows:- the city auditor or town accountant or other officer having similar powers and duties who shall be a member ex officio, a second member who shall be elected by the members in or retired from service of such system from among their number in such manner and for such term, not exceeding three years, as the mayor in a city or the board of selectmen in a town shall determine, and a third member who shall be chosen by the other two members of the board for a term of three years. If the third member is not chosen by the other two members within thirty days after the expiration of the term of the third member, said member shall be appointed in a city by the mayor, subject to confirmation by the city council, or in a town by the board of selectmen.

SECTION 4. Paragraph (b) of subdivision (4 $\frac{1}{2}$) of said section 20 of said chapter 32, as appearing in section 11 of chapter 1003 of the acts of 1973, is hereby amended by inserting after the word "in", in line 5, the words:- or retired from.

SECTION 5. Paragraph (b) of subdivision (4½) of said section 20 of said chapter 32, as appearing in section 14 of chapter 597 of the acts of 1967, is hereby amended by inserting after the word "in", in line 5, the words:- or retired from.

SECTION 6. Paragraph (b) of subdivision (4 3/4) of said section 20 of said chapter 32, as appearing in section 6 of chapter 1012 of the acts of 1971, is hereby amended by inserting after the word "in", in line 5, the words:- or retired from.

Approved July 20, 1978

Chap. 524. AN ACT INCREASING THE AMOUNT OF OUTSTANDING BONDS 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 (b) and inserting in place thereof the following clause:-

(b) To issue bonds of the Authority payable solely from the funds herein provided for such payment for the purpose of paying for replacements and new construction or aquisition of vessels and other facilities required to provide adequate service, the total amount to be outstanding at any one time, including refunding bonds but excluding the bonds to be refunded thereby, not to exceed twenty million dollars.

Approved July 20, 1978

Chap. 525. AN ACT AUTHORIZING THE COUNTY OF NORFOLK TO ACQUIRE CERTAIN CEMETERY LAND IN THE TOWN OF WELLESLEY FOR HIGHWAY PURPOSES.

Be it enacted, etc., as follows:

For the purpose of widening a portion of Hunnewell street in the town of Wellesley, the county commissioners of Norfolk county are hereby authorized to acquire by eminent domain under chapter seventy-nine of the General Laws, or to acquire by purchase or otherwise, an unused portion of cemetery land now owned by the Roman Catholic Archbishop of Boston located in the town of Wellesley and shown on a plan entitled, "Plan of Land in Wellesley, Mass. proposed land acquisition for highway purposes," dated November 12, 1976 and recorded with the registry of deeds in Norfolk county in plan book 257, plan numbered 790 of 1976 and more particularly described as Parcel 1, containing 42,396 square feet as shown on said plan. Any costs incurred by the county of Norfolk shall be reimbursed by the town of Wellesley and, by adding the amount to the county assessment of Wellesley.

Approved July 20, 1978

Chap. 526. AN ACT TO ENCOURAGE FINANCING FOR DOWNTOWN REVITALIZATION PROJECTS THROUGH THE MASSACHUSETTS INDUSTRIAL MORTGAGE INSURANCE AGENCY.

Be it enacted, etc., as follows:

SECTION 1. Section 34 of chapter 23A of the General Laws, is hereby amended by inserting the following definition:-

"Industrial enterprise", any enterprise engaged in giving new shapes, new qualities or new combinations to matter as material products, or seafood collection and processing, by the application of skill and labor thereto, or the rehabilitation of designated buildings.

SECTION 2. Said section 34 of said chapter 23A is hereby further amended by adding the following definition:-

"Designated buildings", any building or buildings to be rehabilitated for commercial use located within the boundaries of a downtown commercial center of any city or town as set forth in a downtown revitalization plan approved by the city or town and designated in said plan as a building or buildings which due to their location, character, or significance are such an integral part of said plan that their preservation and rehabilitation are vital to the success of said plan.

SECTION 3. The first paragraph of section 34 of said chapter 23A is hereby amended by striking out clause (1) and inserting in place thereof the following clause:-

(1) to provide insurance of loans, or their debt service, made to finance the acquisition, construction, rehabilitation or alteration or any combination thereof, of industrial development facilities, pollution control facilities, and solid waste disposal facilities;.

SECTION 4. The third paragraph of said section 33 of said chapter 23A is hereby amended by striking out clause (3), and inserting in place thereof the following clause:-

(3) that occupant of the project or projects is a responsible industrial occupant, or in the case of a project or projects which is the rehabilitation of a designated building that the building has a reasonable likelihood of being used by one or more responsible occupants.

SECTION 5. The third paragraph of said section 34 of said chapter 23A, is hereby further amended by striking out clause (5) and inserting in place thereof the following clause:-

(5) that the project will provide or retain employment having a reasonable relationship to the principal amount of loans to be insured therefor, taking into account, among other things, the investment per employee of comparable industrial facilities or designated buildings;.

Approved July 20, 1978

Chap. 527. AN ACT AUTHORIZING THE TREASURER OF PLYMOUTH COUNTY TO PAY A CERTAIN UNPAID BILL.

Be it enacted, etc., as follows:

The treasurer of Plymouth county is hereby authorized, with the approval of the county commissioners of said county, to pay

from available funds to Dennis L. Collari, the amount of five hundred and seven dollars and sixteen cents for services rendered through nineteen hundred and seventy-one and nineteen hundred and seventy-two under guardian ad litem in probate court in said county in cases numbered 20, 634 and 105, 571.

Approved July 20, 1978

Chap. 528. AN ACT AUTHORIZING THE COMMISSIONERS OF PLYMOUTH COUNTY TO PREPARE CERTAIN PLANS FOR THE THIRD DISTRICT COURT OF PLYMOUTH.

Be it enacted, etc., as follows:

SECTION 1. The county commissioners of Plymouth county are hereby authorized to prepare environmental impact studies, test borings, and such other site work as may be necessary to adapt the plans of the fourth district court at Wareham for use on land in the town of Plymouth owned by said county to construct the third district court of Plymouth in said town and to expend from available funds a sum not to exceed twenty-five thousand dollars for such purpose.

SECTION 2. The county commissioners of Plymouth county are hereby further authorized to seek federal funds for the construction of the third district court based on plans authorized in section one, and to expend such funds received for that purpose.

Approved July 20, 1978

Chap. 529. AN ACT AUTHORIZING THE COUNTY COMMISSIONERS OF THE COUNTY OF PLYMOUTH TO ESTABLISH A FIRE AND POLICE TRAINING FACILITY IN SAID COUNTY.

Be it enacted, etc., as follows:

SECTION 1. The Plymouth county commissioners of the county of Plymouth are hereby authorized to provide and maintain a facility for the training of law enforcement personnel, fire fighters, call fire fighters, emergency medical technicians, first responders, and such other instruction as may be necessary in life or property saving techniques, within said county.

SECTION 2. For the purposes stated above, the county commissioners of said county are hereby further authorized to obtain and expend federal funds for the purposes of constructing and originally equipping a fire and police training facility on county property located in said county or land to be acquired by said county for such purpose.

SECTION 3. This act shall take effect upon its acceptance by the county commissioners of the county of Plymouth.

Approved July 20, 1978

Chap. 530. AN ACT CLARIFYING THE TREATMENT OF EXPORT SALES AS DEEMED TAXABLE IN THE COUNTRY OF THE PURCHASER.

Be it enacted, etc., as follows:

SECTION 1. Subsection (f) of section 38 of chapter 63 of the General Laws is hereby amended by striking out the last paragraph, added by section 7 of chapter 752 of the acts of 1973, and inserting in place thereof the following paragraph:-

For the purposes of this subsection the corporation will be deemed to be taxable in the state of the purchaser if the tangible personal property is delivered or shipped to a purchaser in a foreign country; sales of tangible personal property to the United States Government or any agency or instrumentality thereof for purposes of resale to a foreign government or any agency or instrumentality thereof are not sales made in this commonwealth; and sales by a corporation to its wholly owned DISC shall be treated as though made directly by such corporation to the customer of such DISC.

SECTION 2. This act shall apply to taxable years ending on or after December thirty-first, nineteen hundred and seventy-eight.

Approved July 20, 1978

Chap. 531. AN ACT RELATIVE TO MEMBERSHIP IN THE SWAMPSCOTT POLICE RELIEF ASSOCIATION, INCORPORATED, AND PROVIDING THAT CERTAIN MEMBERS OF SAID ASSOCIATION MAY, UPON PENSION OR RETIREMENT FROM THE SWAMPSCOTT POLICE DEPARTMENT, BE PAID A CERTAIN SUM OF MONEY BY SAID ASSOCIATION.

Be it enacted, etc., as follows:

Chapter 87 of the acts of 1962 is hereby amended by striking out, in line 5, the words:- equal to and.

Approved July 20, 1978

Chap. 532. AN ACT PROVIDING FOR THE GRANTING OF TWO ADDITIONAL ALL ALCOHOLIC BEVERAGE LICENSES FOR THE CITY OF NEW BEDFORD.

Be it enacted, etc., as follows:

Notwithstanding the provisions of any general or special law to the contrary, the licensing authority of the city of New Bedford is hereby authorized to terminate two seasonal licenses for the sale of all alcoholic beverages granted under the provisions of section seventeen of chapter one hundred and thirty-eight of the General Laws and to grant two additional licenses for the sale of all alcoholic beverages under the provisions of section fifteen of said chapter one hundred and thirty-eight, provided, that the number of seasonal licenses for the sale of all alcoholic beverages authorized for said city to grant under the provisions of said section seventeen is reduced by two such licenses.

Approved July 20, 1978

Chap. 533. AN ACT EXEMPTING DEGREE GRANTING PROPRIETARY INSTITUTIONS FROM THE LAW PERMITTING STUDENTS TO RECEIVE A PRO RATA REFUND OF TUITION IF THEY TERMINATE THEIR ATTENDANCE THEREIN.

Be it enacted, etc., as follows:

SECTION 1. Section 13K of chapter 255 of the General Laws, inserted by chapter 460 of the acts of 1974, is hereby amended by inserting after the word "school", in line 3, the second time it appears, the words: - , except a proprietary school which has the authority to grant degrees.

SECTION 2. This act shall not apply to any student who began his studies at a proprietary school that has the authority to grant degrees before September first, nineteen hundred and seventy-eight.

Approved July 20, 1978

Chap. 534. AN ACT INCREASING THE AMOUNT A TAX COLLECTOR SHALL CHARGE FOR FURNISHING A "CERTIFICATE OF LIEN".

Be it enacted, etc., as follows:

Section 23 of chapter 60 of the General Laws is hereby amended by striking out the fourth sentence, as amended by chapter 269 of the acts of 1971, and inserting in place thereof the following sentence:- Such collector of taxes shall charge fifteen dollars for each certificate so issued, and the money so received shall be paid into the town treasury.

Approved July 20, 1978

Chap. 535. AN ACT AMENDING THE LAW REGARDING LICENSING OF SCHOOL BUS OPERATORS.

Be it enacted, etc., as follows:

SECTION 1. The first paragraph of section 8A of chapter 90 of the General Laws, as most recently amended by section 13 of chapter 925 of the acts of 1973, is hereby further amended by inserting after the word "test", in line 10, the first time it appears, therein, the words:- , a written test.

SECTION 2. The second paragraph of said section 8A of said chapter 90, inserted by section 4 of chapter 878 of the acts of 1975, is hereby amended by adding the following two sentences:- All original applicants for a registry of motor vehicles school bus driving instructor's certificate shall have first satisfactorily completed an instructor's training program as approved by the registrar. No person shall be employed to provide instruction in any capacity for the operation of school buses unless such person is the holder of such an instructor's certificate issued by the registrar.

SECTION 3. Said section 8A of said chapter 90, as appearing in section 5 of chapter 515 of the acts of 1962, is hereby amended

by striking out the fifth paragraph and inserting in place thereof the following paragraph:-

Any such license or special permit or school bus driving instructor's certificate issued under the provisions of this section shall be valid for a period of twelve months from date of issue.

SECTION 4. Said section 8A of said chapter 90 is hereby further amended by striking out the sixth paragraph and inserting in place thereof the following paragraph:-

Upon application for a renewal of such license for such instructor's certificate, the registrar shall require evidence of physical fitness and may require evidence of continuing good character.

SECTION 5. Said section 8A of said chapter 90, as so appearing, is hereby further amended by striking out the seventh paragraph and inserting in place thereof the following paragraph:-

The registrar may suspend or revoke a license or instructor's certificate granted under authority of this section for a violation of any of the provisions of this chapter, or on other reasonable grounds, or where, in his opinion, the licensee or instructor is either physically or morally unfit to retain the same.

Approved July 20, 1978

Chap. 536. AN ACT AUTHORIZING THE COUNTY COMMISSIONERS OF MIDDLESEX COUNTY TO PAY A CERTAIN SUM OF MONEY TO MELVILLE D. SEIBOLT.

Be it enacted, etc., as follows:

Notwithstanding the provisions of any law to the contrary, for the purpose of discharging a moral obligation, the county commissioners of Middlesex county are hereby authorized to appropriate from any available funds and, after such appropriation, the county treasurer of said county is hereby authorized to pay to Melville D. Seibolt the sum of twenty-three thousand forty-three dollars and eighty-seven cents, said sum being the difference between the sum he received under the provisions of section thirty-four and thirty-five A of chapter one hundred and fifty-two of the General Laws as the result of an injury suffered on or about February seventh, nineteen hundred and sixty-nine when, as a correction officer on duty at the house of correction of Middlesex county at Billerica, he was in the act of preventing a suicide attempt by an inmate, and the sum he would have received had he received his full pay from the date of the injury to April sixth, nineteen hundred and seventy-three.

Approved July 20, 1978

Chap. 537. AN ACT RELATING TO THE TERM OF CERTAIN NOTES ISSUED IN ANTICIPATION OF FEDERAL AND STATE GRANTS.

Be it enacted, etc., as follows:

SECTION 1. Section 6A of chapter 44 of the General Laws is hereby amended by striking out the second paragraph, as amended by section 103 of chapter 706 of the acts of 1975, and insert-

ing in place thereof the following paragraph:-

If a city, town or district has been allotted a sum of money by the division of water pollution control in the department of environmental quality engineering for the purpose of water pollution control, and is required primarily to pay that proportion of the expense for which reimbursement is to be received from the commonwealth, such reimbursement first having been agreed upon by said division, in order to provide the necessary funds to meet the expense for which reimbursement is to be made, the treasurer of the city may, with the approval of the official whose approval is required by the city charter in the borrowing of money, the treasurer of the town may, with the approval of the selectmen, and the treasurer of the district may, with the approval of the prudential committee, if any, otherwise the commissioners, incur debt outside the debt limit and issue notes therefore for a period not exceeding two years from their dates, and may refund the same from time to time; provided, however, that no loan shall be so refunded unless the auditor, in the case of a city, or the accountant or chief accounting officer in the case of a town or district which has such an officer, otherwise the treasurer, shall certify in a writing filed in the office of the treasurer, where it shall be open to inspection by the public, that at the time such loan is refunded, the city, town or district remains entitled to receive reimbursement from the grant in an amount at least equal to the amount of the refunding loan. The proceeds of such reimbursement shall be applied to the discharge of the loan, without the necessity of further appropriation. In the event the city, town or district shall no longer be entitled to receive reimbursement from the grant in an amount sufficient to pay all or any portion of a loan issued under this paragraph at the time such loan matures, the loan shall be paid from revenue funds of the city, town or district to the extent it can no longer be refunded under this section. A payment made by a city, town or district as provided in the preceding sentence shall be reported by the auditor or accountant of the city, town or district, or other officer having similar duties, or by the treasurer if there be no such officer, to the assessors, who shall include the amount so reported in the determination of the next annual tax rate, unless the city, town or district has otherwise made provision therefor.

SECTION 2. The fifth paragraph of section 2 of chapter 74 of the acts of 1945 is hereby amended by striking out the second sentence.

SECTION 3. Said chapter 74 is hereby further amended by striking out section 3, as amended by section 1 of chapter 92 of the acts of 1963, and inserting in place thereof the following section:-

Section 3. If a county, city, town or district shall have an agreement with the federal government whereby such government grants such county, city, town or district a sum of money for any purpose, and shall be required primarily to pay that portion of the expense for which reimbursement is to be received from the grant, the treasurer of such county, city, town or district,

with the approval of the county commissioners, mayor, selectmen, prudential committee, commissioners, trustees or any board or commission having similar powers, as the case may be, in anticipation of the receipt of the proceeds of such grant, may incur debt, which, in the case of a city, town or district, shall be outside the debt limit, to an amount not exceeding the amount of the grant as shown by the grant agreement, and may issue notes therefor, payable in not exceeding two years from their dates, and may refund the same from time to time; provided, however, that no loan shall be so refunded unless the auditor, in the case of a city, or the accountant or chief accounting officer in the case of a county, town or district which has such an officer, otherwise the treasurer, shall certify in writing filed in the office of the treasurer, where it shall be open to inspection by the public, that at the time such loan is refunded, the county, city, town or district remains entitled to receive reimbursement from the grant in an amount at least equal to the amount of the refunding loan. The proceeds of such reimbursement shall be applied to the discharge of the loan, without the necessity of further appropriation. In the event the county, city, town or district shall no longer be entitled to receive reimbursement from the grant in an amount sufficient to pay all or any portion of a loan issued under this section at the time such loan matures, the loan shall be paid from revenue funds of the county, city, town or district to the extent it can no longer be refunded under this section and any such payment made shall be reported by the auditor or accountant of the city or town or other officer having similar duties, or by the treasurer if there be no such officer, to the assessors, who shall include the amount so reported in the determination of the next annual tax rate, unless the city, town or district has otherwise made provision therefor. The amount of a payment made by a county as provided in the third sentence shall be levied by the county commissioners in the next annual county tax, unless other provision has been made therefor.

Approved July 20, 1978

Chap. 538. AN ACT RELATIVE TO THE ACQUISITION OF
LAND BY REGIONAL SCHOOL DISTRICTS.

Be it enacted, etc., as follows:

SECTION 1. Section 16 of chapter 71 of the General Laws is hereby amended by striking out clause (c), as amended by chapter 65 of the acts of 1955, and inserting in place thereof the following clause:-

(c) To acquire property within the towns comprising the district under the provisions of chapter seventy-nine and section fourteen of chapter forty for the purposes of the district and to construct, reconstruct, add to, remodel, make extraordinary repairs to, equip, organize and operate a school or schools for the benefit of the towns comprising the district, and to make any necessary contracts in relation thereto; provided, however, that no property shall be acquired unless the town in which such property is located approves such acquisition by a two-thirds vote at a town meeting which shall be called within sixty days

after the district committee authorizes the incurring of debt for such purpose.

SECTION 2. The provisions of section one of this act shall apply only to the acquisition of property for which a regional school district committee has authorized the incurring of debt on or after the effective date of this act.

Approved July 20, 1978

Chap. 539. AN ACT FURTHER REGULATING THE ESTATE OF THE HOMESTEAD.

Be it enacted, etc., as follows:

Chapter 188 of the General Laws is hereby amended by striking out section 7, as amended by section 4 of chapter 791 of the acts of 1977, and inserting in place thereof the following section:-

Section 7. No conveyance of property in which an estate of homestead exists, and no release or waiver of such estate, shall convey the part so held and exempted, or defeat the right of the owner or of the owner's spouse and minor unmarried children to a homestead therein, unless such conveyance is by a deed signed by the spouse, he or she being competent so to act, or unless such right is released as provided in chapter two hundred and nine; but a deed duly executed without such signature or release shall be valid to pass, according to its terms, any title or interest in the property beyond the estate of homestead. An estate of homestead created under section two may be discharged and released as to the claims of minor unmarried children by the execution of an instrument signed and sealed by the person owning the estate, so indicating said discharge or release.

Approved July 20, 1978

Chap. 540. AN ACT AUTHORIZING THE TREASURER OF BARNSTABLE COUNTY TO ACCEPT CERTAIN FUNDS.

Be it enacted, etc., as follows:

The treasurer of Barnstable county is hereby authorized to accept and deposit all funds generated by, through or as the result of the operation of the Rural Public Transportation Program awarded to Barnstable county by the Federal Highway Administration. Said funds may consist of, but are not limited to, income, gifts, grants, funds derived from contracts with agencies, individuals or corporations or any other funds in any way coming to Barnstable county, as the result of the operation of the program.

Said funds shall be deposited in accounts chosen by the treasurer of Barnstable county and may be expended as current operating expenses by the county commissioners. Such funds shall not become a part of the general fund.

Approved July 20, 1978

Chap. 541. AN ACT DIRECTING THE CITY OF QUINCY TO PAY A CERTAIN SUM OF MONEY TO LEON SAPHIRE.

Be it enacted, etc., as follows:

For the purpose of discharging a moral obligation, the city of Quincy is hereby authorized and directed to pay to Leon Saphire of the city of Quincy, the sum of two thousand one hundred dollars, as a retroactive pay raise, for the period from July first, nineteen hundred and seventy-four, to January thirty-first, nineteen hundred and seventy-five, the date of retirement of said Leon Saphire, from an annual salary of twelve thousand three hundred dollars to an annual salary of fifteen thousand nine hundred dollars. Any and all pensions payable to the said Leon Saphire shall be based upon the said salary of fifteen thousand nine hundred dollars.

Approved July 20, 1978

Chap. 542. AN ACT AUTHORIZING AND DIRECTING THE CITY OF CAMBRIDGE TO CONVEY TO THE MASSACHUSETTS BAY TRANSPORTATION AUTHORITY CERTAIN EASEMENT RIGHTS NEEDED FOR ITS RED LINE EXTENSION NORTHWEST TUNNEL CONSTRUCTION.

Be it enacted, etc., as follows:

SECTION 1. The city of Cambridge is hereby authorized and directed to grant in fee in the name and behalf of the city of Cambridge to the Massachusetts Bay Transportation Authority certain easement rights in lands owned and under the control of the city of Cambridge and more specifically described as Cambridge Common, Little Cambridge Common and Flagstaff Park.

Said easement rights are further described as follows:

Flagstaff Park

A temporary construction and subsurface easement beginning at a point "P39" which point is located S16°-50'-21.9"E, seventy-eight and forty hundredths (78.40) feet from the southwesterly intersection of the easterly street line of Massachusetts Avenue with the westerly street line of Cambridge Street; thence turning and running N52°-14'-22.1"E, four and ninety-seven hundredths (4.97) feet to a point "39A" on the plan; thence turning and running S37°-45'-37.9"E, eighty-six and thirty-seven hundredths (86.37) feet to a point "P51" on the plan; thence turning and running S08°-10'-34.0"E, two hundred thirty-five and fifty-seven hundredths (235.57) feet to a point "P38" on the plan which point is located on the easterly street line of Massachusetts Avenue; thence turning and running along said street line of Massachusetts Avenue N16°-50'-21.9"W, three hundred eleven and seventy-eight hundredths (311.78) feet to the point of beginning at said point "P39".

Containing five thousand seven hundred forty-six (5746) square feet of land, as shown as Parcel C26 on the plan entitled "Land Acquisition Plan City of Cambridge, Middlesex County" Plan No. 27,207 as prepared by Bechtel Incorporated for the Massachusetts Bay Transportation Authority dated May 30, 1978.

A permanent surface and subsurface easement beginning at a point "P40" which point is located at the southwesterly intersection of the easterly street line of Massachusetts Avenue with the westerly street line of Cambridge Street; thence turning and running northwesterly along a curved line having a radius of thirteen and no hundredths (13.00) feet for a length of thirty-two and seven hundredths (32.07) feet to a point "P41" on the plan; thence turning and running S55°-29'-20.1"E, one hundred sixty and sixty-eight hundredths (160.68) feet to a point "P54" on the plan; thence turning and running S52°-14'-22.2"W, twenty-one and forty-eight hundredths (21.48) feet to a point "P53" on the plan; thence turning and running S37°-45'-37.9"E, one hundred thirteen and seventy hundredths (113.70) feet to a point "P52" on the plan; thence turning and running S03°-01'-15.3"E, two hundred forty-six and eighty-six hundredths (246.86) feet to a point "P48" on the plan; thence turning and running westerly along a curved line having a radius of fifty-seven and eight hundredths (57.08) feet for a length of ninety-five and forty-nine hundredths (95.49) feet to a point "P49" on the plan; thence turning and running northerly along a curved line having a radius of thirty-four and twenty-nine hundredths (34.29) feet to a point "P50" on the plan; thence turning and running N16°-50' 21.9"W, forty-two and fifty-two hundredths (42.52) feet to a point "P38" on the plan; thence turning and running N08°-10'-34.0"W, two hundred thirty-five and fifty-seven hundredths (235.57) feet to a point "P51" on the plan; thence turning and running N37°-45' 37.9"W, eighty-six and thirty-seven hundredths (86.37) feet to a point "P39A" on the plan; thence turning and running S52°-14' 22.1"W, four and ninety-seven hundredths (4.97) feet to a point "P39" on the plan which point is located on the easterly street line of Massachusetts Avenue; thence turning and running along said street line of Massachusetts Avenue N16°-50'-21.9"W, seventy-eight and forty hundredths (78.40) feet to the point of beginning at said point "P40".

Containing forty-five thousands fifty-seven (45,057) square feet of land, as shown as Parcel C27 on the plan entitled "Land Acquisition Plan City of Cambridge, Middlesex County" Plan No. 27,207 as prepared by Bechtel Incorporated for the Massachusetts Bay Transportation Authority dated May 30, 1978.

Included within the above described parcel is an undefined area containing the existing ramp connection between the "Main Street Subway" and the surface, rights to which were granted under Chapter 520 of the Acts of 1906.

A temporary construction and subsurface easement beginning at a point "P54" which point is located S55°-29'-20.1"E, one hundred sixty and sixty-eight hundredths (160.68) feet from the northeasterly intersection of the easterly street line of Massachusetts Avenue with the westerly street line of Cambridge Street; thence running along said bearing twenty and fifty hundredths (20.50) feet to a point "P42" on the plan; thence turning and running southwesterly along a curved line having a radius of one hundred eighty and no hundredths (180.00) feet for a length of one hundred fifty-one and three hundredths (151.03) feet to a point "P43" on the plan; thence turning and running S7°-24'-52.1"E, twenty-seven and eighty-eight hundredths (27.88)

feet to a point "P44" on the plan; thence turning and running southwesterly along a curved line having a radius of one hundred eighty and no hundredths (180.00) feet for a length of fifty-six and sixty-eight hundredths (56.68) feet to a point "P45" on the plan; thence turning and running $S10^{\circ}-37'-44.0''W$, one hundred thirteen and twenty-five hundredths (113.25) feet to a point "P46" on the plan; thence turning and running southwesterly along a curved line having a radius of thirty-four and twenty-nine hundredths (34.29) feet for a length of fifteen and seventy-two hundredths (15.72) feet to a point "P47" on the plan; thence turning and running southwesterly along a curved line having a radius of fifty-seven and eight hundredths (57.08) feet for a length of four and thirteen hundredths (4.13) feet to a point "P48" on the plan; thence turning and running $N3^{\circ}-1'-15.3''W$, two hundred forty-six and eighty-six hundredths (246.86) feet to a point "P52" on the plan; thence turning and running $N37^{\circ}-45'-37.9''W$, one hundred thirteen and seventy hundredths (113.70) feet to a point "P53" on the plan; thence turning and running $N52^{\circ}-14'-22.1''E$, twenty-one and forty-eight hundredths (21.48) feet to the point of beginning at said point "P54".

Containing eleven thousand three hundred nine (11,309) square feet of land, as shown as Parcel C28 on the plan entitled "Land Acquisition Plan City of Cambridge, Middlesex County" Plan No. 27,207 as prepared by Bechtel Incorporated for the Massachusetts Bay Transportation Authority dated May 30, 1978.

Cambridge Common

A permanent subsurface easement beginning at a point "P450" on the plan which point is located $S7^{\circ}-16'-17.8''W$, sixty and four hundredths (60.04) feet from a point "P461" on the plan which point is located at the intersection of the northerly street line of Waterhouse Street with the westerly street line of Massachusetts Avenue; thence running along said street line of Massachusetts Avenue southeasterly by a curve to the right of one hundred fifty-seven and fifty-six hundredths (157.56) feet radius, eighty-three and seventy-eight hundredths (83.78) feet to a point "P451" on the plan; thence continuing along said street line of Massachusetts Avenue $S16^{\circ}-50'-21.9''E$, three hundred twenty-two and twenty-one hundredths (322.21) feet to a point "P452" on the plan; thence leaving said street line of Massachusetts Avenue and running northwesterly by a curve to the right of seven hundred fifteen and no hundredths (715.00) feet radius, one hundred thirty-four and eighty-two hundredths (134.82) feet to a point "P453" on the plan; thence running northwesterly by a curve to the right of nine hundred forty-eight and twenty-six hundredths (948.26) feet radius, sixty-seven and seventy-three hundredths (67.73) feet to a point "P454" on the plan; thence running $N16^{\circ}-38'-00.0''W$, one hundred forty-nine and fifty-four hundredths (149.54) feet to a point "P455" on the plan; thence turning and running northerly by a curve to the right of nine hundred forty-eight and twenty-five hundredths (948.25) feet radius, fifty-two and five hundredths (52.05) feet to the point of beginning at said point "P450".

Containing seven thousand four hundred fifty-eight (7458) square feet of land, as shown as Parcel C30A on a plan entitled "Land Acquisition Plan, City of Cambridge, Middlesex County"

Plan No. 27209 as prepared by Bechtel Incorporated for the Massachusetts Bay Transportation Authority dated May 16, 1978.

A temporary construction easement beginning at a point "P450" on the plan which point is located $S7^{\circ}-16'-17.8''W$, sixty and four hundredths (60.04) feet from a point "P461" on the plan which point is located at the intersection of the northerly street line of Waterhouse Street with the westerly street line of Massachusetts Avenue; thence running along the westerly street line of Massachusetts Avenue southeasterly by a curve to the right of one hundred fifty-seven and fifty-six hundredths (157.56) feet radius, eighty-three and seventy-eight hundredths (83.78) feet to a point "P451" on the plan; thence continuing along said street line of Massachusetts Avenue $S16^{\circ}-50'-21.9''E$, six hundred forty-two and ninety-three hundredths (642.93) feet to a point "P456" on the plan; thence leaving said street line of Massachusetts Avenue and running along the northeasterly street line of Garden Street southeasterly by a curve to the right of sixty-nine and no hundredths (69.00) feet radius, thirty-eight and thirty hundredths (38.30) feet to a point "P471" on the plan; thence leaving said street line of Garden Street and running $N61^{\circ}-50'-21.9''W$, sixteen and eight hundredths (16.08) feet to a point "P457" on the plan; thence turning and running $N16^{\circ}-50'-21.9''W$, four hundred seventy-eight and fifty-eight hundredths (478.58) feet to a point "P453" on the plan; thence turning and running northerly by a curve to the right of nine hundred forty-eight and twenty-six hundredths (948.26) feet radius, sixty-seven and seventy-three hundredths (67.73) feet to a point "P454" on the plan; thence turning and running $N16^{\circ}-38'-00.0''W$, seventy-five and no hundredths (75.00) feet to a point "P458" on the plan; thence turning and running $S73^{\circ}-09'-38.1''W$, twenty-seven and no hundredths (27.00) feet to a point "P459" on the plan; thence turning and running $N16^{\circ}-50'-21.9''W$, eighty-two and no hundredths (82.00) feet to a point "P460" on the plan; thence turning and running $N16^{\circ}-07'-02.5''E$, fifty-three and nine hundredths (53.09) feet to the point of beginning at said point "P450".

Containing nineteen thousand sixteen (19,016) square feet of land, as shown as Parcel C30B on a plan entitled "Land Acquisition Plan, City of Cambridge, Middlesex County" Plan No. 27209 as prepared by Bechtel Incorporated for the Massachusetts Bay Transportation Authority dated May 16, 1978.

A temporary subsurface easement beginning at a point "P458" on the plan which point is located $S8^{\circ}-33'-12.2''E$, one hundred eighty-three and twenty-seven hundredths (183.27) feet from a point "P461" on the plan which point is located at the intersection of the northerly street line of Waterhouse Street with the westerly street line of Massachusetts Avenue; thence running $S73^{\circ}-09'-38.1''W$, twenty-seven and no hundredths (27.00) feet to a point "P459" on the plan; thence turning and running $S16^{\circ}-50'-21.9''E$, two hundred sixty-two and sixty-eight hundredths (262.68) feet to a point "P468" on the plan; thence turning and running $N73^{\circ}-09'-38.1''E$, twenty-eight and ninety hundredths (28.90) feet to a point "P469" on the plan; thence turning and running $N16^{\circ}-50'-21.9''W$, one hundred twenty and no hundredths (120.00) feet to a point "P453" on the plan; thence running northerly by a curve to the right of nine hundred forty-eight and twenty-six hundredths

(948.26) feet radius, sixty-seven and seventy-three hundredths (67.73) feet to a point "P454" on the plan; thence turning and running N16°-38'-00.0W", seventy-five and no hundredths (75.00) feet to a point of beginning at said point "P458".

Containing seven thousand three hundred thirty-nine (7,339) square feet of land, as shown as Parcel C30C on a plan entitled "Land Acquisition Plan, City of Cambridge, Middlesex County, Plan No. 27209 as prepared by Bechtel Incorporated for the Massachusetts Bay Transportation Authority dated May 16, 1978.

A permanent subsurface easement beginning at a point "P461" on the plan which point is located at the intersection of the northerly street line of Waterhouse Street with the westerly street line of Massachusetts Avenue; thence running along said street line of Waterhouse Street northwesterly by a curve to the left of two hundred seven and fifty hundredths (207.50) feet radius, twenty-four and sixty-seven hundredths (24.67) feet to a point "P462" on the plan; thence leaving said street line of Waterhouse Street and running northerly by a curve to the right of seven hundred fifteen and no hundredths (715.00) feet radius, one hundred fifty-three and sixty-one hundredths (153.61) feet to a point "P463" on the plan; thence turning and running along the easterly street line of Little Massachusetts Avenue N12°-23'-19.6"E, two hundred twenty and five hundredths (220.05) feet to a point "P464" on the plan; thence leaving said street line of Little Massachusetts Avenue and running S78°-56'-40.4"E, nine and eighty hundredths (9.80) feet to a point "P465" on the plan; thence turning and running along the westerly street line of Massachusetts Avenue S4°-21'-58.0"W, eighty-three and ninety-nine hundredths (83.99) feet to a point "P466" on the plan; thence leaving said street line of Massachusetts Avenue and running southerly by a curve to the left of nine hundred eighteen and forty-four hundredths (918.44) feet radius, seventy-eight and fifty-four hundredths (78.54) feet to a point "P470" on the plan; thence turning and running southeasterly by a curve to the left of six hundred eighty-five and no hundredths (685.00) feet radius, one hundred sixty-seven and seventy-three hundredths (167.73) feet to a point "P467" on the plan; thence turning and running along the westerly street line of Massachusetts Avenue S4°-21'-58.0"W, forty-nine and ninety-nine hundredths (49.99) feet to the point of beginning at said point "P461".

Containing nine thousand eighty-six (9,086) square feet of land, as shown as Parcel C31 on a plan entitled "Land Acquisition Plan, City of Cambridge, Middlesex County" Plan No. 27209 as prepared by Bechtel Incorporated for the Massachusetts Bay Transportation Authority dated May 16, 1978.

Russell Field

For a permanent construction easement, a certain portion of city of Cambridge land known as Russell Field situated in North Cambridge (Middlesex County), Massachusetts bounded and described as follows:

Commencing at point "853" on the plan which is located about twenty-five feet (25') southwest of the northwest corner of Russell Field Grandstand and two hundred and twenty-seven feet (227') from the south Right-of-Way line for the Boston and Maine Railroad Massachusetts Central Division; thence running N47°-6'-24"E,

a distance of one hundred and ninety-two and forty-four hundredths feet (192.44') to a point "852"; thence turning and running N73°-36'-56"E a distance of sixty-one and ten hundredths feet (61.10') to a point "76"; thence turning and running N88°-24'-26"E a distance of sixty-four and seventy-four hundredths feet (64.74') to a point "851"; thence turning and running S47°-6'-24"W a distance of three hundred and fifty-six and twenty-three hundredths feet (356.23') to a point "854"; thence turning and running N2°-3'-59"W a distance of ninety-two and fifty-one hundredths feet (92.51') to the point of beginning "853"; containing nineteen thousand and seven hundred and eight square feet (19,708 S.F.) of land as shown as Parcel C211 on the plan entitled "Land Acquisition Plan, City of Cambridge, Massachusetts" Plan No. 54361 as prepared by Sverdrup & Parcel and Associates, Inc., for the Massachusetts Bay Transportation Authority dated December 9, 1977.

For a temporary construction easement, certain portion of city of Cambridge land known as Russell Field situated in North Cambridge (Middlesex County), Massachusetts comprising a temporary construction easement bounded and described as follows:

Commencing at point "75" on the plan, which point is located about five hundred and sixteen (516') south of the southwest corner of Harvey Street and Clifton Street, and about fifty-one feet (51') west of the aforementioned corner; thence running S88°-24'-26"W a distance of two hundred and twenty-three and twenty-five hundredths feet (223.25') to a point "76"; thence turning and running S73°-36'-56"W a distance of two hundred and eleven and thirty-eight hundredths feet (211.38') to a point "188"; thence turning and running S20°-3'-59"E a distance of four hundred and sixty-two and sixteen hundredths feet (462.16') to a point "89"; thence turning and running S34°-23'-31"E a distance of one hundred and sixty-six and seventeen hundredths feet (166.17') to a point "88"; thence turning and running S82°-6'-34"E a distance of one hundred and seventeen and sixty-five hundredths feet (117.65') to a point "849"; thence turning and running N46°-55'-8"E a distance of two hundred and ninety-four and sixty-three hundredths feet (294.63') to a point "850"; thence turning and running N1°-56'-43"W a distance of four hundred and eighty and no hundredths feet (480.00') to the point of beginning "75"; containing two hundred and fifty two thousand, three hundred and six square feet (252,306 sq. ft.), as shown as Parcel C212 on the plan of land entitled "Land Acquisition Plan City of Cambridge, Massachusetts" Plan No. 54361 as prepared by Sverdrup & Parcel and Associates, Inc. for the Massachusetts Bay Transportation Authority dated December 9, 1977.

SECTION 2. The Massachusetts Bay Transportation Authority is hereby prohibited from storing in the Brighton-Allston district of the city of Boston any materials or equipment to be used in the construction of the Red Line Extension Northwest.

Approved July 20, 1978

EMERGENCY LETTER - August 2, 1978 @ 12:26 P.M.

Chap. 543. AN ACT PERMITTING THE COMMISSIONER OF CORPORATIONS AND TAXATION TO DISCLOSE A LIST OF DELINQUENT TAXPAYERS OWING MORE THAN FIVE THOUSAND DOLLARS IN STATE TAXES.

Be it enacted, etc., as follows:

Subsection (b) of section 21 of chapter 62C of the General Laws, as appearing in section 22 of chapter 415 of the acts of 1976, is hereby amended by striking out, in line 23, the word "or",- and by inserting after the word "year", in line 26, the following:- ; or

(9) the disclosure by the commissioner at least annually of a list of all taxpayers, including but not limited to individuals, trusts, partnerships, corporations, one hundred and twenty-one A corporations and other taxable entities, that are delinquent in the payment of their tax liabilities in an amount greater than five thousand dollars for a period of six months from the time the taxes were assessed. Said list shall contain the names, address, types of taxes, month and year assessed and amounts outstanding of said delinquent taxpayers.

At least ninety days prior to said disclosure of the name of any such delinquent taxpayer, the commissioner shall mail a written notice to each such delinquent taxpayer by certified mail addressed to such delinquent taxpayer at his last or usual place of business or abode detailing the amount and nature of this delinquency and the intended disclose of this delinquency. If the delinquent tax has not been paid sixty days after said notice, the commissioner shall disclose such tax in said list of delinquent taxpayers.

Unpaid taxes shall not be deemed to be delinquent and subject to disclosure if a written agreement for payment exists without default between the taxpayer and the commissioner; or the commissioner certifies that the tax liability is under appeal or is based wholly upon a question of law that is currently under appeal before a court or the appellate tax board in another case involving the same question.

Any unauthorized disclosure made by the commissioner in good faith effort to comply with this paragraph shall not be considered a violation of this section.

Approved July 20, 1978

EMERGENCY LETTER - July 21, 1978 @ 11:57 A.M.

Chap. 544. AN ACT INCREASING THE PENALTIES FOR VANDALISM.

Be it enacted, etc., as follows:

Chapter 266 of the General Laws is hereby amended by striking out section 127, as appearing in the Tercentenary Edition, and inserting in place thereof the following section:-

Section 127. Whoever destroys or injures the personal property, dwelling house or building of another in any manner or by any means not particularly described or mentioned in this chapter shall, if such destruction or injury is wilful and malicious, be punished by imprisonment in the state prison for not more than

ten years or by a fine of three thousand dollars or three times the value of the property so destroyed or injured, whichever is greater and imprisonment in jail for not more than three years; or if such destruction or injury is wanton, shall be punished by a fine of fifteen hundred dollars or three times the value of the property so destroyed or injured, whichever is greater, or by imprisonment for not more than three years; if the value of the property so destroyed or injured is not alleged to exceed one hundred dollars, the punishment shall be by a fine of three times the value of the damage or injury to such property or by imprisonment for not more than three months; provided, however, that where a fine is levied pursuant to the value of the property destroyed or injured, the court shall, after conviction, conduct an evidentiary hearing to ascertain the value of the property so destroyed or injured.

Approved July 20, 1978

Chap. 545. AN ACT AUTHORIZING THE TOWN OF BELLINGHAM TO EXPEND A SUM OF MONEY NOT TO EXCEED FOUR MILLION NINE HUNDRED THOUSAND DOLLARS FOR THE CONSTRUCTION OF A MIDDLE SCHOOL.

Be it enacted, etc., as follows:

SECTION 1. The town of Bellingham is hereby authorized to expend an amount not to exceed four million nine hundred thousand dollars for the construction, original equipping and furnishing of a middle school. Said school is to be located on land owned by the town situated south of Blackstone street on a parcel of land shown and described on a plan registered with Norfolk county, Registry of Deeds as plan number 821 of 1970, and to be constructed substantially in accordance with preliminary plans proposed by Messrs. Hill, Miller, Friedlaender, Hollander, Inc. Architects, entitled "New Middle School for the Town of Bellingham." To raise this appropriation the treasurer, with the approval of the board of selectmen, is authorized to borrow four million nine hundred thousand dollars under chapter six hundred and forty-five of the acts of nineteen hundred and forty-eight as amended, provided that the total borrowing shall be reduced by any matching stabilization fund payment; and that the Middle School Building Committee established under Article 33 of the warrant of the 1975 annual town meeting is authorized to continue in existence as presently constituted and is authorized to take all action necessary to carry out this authorization. For such purpose, the town of Bellingham may borrow from time to time such sums as may be necessary, not exceeding, in the aggregate, the sum of four million nine hundred thousand dollars and may issue bonds and notes therefor which bonds shall bear on their face the words, "Town of Bellingham Middle School Loan, Act of 1978". 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 within 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. The state secretary shall place upon the official ballot in the town of Bellingham at the biennial state election to be held in the year nineteen hundred and seventy-eight the following question:- "Shall an act passed by the general court in the year nineteen hundred and seventy-eight, entitled 'An Act authorizing the town of Bellingham to expend a sum of money not to exceed four million nine hundred thousand dollars for the construction of a Middle School', be accepted?"

If a majority of the votes cast in answer to said question is in the affirmative this act shall take effect, but not otherwise.

Approved July 20, 1978

Chap. 546. AN ACT CREATING A REVOLVING FUND FOR THE CULINARY ARTS PROGRAM IN ANY VOCATIONAL EDUCATION HIGH SCHOOL.

Be it enacted, etc., as follows:

Chapter 74 of the General Laws is hereby amended by inserting after section 14A the following section:-

Section 14B. In any city or town which accepts the provisions of this section, any income received in a fiscal year not exceeding, in the aggregate, fifteen thousand dollars derived from the purchase and sale of products produced in the culinary arts subject area of the vocational home economics program conducted in any public vocation high school shall be deposited in a special fund by the school committee in any banking institution in the commonwealth. Expenditures may be made from said fund by the school committee for purposes needed for the culinary arts subject area without further appropriation, notwithstanding the provisions of section fifty-three of chapter forty-four; provided, however, that said special fund shall not be used to pay the salary of any employee, and in any fiscal year no more than five thousand dollars from said fund shall be used for the purchase of equipment. Three years from the year a city or town accepts the provisions of this section, and every third year thereafter, said city or town may act to rescind its original acceptance. The superintendent of a school district with such a fund shall submit annually a report of said fund to the mayor, city council, city manager, board of selectmen or town manager of each city and town in said district and a copy of said report shall be submitted to the director of the bureau of accounts. The provisions of this section shall be effective in any regional school district upon its acceptance by the school committee of said district and a majority of the towns and cities in said district by vote of the board of selectmen or city council of said cities and towns.

Approved July 20, 1978

Chap. 547. AN ACT RELATIVE TO THE METHOD BY WHICH THE TOWN OF WALPOLE SHALL DETERMINE WHAT PART OF THE COST OF ITS SEWERAGE SYSTEM THE TOWN SHALL PAY.

Be it enacted, etc., as follows:

Section 7 of chapter 120 of the acts of 1930 is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- The town shall, by vote, determine what proportion of the cost of said system or systems of sewerage and sewage disposal the town shall pay in accordance with the provisions of section twenty-three of chapter eighty-three of the General Laws.

Approved July 20, 1978

Chap. 548. AN ACT DESIGNATING THE BRIDGE OVER THE ALEWIFE BROOK AT MASSACHUSETTS AVENUE BETWEEN THE CITY OF CAMBRIDGE AND TOWN OF ARLINGTON AS THE JAMES T. O'DONNELL BRIDGE.

Be it enacted, etc., as follows:

The bridge over Alewife brook between the city of Cambridge and the town of Arlington, now known as the Massachusetts Avenue bridge, shall be designated and known as the James T. O'Donnell Memorial bridge. A suitable marker bearing said designation shall be attached thereto by the metropolitan district commission.

Approved July 20, 1978

Chap. 549. AN ACT PROVIDING FOR A TOWN ADMINISTRATOR IN THE TOWN OF BURLINGTON.

Be it enacted, etc., as follows:

SECTION 1. The board of selectmen of the town of Burlington, by an affirmative vote of at least four members, shall appoint a town administrator for an indefinite term and fix the compensation within the amount annually appropriated for that purpose. The position of town administrator shall not be subject to the by-laws of the town relative to personnel, nor shall it be included in any certification of any collective bargaining unit.

SECTION 2. The town administrator shall be appointed solely on the basis of executive and administrative qualifications and shall be a person of proven professional ability, especially fitted by education, training and previous experience in municipal administration helpful for the performance of the duties of the office. The person shall not have served in an elective office in or for the town of Burlington for at least twenty-four months prior to his appointment. The person shall devote full time to the office and shall not hold any other public office, elective or appointive, nor shall engage in any other business, occupation or profession during the term of office, unless such action is approved in advance, in writing, by the board of selectmen. The town may, from time to time, by by-law, establish such additional qualifications it deems necessary and appropriate.

SECTION 3. The town administrator shall execute a bond in favor of the town of Burlington for the faithful performance of his duties in such sum and with such surety or sureties as may be fixed by the selectmen. The cost of said bond shall be paid by the town.

SECTION 4. The town administrator shall be the chief administration officer of the town of Burlington with the powers and duties as follows:

A. Said administration shall be responsible to the board of selectmen for the efficient administration and coordination of all matters that come under the jurisdiction of the board of selectmen, except as they may affect the accounting and legal departments.

B. Said administration shall be responsible for the implementation of all policies, directives and votes of the board of selectmen.

C. Said administration shall appoint and remove, subject to chapter thirty-one of the General Laws, all department heads, all officers and employees who come under the jurisdiction of the board of selectmen, except the town accountant and town counsel. Names of persons appointed by the town administrator shall be transmitted in writing to the board of selectmen at a meeting duly called and shall become effective on the fifteenth day following the day on which notice of the appointment is filed with said board of selectmen, unless said board shall, within said period, by a majority vote to reject any such appointment.

D. Said administrator shall administer the personnel system of said town, including, but not limited to, personnel policies and practices, rules and regulations, the personnel by-laws, negotiation of all collective bargaining agreements, and preparing the salary "Classification Plan" by-law amendments for consideration of town meeting if necessary.

E. Said administrator shall be responsible for the preparation and format of a uniform budget document, which is acceptable to the ways and means committee, for all departments or agencies under the selectmen's jurisdiction.

F. Said administrator shall be responsible for the preparation of the annual budget for all town agencies under the jurisdiction of the board of selectmen.

G. With the assistance of the town accountant, said administrator shall keep the selectmen informed as to the financial needs of the town and shall make such recommendations to the board of selectmen as he deems necessary or expendent.

H. Said administrator shall be responsible for the review of all current by-laws, regulations and policies that affect the departments and agencies under the jurisdiction of the board of selectmen, and shall make such recommendations for changes as he deems necessary.

I. Said administrator shall see that all provisions of General Laws, by-laws, and other votes of the town meeting and votes of the board of selectmen which require enforcement, direction and supervision, of the town administrator office are faithfully carried out and performed.

J. Said administrator shall be responsible for the approval of the purchase of all supplies, materials, equipment, central and other services, for all departments or agencies under the juris-

diction of the board of selectmen.

K. Said administrator shall be responsible for the negotiation of all contracts which the board of selectmen are authorized by law to enter into. Such proposed contracts shall be subject to final approval and execution by the board of selectmen.

L. Said administrator shall be responsible for the use and maintenance of all town facilities and equipment under the jurisdiction of the board of selectmen and for rentals thereof, when authorized.

M. Said administrator may, without notice, cause the conduct, while in public office or employment, of any officer or employee, or department, board or commission under the control of said administrator to be examined for malfeasance, misfeasance or non-feasance.

N. Said administrator shall attend all regular and special meetings of the board of selectmen, unless requested and allowed to be excused, and shall have a voice, but no vote, in all its discussions.

O. Said administrator shall attend all sessions of the town meeting and shall be available to answer all questions concerning warrant articles which are directed to the office and relate to matters under the persons general supervision.

P. Said administrator shall perform any other duties required by by-law or by a majority vote of the board of selectmen.

SECTION 5. The board of selectmen, by an affirmative vote of at least four members, may remove the town administrator from office. If the board of selectmen affirmatively vote to remove the town administrator, said board shall give him at least ninety days notice as to the effective date of his termination, or provide him with ninety days of severance pay, or a combination of both notice and severance pay equivalent to at least ninety days.

SECTION 6. If the office of town administrator is vacant, as a result of death, removal, resignation or otherwise, or the town administrator is on an extended leave of absence, exceeding two weeks, the board of selectmen, by an affirmative vote of at least three members, shall appoint a qualified town administrative officer or employee to serve as the acting town administrator. Said acting town administrator shall receive compensation as set by the affirmative vote of at least three selectmen, but shall not exceed the rate of compensation approved for the administrator being replaced.

SECTION 7. Upon the appointment of a town administrator, the office of executive secretary to the selectmen shall be abolished.

Approved July 20, 1978

Chap. 550. AN ACT AUTHORIZING THE ESTABLISHMENT OF A COMMUNITY DEVELOPMENT DEPARTMENT IN THE CITY KNOWN AS THE TOWN OF METHUEN.

Be it enacted, etc., as follows:

SECTION 1. In accordance with the provisions of the home rule charter of the city of Methuen, the town council of said city may create by ordinance a department of community development which may be so created by the merger, in whole or in part, of any or all of the following: Methuen Redevelopment Authority, Planning Board, Methuen Industrial Development Commission, Methuen Industrial Finance Authority, and any other boards, departments, commission, agency, or office designated as having, exercising or authorized to perform community and economic development activities. The Methuen Housing Authority shall not be abolished or merged with the Community Development department or Community Development Authority.

Such merger of such entities may be effectuated through abolishing such existing agencies, boards or commissions, and transferring their functions, in whole or in part, or through placing any existing agency or agencies under the administrative control of the local department of community development.

The department of community development shall be, in accordance with the provisions of the home rule charter of said city, an administrative agency under the supervision and control of the town manager through his appointed department head as provided in section two.

SECTION 2. The powers, duties and responsibilities as they relate to traditional financial authority of each of the agencies combined shall be vested in the office of the town manager, acting as the community development authority and shall be exercised in conformity with the provisions of statute, ordinances and the home rule charter of said city, which shall specify the powers, functions, duties and responsibilities of the department of community development, and the community development authority, and the functional relationship of each.

The town manager, as chief administrative and executive officer of said city, shall, as provided by ordinance and in accordance with the provisions of the home rule charter of said city, appoint a director of community development who shall be the administrative head of the department of community development and said position shall not be subject to the provision of chapter thirty-one of the General Laws.

SECTION 3. Every person holding a position in a department, authority, board or commission which has been abolished or merged shall be transferred to the department of community development without reduction in compensation or impairment of civil service rights if any, or retirement, pension rights, seniority, vacation, or sick leave rights, provided however, that all future employees shall be exempt from the provisions of chapter thirty-one of the General Laws, and upon retirement or separation from service of the transferred incumbent said position shall become exempt from the provisions of said chapter.

SECTION 4. All books, papers, documents, equipment, lands, interests in land, buildings facilities, and other property, both personal and real, which are in the custody of any agency, board or commission, or which relate to their functions, powers and duties, in whole or in part, which are transferred to the

department of community development, shall be transferred to such department as of the effective date of this act or date established by ordinance.

All monies heretofore received from any source by any agency, board or commission or which relate to their functions, in whole or in part, transferred to the department of community development, and remaining unexpended on the date of this act, shall be transferred to the department of community development, as of the effective date of this act or date established by ordinance and shall be available for expenditure by the department of community development.

All duly existing contracts, shall be transferred to the department as of the effective date of this act.

All petitions, hearings and other proceedings duly brought before, and all prosecutions and legal and other proceedings duly begun by any agency, board or commission, which arise from or relate to the exercise of the powers or duties of said agency, board or commission and which are pending immediately prior to the effective date of this act or date established by ordinance shall continue unabated and remain in force notwithstanding the passage of this act, and shall be continued by the department of community development.

In addition to performing its functions under this act, the department of community development may perform any functions assigned to it under federal or state law.

SECTION 5. Methuen community development department and the Community Development Authority shall be subject to the provisions of chapter one hundred and twenty-one B of the General Laws relating to redevelopment authorities, so far as is applicable; and shall be further subject to the lawful rules and regulations of any agency from which it receives grants or loans; and shall have and exercise all the powers inherent in the provisions of section eight A of chapter forty and chapter forty D, one hundred and twenty-one A and one hundred and twenty-one B of the General Laws and of any other statute relating to the exercise of municipal authority appurtenant to community and economic development activities and any other such federal legislation.

SECTION 6. There is hereby established a community development board of five persons who shall be appointed by the town manager. Said board shall have all powers, duties and functions of a planning board under applicable law, and such other duties and powers as provided by ordinance. The term of office, composition of such and the officers shall be determined by ordinance.

Approved July 20, 1978

Chap. 551. AN ACT AMENDING AND CLARIFYING THE LAWS RELATING TO NONRESIDENTS CARRYING OR POSSESSING CERTAIN FIREARMS WITHIN THE COMMONWEALTH.

Be it enacted, etc., as follows:

SECTION 1. The fourth paragraph of section 129C of chapter 140 of the General Laws, as most recently amended by section 4 of chapter 892 of the acts of 1973, is hereby further amended by striking out clause (p) and inserting in place thereof the following clause:

(p) Carrying or possession by nonresidents of so-called black powder rifles, shotguns, and ammunition therefor as described in such paragraphs (A) and (B) of the third paragraph of section 121, and the carrying or possession of conventional rifles, shotguns, and ammunition therefor by nonresidents who meet the requirements for such carrying or possession in the state in which they reside.

SECTION 2. The first paragraph of section 131F of said chapter 140, as appearing in section 8 of chapter 296 of the acts of 1959, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- A temporary license to carry firearms within the commonwealth may be issued by the commissioner of public safety, or persons authorized by him, to a nonresident or any person not falling within the jurisdiction of a local licensing authority, provided that no license shall be issued to an alien, a person convicted of a felony, or convicted of the unlawful use, possession or sale of narcotic or harmful drugs. Such license shall be valid for a period of one year the commissioner may renew said license, if in his discretion such renewal is necessary. Temporary licenses issued under this section shall be marked "Temporary License to Carry Firearms", and shall not be used to purchase firearms in the commonwealth as provided for in section one hundred and thirty-one E. The fee for said license shall not exceed five dollars per year, notwithstanding any provision of law to the contrary.

Approved July 21, 1978

Chap. 552. AN ACT ESTABLISHING A DEPARTMENT OF SOCIAL SERVICES AND DEFINING ITS POWERS AND DUTIES.

Whereas, The deferred operation of this act would tend to defeat its purpose which is, in part, to immediately provide for an orderly transfer of certain duties relative to social services to a department of social services, therefore it is declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Section 76 of chapter 6 of the General Laws, as appearing in section 2 of chapter 602 of the acts of 1956, is hereby amended by inserting after the word "of", in line 1, the words:- the commissioner of social services,.

SECTION 2. Section 81 of said chapter 6, as so appearing, is hereby amended by inserting after the word "welfare", in line 3, the words:- , social services.

SECTION 3. Section 105 of said chapter 6, as appearing in

section 3 of chapter 662 of the acts of 1958, is hereby amended by inserting after the word "welfare", in line 6, the words: - , the commissioner of social services.

SECTION 4. Chapter 6A of the General Laws is hereby amended by striking out section 16, as most recently amended by section 8 of chapter 706 of the acts of 1975, and inserting in place thereof the following section:-

Section 16. The following state agencies are hereby declared to be within the executive office of human services; the office for children, including the councils for children and the statewide advisory council established by sections seven and eight of chapter twenty-eight A, the department of social services, including the area advisory boards and the statewide advisory council established by sections thirteen and sixteen of chapter eighteen B, the department of public health and all other agencies within said department, including the commission on hypertension, the drug addiction rehabilitation board, and the several advisory councils established by section four D, four F and fifty-five of chapter one hundred and eleven, but excluding such division and personnel which relate to the areas of environmental health, including air pollution control, noise regulation, community sanitation, water supply and water quality, noisome trades and sanitary landfills; the department of public welfare and all other state agencies within said department; the commission on supplemental security income, the department of mental health, including the several advisory councils established by sections eleven, twelve and sixteen of chapter nineteen, the several institutions within said department and their boards of trustees and all other state agencies within said department; the department of corrections, including the parole board and all other state agencies within said department; the advisory council on home and family, the commissioner of veteran's services; the board of trustees of the Soldiers' Home in Massachusetts and the board of trustees of the Soldiers' Home in Holyoke, the youth service board; the advisory committee on service to youth; the division of youth service, including the several institutions within said division; the Massachusetts rehabilitation commission and the advisory council, the boxers' fund board; the health and welfare commission; the nutrition board; the health facilities appeals board; the rate setting commission established by section thirty-two and the Massachusetts commission for the blind and its advisory board, and all other state agencies within said commission.

Nothing in this section shall be construed as conferring any powers or imposing any duties upon the secretary with respect to the foregoing agencies except as expressly provided by law; provided however, that the secretary shall establish uniform regional and area boundaries for all agencies within the executive office of human services and further provided that the secretary shall establish uniform intake and referral forms, uniform contracting and payment procedures, and uniform standards for the monitoring and evaluation of all human services programs.

SECTION 5. Section 34 of said chapter 6A, as appearing in section 2 of chapter 1229 of the acts of 1973, is hereby amended

by inserting after the word "welfare", in line 3, the words: - , the commissioner of the department of social services.

SECTION 6. Section 2 of chapter 18 of the General Laws is hereby amended by striking out subsections (A) and (B) and inserting in place thereof the following two subsections:-

(A) The department shall provide and administer throughout the commonwealth a comprehensive public welfare financial assistance program, including the following services: the provision of financial assistance to those in economic need and the determination of eligibility for the categorical public assistance provided under the Federal-State programs; financial assistance for care and rehabilitation of the aging; financial assistance for health services and medical care; and other forms of financial assistance to families and individuals as needed.

In order that said services be adapted, organized and coordinated to meet the needs of certain population groups, each community service center shall provide financial assistance programs for:

(a) families, children and unmarried parents, which program shall, among other objectives, serve to assist, strengthen and encourage family life for the protection and care of children, assist and encourage the use by any family of all available resources to this end;

(b) the aging and other adults in need of financial, legal, health, employment or other services;

(c) other population groups who require special adaptation of the services provided because of special financial needs;

(B) The department shall:

(a) formulate the policies, procedures and rules necessary for the full and efficient implementation of programs authorized by the laws of the commonwealth and federal laws in the area of public welfare financial assistance;

(b) administer the services, funds and personnel necessary for such public welfare financial assistance programs throughout the commonwealth;

(c) establish high standards of public welfare financial assistance service and shall strive to elevate such standards;

(d) provide the range of public welfare financial assistance services on a fair, just and equitable basis to all persons in need of such services;

(e) collaborate with other departments of the commonwealth which are in fields related to social welfare and with voluntary or private agencies or organizations to assure efficient and high-quality financial assistance, health, mental health, educational, correctional and employment services for persons who are unable for social or economic reasons to provide such services for themselves;

(f) study the economic problems and welfare services in the commonwealth, and make recommendations to the appropriate branches and agencies of government for broadening and improving the scope and quality of welfare services;

(g) formulate a standard budget of assistance, the adequacy of which shall be reviewed annually.

SECTION 7. The first paragraph of section 4 of said chapter 18, as most recently amended by section 72 of chapter 234 of the

acts of 1977, is hereby further amended by striking out the first sentence and inserting in place thereof the following sentence:- The commissioner shall appoint a deputy commissioner and such assistant commissioners, not to exceed four in number, as the commissioner may determine to be necessary or desirable to carry out the work of the department.

SECTION 8. Sections twelve and thirteen of said chapter eighteen are hereby repealed.

SECTION 9. Section 28 of said chapter 18, as most recently amended by section 14 of chapter 1168 of the acts of 1973, is hereby further amended by inserting after the word "designee", in line 17, the words:- , the commissioner of social services.

SECTION 10. The General Laws are hereby amended by inserting after chapter 18A the following chapter:-

CHAPTER 18B.
DEPARTMENT OF SOCIAL SERVICES.

Section 1. There shall be a department of social services, in this chapter called the department.

Section 2. (A) The department shall provide and administer a comprehensive social service program, including the following services:

(1) casework or counseling including social services to families, foster families or individuals;

(2) protective services for children, unmarried mothers, the aging and other adults;

(3) legal services for families, children or individuals as they relate to social problems;

(4) foster family care and specialized foster family care for children, the aging, the disabled and the handicapped;

(5) adoption services;

(6) homemaker services;

(7) day care facilities and services for children, the aging, the disabled and the handicapped;

(8) residential care for children with special needs or aging persons not suited to foster family care, or specialized foster family care;

(9) informal education and group activities as needed for families, children, the aging, the disabled and the handicapped;

(10) training in parenthood and home management for parents, foster parents and prospective parents;

(11) social services for newcomers to an area or community to assist in adjustment to a new environment and new resources;

(12) camping services;

(13) family services intended to prevent the need for foster care and services to children in foster care;

(14) temporary residential programs providing counseling and supportive assistance for women in transition and their children who because of domestic violence, homelessness, or other situations require temporary shelter and assistance; and

(15) information and referral services.

Section 3. The department shall establish a comprehensive program of social services at the area level and to promote such program shall divide the commonwealth into regions and areas consistent with those established by the secretary of human services as provided in section sixteen of chapter six A.

(A) In order that the area-based social services be adapted, organized and coordinated to meet the needs of certain population groups, the department shall provide programs of service for:

(1) families, children and unmarried parents, which program shall, among other objectives, serve to assist, strengthen and encourage family life for the protection and care of children, assist and encourage the use by any family of all available resources to this end, and provide substitute care of children only when preventive services have failed and the family itself or the resources needed and provided to the family are unable to insure the integrity of the family and the necessary care and protection to guarantee the rights of any child to sound health and normal physical, mental, spiritual and moral development.

(2) the aging and other adults in need of social, legal, health, rehabilitation, employment, or other services.

(3) other population groups which require special adaptation of the services provided because of special needs.

(B) The department shall:

(1) formulate the policies, procedures and rules necessary for the full and efficient implementation of programs authorized by the laws of the commonwealth and federal laws in the area of social services;

(2) administer the services, funds and personnel necessary for such social service programs throughout the commonwealth;

(3) establish and enforce high standards of social service and strive to elevate such standards;

(4) provide the range of social services on a fair, just and equitable basis to all people in need of such services;

(5) collaborate with other departments of the commonwealth which are in fields related to social welfare and with voluntary or private agencies or organizations to assure efficient and high-quality social and educational services for persons who are unable for social or economic reasons to provide such services for themselves;

(6) study the social and economic problems in the commonwealth, and make recommendations to the appropriate branches and agencies of government for broadening and improving the scope and quality of social services.

Section 4. Services of the department shall not be denied to any person because of such person's financial assets or income; provided, however, that the department shall establish a schedule of fees for services which may vary with the ability of the recipient of such services to pay therefor.

Section 5. The department shall make provision for such social services as are required under Title XX and Title IV B of the Social Security Act and the regulations established thereunder and shall provide such additional services as the general court may determine.

Section 6. The department shall be under the direction, supervision and control of a commissioner of social services, in this chapter called the commissioner who shall be appointed by the governor for a term coterminous with that of the governor. Said commissioner shall be qualified by training and experience to perform the duties of the office and shall at the time of appointment have received a doctorate or other degree beyond the level of the baccalaureate in the field of business, economics, education, government, law, medicine, psychology, public administration, public health, public policy, social work, urban planning, or a field substantially related to one or more of the foregoing and shall have had not less than seven years of responsible administrative experience, at least three of which shall have been in a field related to human services, or said commissioner shall have had experience in one or more of said fields for a period of years equivalent to the number of years required to obtain such other degree beyond that of baccalaureate required herein, and shall have had, in addition thereto, not less than seven years of responsible administrative experience, at least three of which shall have been in a field related to human services. The commissioner shall receive a salary of thirty-six thousand seven hundred and seventy dollars and shall devote full time to the duties of the office. The commissioner shall be the executive and administrative head of the department.

Section 7. (a) The commissioner shall establish reasonable caseload rates and shall report the same to the general court in the budget estimates of the department.

(b) The commissioner shall develop and implement a management information system which shall contain fiscal and personnel data, client data, and program data necessary for the ongoing administration or effective service delivery. Said information system shall include but not be limited to a service plan for each client, with provisions for periodic review thereof. The commissioner shall promulgate such rules and regulations as are deemed necessary to ensure the confidentiality of client data collected by the department.

(c) The commissioner shall develop and implement a comprehensive monitoring and evaluation system for all social services under the control of the department and shall collect the necessary program and fiscal data annually.

(d) The commissioner shall conduct an annual needs assessment for all social services under the control of the department.

(e) The commissioner shall report annually to the general court on all services which report shall reflect program and client data and unit costs.

(f) The commissioner shall develop and implement a plan for the orientation and training of area-based and other staff.

(g) The commissioner shall coordinate the overall service planning of the department with planning under Title XX.

(h) The commissioner shall be authorized to apply for and accept on behalf of the commonwealth federal, local or private grants, bequests, gifts or contributions.

(i) The commissioner subject to the provisions of chapter thirty A shall promulgate such rules and regulations as are

deemed necessary to carry out the provisions of this chapter and may amend or repeal the same.

(j) The commissioner shall include in the budget estimates of the department funds for the development and implementation of the aforementioned management information system, monitoring and evaluation system, annual needs assessment, and staff training plan.

Not more than three per cent of the department's annual budget shall be appropriated in a separate account and expended for the purposes set out in subsections (b), (c), and (d), of this section. On or before January first, nineteen hundred and eighty-three the commissioner shall submit to the governor and to the general court a report evaluating the level of funding and the desirability of continuing separate funding for such activities.

Section 8. The commissioner shall appoint and may remove a deputy commissioner who shall receive a salary of thirty-two thousand four hundred and seventy-five dollars. The deputy commissioner shall have the same qualifications in training and experience as required by the commissioner. The deputy commissioner shall perform such duties as the commissioner may determine and shall, in the case of a vacancy in the office of the commissioner, or during the commissioner's absence or disability, exercise the powers and perform the duties of the office of commissioner. Said deputy commissioner shall devote full time to the duties of the office.

Section 9. The commissioner may appoint and remove such assistant commissioners as the commissioner shall from time to time determine, not to exceed four in number, who shall be assigned to areas of responsibility to be specified by the commissioner.

Each assistant commissioner shall be qualified by training and experience to perform the duties of the office and shall at the time of appointment have received a masters or higher degree and shall have had professional experience of not less than five years as an administrator in a field related to human services or said assistant commissioner shall have had professional experience in a field related to human services for a period of years equivalent to the number of years required to obtain a master's degree, and shall have had, in addition thereto, professional experience of not less than five years as an administrator in a field related to human services. Each assistant commissioner shall receive a salary of thirty thousand dollars and shall devote full time to the duties of the office.

Section 10. The commissioner may appoint a member of the Massachusetts bar a legal counsel who shall be placed in grade 30 of the classification and pay scale of the commonwealth. Said legal counsel shall devote full time to the duties of the office.

The commissioner may also, subject to appropriation, appoint such other personnel as may be deemed necessary for the efficient management of the office.

Section 11. The commissioner may, subject to appropriation, establish regional offices at such locations in the commonwealth as may be deemed necessary to ensure the development and

maintenance of effective administration in the provision of social services therein.

The commissioner may, subject to appropriation, appoint regional social services directors to administer the regional offices and perform such duties as may be assigned by the commissioner.

Section 12. The commissioner, with the advice of the area board, shall appoint, in each social service area, an area director, and, subject to appropriation, such other employees as the commissioner may deem necessary.

Each area director shall be qualified by training and experience to perform the duties of the office and shall at the time of appointment have received a masters or higher degree in a field related to human service and shall have had not less than five years of professional administrative experience in the delivery of human services or a related field or said area director shall have had experience in a field related to human services for a period of years required to obtain a master's degree, and shall have had, in addition thereto, not less than five years of professional administrative experience in the delivery of human services or a related field. The area director shall be placed in grade 29 of the classification and pay schedule of the commonwealth, and shall devote full time to the duties of the office.

The area director shall perform such duties as are described in this chapter and such other duties as may be assigned by the commissioner.

The area director shall, in consultation with the area board, prepare and submit to the commissioner an annual plan for the operation and development of its program. Such plan shall provide, as far as practicable, a comprehensive area program in social services as required by departmental standards.

The area director shall also prepare and submit to the commissioner the proposed annual budget for the area for programs to be supported at the area level. The commissioner shall make such revisions as shall be necessary and shall include said area budgets as part of the departmental budget requests submitted annually subject to sections twenty-seven and twenty-eight of chapter twenty-nine. A copy of the area budget as included with said departmental requests shall be forwarded by the commissioner to each area director for the information of the area board.

The area director, subject to the overall supervision of the commissioner, shall supervise all employees within said social services area and shall be responsible for the administration of the area budget and the implementation of the area plan.

Section 13. In each area established under section three, there shall be a social services area board, hereinafter called the area board, which shall be an agency of the commonwealth and shall serve in the department. The area board shall consist of twenty-one members, who shall be appointed by the commissioner for terms of three years. Two-thirds of the members shall live within the area for which they are appointed, and the remaining members shall either live or work in said area. At least four members of the board shall be consumers of social services provided by the department. Three members of the board shall

be selected from private social service providers within the area. Two members of said board at the time of their appointment shall be members of the mental health area board established under section eighteen of chapter nineteen, two members of said board at the time of their appointment, shall be members of the councils for children established under section seven of chapter twenty-eight A, and two members of said board at the time of their appointment shall be members of the financial or business professions with special fiscal or budgetary skills, and two members of said board shall at the time of their appointment be members of the community service area boards established under section seven of chapter eighteen.

The commissioner shall include at least one member from each city and if practicable each town in the area, and shall seek to provide proper geographical representation in the membership of the board. Two-thirds of such members shall be persons other than employees of the commonwealth or its political subdivisions. No member shall be an employee of the department.

Upon the expiration of the term of any member of the area board, his successor shall be appointed, in like manner, for a term of three years. In the event of a vacancy, the commissioner may, in like manner, appoint a member who shall serve for the remainder of the unexpired term. Members of the board shall serve without compensation, and shall be sworn to the faithful performance of their duties. The area board shall suggest for consideration by the commissioner one or more names for each such expiring term or vacancy. No member shall be appointed for more than two consecutive three-year terms.

In appointing the original members of a social services area board, pursuant to the provisions of this section, the commissioner of social services shall appoint seven members for terms of one year, seven for terms of two years and seven for terms of three years, as the commissioner may designate. Upon the completion of the term of any such member, the successor shall be appointed for the term and in the manner set forth in this section.

Section 14. To facilitate the appointment of the members of the area board, the commissioner shall appoint in each area a selection committee of seven members, who shall be residents of or workers in the area, and who shall be interested in social services. No employees of the department shall be on said selection committee. The selection committee shall file a list of not more than fifty names, selected in accordance with the provisions of section thirteen, with the commissioner. If said committee fails to file such list within thirty days of its appointment, the commissioner shall within thirty days appoint the members of the area board, subject to the provisions of section thirteen. If said list is so filed, the commissioner shall approve and appoint from said list twenty-one persons as members of the area board. If the commissioner disapproves of any name on said list, another person or persons not on said list may be appointed to the area board, subject to the provisions of section thirteen.

Section 15. The area board shall have the following duties and powers:

(a) to act as the representative of the citizens of the area;
 (b) to advise regarding local needs and resources in the development of comprehensive social services;

(c) to advise in the recruitment and selection of the area director and assistant area director to be appointed by the commissioner; provided that the commissioner may designate a person to act as area director in any case in which such office shall be vacant, and

(d) to review and approve the annual area plan and to make recommendations concerning the annual budget for the comprehensive social services of the area;

(e) to review arrangements and contracts for programs and services which are a part of the program of the area;

(f) to consult with the commissioner in personnel recruitment and appointment policies, in the establishment of program priorities for the area, and in policies regarding relationships with other agencies and organizations;

(g) to receive funds under contracts or other agreements from community sources, including municipalities, as authorized for the rendering of services in collaboration with such municipal or other community or private agencies providing cooperative or complementary services;

(h) to discuss any matters concerning the area program;

(i) to hold at least four regular meetings in each year and to convene special meetings on the call of the president, or ten members of the board, or the area director. The area director shall be notified of, and may participate in, all meetings, but shall not vote;

(j) to select from their members annually a president and such other officers as they may deem appropriate. The area board shall adopt rules for their proper organization and for procedures at meetings. Such rules and any subsequent amendments thereto shall be submitted to the commissioner for approval.

Section 16. There shall be a statewide advisory council which shall consist of one member from each area board, elected by the members thereof, to serve for a term of one year. Said council shall advise the commissioner in matters of statewide interest relating to the delivery of social services. At least one such member shall be a member from the financial or business professions with special fiscal or budgetary skill.

Section 17. The department may establish social service centers in any facility owned or rented by the commonwealth other than state schools, hospitals or prisons, in any social service area if space is available or suitable for the purpose and shall, if feasible, locate such centers in a facility utilized by an agency of the commonwealth providing human services. If suitable space is not available the department may acquire adequate space for such centers by renting, leasing or other available means. Each area shall be responsible for the delivery of social services within its area.

The social service centers shall be of sufficient number and so located as to be readily accessible to the people throughout the commonwealth.

Section 18. The commissioner may receive funds in trust for the use of children born out of wedlock or other persons under the care or supervision of the department. The commissioner shall deposit such funds in savings banks in the commonwealth or in savings accounts in trust companies or national banks therein, or in paid-up shares and accounts of and in co-operative banks, or may use said funds to purchase share accounts of federal savings and loan associations located in the commonwealth and, when necessary, make expenditures from said funds for the benefit of or on behalf of the ward. All such funds received by the commissioner under this section shall be deposited in interest bearing accounts.

Section 19. Annually on or before November thirtieth, the commissioner shall pay to the state treasurer all unclaimed money held by the department for the benefit of any former ward of the department whose whereabouts is then unknown and has been unknown for seven years subsequent to his coming of age. At the time of so paying over any such money, the commissioner shall certify to the comptroller the amount of such money then held for the benefit of each former ward, his full name, age, if known, and last known address, the names of his parents, if known, and such further information as the commissioner deems relevant; and said comptroller shall make and keep a record thereof.

The state treasurer may receive from the commissioner the unclaimed money paid over under this section and shall hold it as a separate fund. Upon certificate of the comptroller that a claim thereto satisfactory to him shall have been established and approved in writing by the attorney general, the state treasurer shall pay to any former ward, or to his guardian or conservator in case of his mental or other legal disability, or to his legal representatives in case of his death, the amount of money held for his benefit and paid over to the state treasurer under this section, without any accumulations accruing thereto after such payment, out of the principal of the fund in which the money so claimed was held as aforesaid. The said funds, if in cash, shall be invested safely by the state treasurer, or, if in securities he may hold them in their original form or, upon the approval of the governor sell them and reinvest the proceeds in securities which are legal investments for the commonwealth sinking funds. He shall be held responsible for the faithful management of said trust funds in the same manner as for other funds held by him in his official capacity.

SECTION 11. Section 11 of chapter 19 of the General Laws, as appearing in section 1 of chapter 735 of the acts of 1966, is hereby amended by inserting after the word "health", in line 3, the second time it appears, the words:- , social services.

SECTION 12. Section 12 of said chapter 19, as so appearing, is hereby amended by inserting after the word "health", in line 3, the second time it appears, the words:- , social services.

SECTION 13. Paragraph (2) of section 1 of chapter 30A of the General Laws, as most recently amended by section 50 of chapter 835 of the acts of 1974, is hereby further amended by

striking out, in lines 9 and 10, the words "division of child guardianship of the department of public welfare" and inserting in place thereof the words:- commissioner of social services.

SECTION 14. Section 1A of chapter 46 of the General Laws, inserted by section 1 of chapter 61 of the acts of 1939, is hereby amended by striking out, in lines 10 to 12, inclusive, the words "director of the division of child guardianship in the department of public welfare" and inserting in place thereof the words:- commissioner of social services.

SECTION 15. Section 6 of said chapter 46, as most recently amended by section 2 of said chapter 61, is hereby further amended by striking out the second sentence and inserting in place thereof the following sentence:- The commissioner of social services, within forty days after the delivery or commitment of an abandoned child or foundling to the department of social services, shall cause notice of the birth of such child or foundling to be given to the clerk of the town wherein such child or foundling was found.

SECTION 16. The first paragraph of section 13 of said chapter 46, as most recently amended by section 1 of chapter 342 of the acts of 1960, is hereby further amended by striking out, in lines 10 and 11, the words "director of the division of child guardianship in the department of public welfare" and inserting in place thereof the words:- commissioner of social services.

SECTION 17. Said section 13 of said chapter 46 is hereby further amended by striking out the paragraph added by section 4 of chapter 61 of the acts of 1939, and inserting in place thereof the following paragraph:-

Upon the adoption of any abandoned child or foundling found within the commonwealth and adopted according to the laws thereof and as to whose birth the facts required by section one or section one A to be recorded have not been recorded or, if recorded, cannot be identified, the clerk of the town wherein such child or foundling was found, upon receipt of an affidavit executed by the adopting parent or parents, as the case may be, setting forth all the material facts known to him or them concerning said child or foundling, and of an order issued by the commissioner of social services determining the date of birth of such child or foundling as nearly as may be, shall receive and record the facts relative to such birth as provided in said section one or said section one A. In addition to any other certificates or copies of such records authorized by law, said director may, upon application, issue certificates setting forth the facts concerning said abandoned child or foundling appearing in any records of the department of social services.

SECTION 18. Section 1 of chapter 71B of the General Laws, as appearing in section 11 of chapter 766 of the acts of 1972, is hereby amended by striking out, in lines 19 and 20, the words "division of family and children's services" and inserting in place thereof the words:- department of social services.

SECTION 19. The first paragraph of section 2 of said chapter 71B, as so appearing, is hereby amended by striking out, in

line 2, the word "welfare" and inserting in place thereof the words:- social services.

SECTION 20. Section 3 of said chapter 71B, as so appearing, is hereby amended by striking out, in lines 71 and 72, the words "public welfare" and inserting in place thereof the words:- social services.

SECTION 21. Section 10 of said chapter 71B, as so appearing, is hereby amended by striking out, in line 29 and in lines 36 and 37, the words "public welfare" and inserting in place thereof, in each instance, the words:- social services.

SECTION 22. Section 7 of chapter 74 of the General Laws, as most recently amended by section 5 of chapter 599 of the acts of 1957, is hereby further amended by striking out, in line 5, the words "public welfare" and inserting in place thereof the words:- social services.

SECTION 23. Said chapter 74 is hereby further amended by striking out section 7A, as most recently amended by section 8E of chapter 925 of the acts of 1973, and inserting in place thereof the following section:-

Section 7A. For the tuition in an approved vocational school of any town or county of any pupil over fourteen years of age placed in such town or county by the department of social services or by the trustees of the Massachusetts training schools or by the child welfare division of the institutions department of the city of Boston, the commonwealth or the city of Boston, as the case may be, shall pay to said school the tuition fee established by the commissioner under the direction of the state board.

SECTION 24. Said chapter 74 is hereby further amended by striking out section 8A, as most recently amended by section 8F of said chapter 925, and inserting in place thereof the following section:-

Section 8A. A town where a person resides who is admitted to a day school in another town under section seven, shall, through its school committee, when necessary, provide for the transportation of such person, and shall, subject to appropriation be entitled to state reimbursement to the extent of fifty per cent of the amount so expended; provided, that such a town where a person is placed by the department of social services or the trustees of the Massachusetts training schools who is admitted as aforesaid to a day school in another town shall similarly provide for the transportation of such pupil to such school and shall be entitled to state reimbursement to the full extent of the amounts so expended; provided further, that no transportation shall be provided for, or reimbursement made on account of, any pupil who resides less than one and one-half miles from the school which he attends.

SECTION 25. Section 10 of said chapter 74, as most recently amended by section 3 of chapter 791 of the acts of 1967, is hereby further amended by striking out, in line 9, the words "public welfare" and inserting in place thereof the words:-

social services.

SECTION 26. Section 7 of chapter 76 of the General Laws, as most recently amended by section 55 of chapter 363A of the acts of 1977, is hereby further amended by striking out the first sentence and inserting in place thereof the following sentence:- For the tuition in the public schools of any city, town, or regional school district of any school age child placed elsewhere than in his home town by, or there kept under the control of, the department of social services the commonwealth shall reimburse said city, town, or regional school district for the child's tuition each day the child is enrolled in a public elementary or secondary school.

SECTION 27. Said section 7 of said chapter 76 is hereby further amended by striking out the third paragraph and inserting in place thereof the following paragraph:-

For purposes of reimbursement under this section, every superintendent of schools shall, as part of the annual statement required to be filed with the commissioner of education under section five of chapter seventy, report on a form provided by the department of education the number of school age children placed in family foster care in the city, town or regional school district by the department of social services and the duration of their public school enrollment there, and shall support each such claim with appropriate documentation as required by the commissioner of education.

SECTION 28. Section 21 of chapter 119 of the General Laws is hereby amended by striking out the definition of "Department", as appearing in section 7 of chapter 785 of the acts of 1972, and inserting in place thereof the following definition:-

"Department", the department of social services.

SECTION 29. Subparagraph (iii) of subsection (2) of section 26 of said chapter 119, as appearing in section 3 of chapter 1076 of the acts of 1973, is hereby amended by striking out, in line 1, the words "public welfare" and inserting in place thereof the words:- social services.

SECTION 30. The sixth paragraph of section 39E of said chapter 119 is hereby amended by striking out the third sentence, as amended by section 1 of chapter 412 of the acts of 1976, 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 social services.

SECTION 31. The first paragraph of section 39G of said chapter 119 is hereby amended by striking out clause (c), as amended by section 2 of said chapter 412, 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 social services.

SECTION 32. Section 51D of said chapter 119 is hereby amended by striking out the first sentence, as appearing in section 5

of chapter 1076 of the acts of 1973, and inserting in place thereof the following sentence:- The commissioner of the department of social services may establish throughout the commonwealth child protection consultation and advisory boards.

SECTION 33. Section 2 of chapter 210 of the General Laws, as most recently amended by section 1 of chapter 800 of the acts of 1972, is hereby further amended by striking out, in line 17, the words "public welfare" and inserting in place thereof the words:- social services.

SECTION 34. Paragraph (A) of section 2A of said chapter 210, as amended by chapter 649 of the acts of 1954, is hereby further amended by striking out, in lines 2 and 3, the words "public welfare" and inserting in place thereof the words:- social services.

SECTION 35. Paragraph (E) of said section 2A of said chapter 210, as amended by chapter 184 of the acts of 1957, is hereby further amended by striking out, in line 2, the words "public welfare" and inserting in place thereof the words:- social services.

SECTION 36. Paragraph (b) of section 3 of said chapter 210, as appearing in section 2 of chapter 800 of the acts of 1972, is hereby amended by striking out, in line 1, the word "public welfare" and inserting in place thereof the words:- social services.

SECTION 37. Section 4 of said chapter 210, as most recently amended by section 4 of said chapter 800, is hereby further amended by striking out, in line 13, the words "public welfare" and inserting in place thereof the words:- social services.

SECTION 38. Section 4A of said chapter 210, inserted by chapter 421 of the acts of 1976, is hereby amended by striking out, in line 13, the words "public welfare" and inserting in place thereof the words:- social services.

SECTION 39. Section 5A of said chapter 210, as appearing in section 2 of chapter 737 of the acts of 1950, is hereby amended by striking out, in lines 3 and 4 and in line 33, the words "public welfare" and inserting in place thereof, in each instance, the words:- social services.

SECTION 40. The second paragraph of said section 5A of said chapter 210, added by section 2 of chapter 649 of the acts of 1954, is hereby amended by striking out, in line 7, the words "public welfare" and inserting in place thereof the words:- social services.

SECTION 41. Section 11A of said chapter 210 is hereby amended by striking out the first sentence, as most recently amended by section 5A of chapter 58 of the acts of 1975, and inserting in place thereof the following sentence:- Any person other than a duly authorized agent of the department of social services or a child care agency licensed under the provisions of chapter twenty-eight A.

SECTION 42. Chapter 273 of the General Laws is hereby amended by striking out section 3, as appearing in section 3 of chapter 848 of the acts of 1977, and inserting in place thereof

the following section:-

Section 3. The court imposing a fine under section one may at any time order it paid in whole or in part to a probation officer, to be paid by him to the spouse or to the city, town, corporation, society or person actually supporting the spouse, child or children, or to the state treasurer for the use of the department of social services if the child has been committed to said department.

SECTION 43. Said chapter 273 is hereby further amended by striking out section 5, as so appearing, and inserting in place thereof the following section:-

Section 5. Before trial, with the consent of the defendant, or after entry of a plea of guilty or nolo contendere, or after conviction, if the defendant is placed on probation, with or without suspension of the execution of a sentence, the court, having regard to the circumstances and to the financial ability or earning capacity of the defendant, may make an order, which shall be subject to change from time to time as circumstances may require, directing the defendant to pay certain sums periodically, for a term not exceeding six years, to the probation officer, and may release the defendant from custody on probation. The probation officer, subject to the direction of the court, shall pay over payments received by him to the spouse or guardian or custodian of the child, or to the city, town, corporation, society or person supporting the spouse or child, or to the state treasurer for the use of the department of social services when the payments are for the support of a child committed to it. If the court be satisfied by due proof under oath that at any time the defendant has violated the terms of the order for payments, it may proceed to try the defendant upon the original charge, or sentence him under the original plea or conviction, or enforce the suspended sentence, as the case may be.

SECTION 44. The provisions of section nine A of chapter thirty and the provisions of chapter thirty-one shall not apply to the office of commissioner, deputy commissioner, assistant commissioner or area director. If an employee of the commonwealth or of a political subdivision, as defined in section one of chapter thirty-two, shall be appointed to any such office, he shall upon termination of his service in such office be restored to the position which he held immediately prior to such appointment. Such restoration shall be made without impairment of his civil service status or tenure under section nine A of chapter thirty and without loss of seniority, retirement or other rights to which uninterrupted service in such position would have entitled him. During the period of such appointment each person so appointed from a position in the classified civil service shall be eligible to take any competitive promotional examination to which he would have otherwise been eligible.

Permanent employees transferred to the department of social services under the provisions of this act shall retain all rights of seniority, retirement, civil service and other rights and they shall not be lowered in compensation.

SECTION 45. The secretary of human services shall transfer

all personal property, including files, records and equipment, which is used by or under the control of the office of social services in the department of public welfare on the effective date of this act, to the department of social services created by section four of this act. Such transfer shall be made at such time as said secretary shall determine but not later than the time provided in the plan submitted by the committee appointed under section ten of this act.

SECTION 46. Within thirty days after the passage of this act, the secretary of human services shall appoint a committee to prepare a plan for the orderly implementation of the provisions of this act. Said committee shall consist of the secretary of human services who shall act as chairman and five other persons appointed by him. An appropriation shall be authorized to provide staff support for the committee. Said committee may recommend to the general court changes in the General Laws necessary or desirable to properly carry out the provisions of this act.

Said plan shall include budget estimates for the operation of the department of social services for the fiscal year beginning July first, nineteen hundred and seventy-nine.

Said committee shall submit said plan to the governor and the general court within seven months after the passage of this act for implementation on July first, nineteen hundred and seventy-nine, beginning with a transition period extending until January first, nineteen hundred and eighty.

The commissioner of the department shall be appointed not later than six months before the implementation date of this act.

SECTION 46A. No position or job authorized in this legislation shall be filled unless a position is eliminated in the department of public welfare.

SECTION 47. This act shall take effect upon its passage; provided, however, that notwithstanding the provisions of this act, powers and duties vested in the department of public welfare or any board, commission or public office prior to the passage of this act shall continue to be exercised by said department until the time provided for the orderly transfer of such powers in the plan submitted by the committee appointed under section forty-five of this act. Powers and duties exercised by the commissioner of said department, including membership on boards and commissions, shall, notwithstanding the provisions of this act, continue to be exercised by him until the time so provided.

Approved July 22, 1978

Chap. 553. AN ACT MAKING CERTAIN CORRECTIVE CHANGES
IN THE LAW REGULATING SECURITY DEPOSITS
FOR RESIDENTIAL REAL PROPERTY.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to make certain corrective changes immediately in the law regulating security deposits for residential real property, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Chapter 167 of the General Laws is hereby amended by inserting after section 56B the following section:-

Section 56C. Any bank may establish an account to receive deposits from a lessor acting as a trustee for funds received and held by such trustee pursuant to clause (a) of subsection three of section fifteen B of chapter one hundred and eighty-six. Such account may be established as required by said section fifteen B for the purpose of holding security deposits taken by a lessor of residential dwelling units owned or managed by said lessor, but the terms of said account shall be such as to place said deposit beyond the claim of a creditor of the lessor, including a foreclosing mortgagee or trustee in bankruptcy, and as will provide for the transfer of said deposit to a subsequent owner of any property for which such security deposit was taken. Interest accruing on said deposit shall be paid to the lessor pursuant to the terms of the deposit. Withdrawals and payments made by the bank from said account shall discharge the liability of said bank to all persons.

SECTION 2. Chapter 186 of the General Laws is hereby amended by striking out section 15B, as most recently amended by chapter 979 of the acts of 1977, and inserting in place thereof the following section:-

Section 15B. (1) (a) No lease relating to residential real property shall contain a provision that a lessor may, except to inspect the premises, to make repairs thereto or to show the same to a prospective tenant, purchaser, mortgagee or its agents, enter the premises before the termination date of such lease. A lessor may, however, enter such premises:

(i) in accordance with a court order;
 (ii) if the premises appear to have been abandoned by the lessee; or
 (iii) to inspect, within the last thirty days of the tenancy or after either party has given notice to the other of intention to terminate the tenancy, the premises for the purpose of determining the amount of damage, if any, to the premises which would be cause for deduction from any security deposit held by the lessor pursuant to this section.

(b) At or prior to the commencement of any tenancy, no lessor may require a tenant or prospective tenant to pay any amount in excess of the following:

(i) rent for the first full month of occupancy; and,
 (ii) rent for the last full month of occupancy calculated at the same rate as the first month; and,
 (iii) a security deposit equal to the first month's rent provided that such security deposit is deposited as required by subsection (3) and that the tenant is given the statement of condition as required by subsection (2); and,
 (iv) the purchase and installation cost for a key and lock.
 (c) No lease or other rental agreement shall impose any interest or penalty for failure to pay rent until thirty days after

such rent shall have been due.

(d) No lessor or successor in interest shall at any time subsequent to the commencement of a tenancy demand rent in advance in excess of the current month's rent or a security deposit in excess of the amount allowed by this section. The payment in advance for occupancy pursuant to this section shall be binding upon all successors in interest.

(e) A security deposit shall continue to be the property of the tenant making such deposit, shall not be commingled with the assets of the lessor, and shall not be subject to the claims of any creditor of the lessor or of the lessor's successor in interest, including a foreclosing mortgagee or trustee in bankruptcy; provided, however, that the tenant shall be entitled to only such interest as is provided for in subsection (3) (b).

(2) (a) Any lessor or his agent who receives, at or prior to the commencement of a tenancy, rent in advance for the last month of the tenancy from a tenant or prospective tenant shall give to such tenant or prospective tenant at the time of such advance payment a receipt indicating the amount of such rent, the date on which it was received, its intended application as rent for the last month of the tenancy, the name of the person receiving it and, in the case of an agent, the name of the lessor for whom the rent is received, and a description of the rented or leased premises.

(b) Any lessor or his agent who receives a security deposit from a tenant or prospective tenant shall give said tenant or prospective tenant at the time of receiving such security deposit a receipt indicating the amount of such security deposit, the name of the person receiving it and, in the case of an agent, the name of the lessor for whom such security deposit is received, the date on which it is received, and a description of the premises leased or rented. Said receipt shall be signed by the person receiving the security deposit.

(c) Any lessor of residential real property, or his agent, who accepts a security deposit from a tenant or prospective tenant shall, upon receipt of such security deposit, or within ten days after commencement of the tenancy, whichever is later, furnish to such tenant or prospective tenant a separate written statement of the present condition of the premises to be leased or rented. Such written statement shall also contain a comprehensive listing of any damage then existing in the premises, including, but not limited to, any violations of the state sanitary or state building codes certified by a local board of health or building official or adjudicated by a court and then existing in the premises. Such statement shall be signed by the lessor or his agent and contain the following notice in twelve-point bold-face type at the top of the first page thereof:

"This is a statement of the condition of the premises you have leased or rented. You should read it carefully in order to see if it is correct. If it is correct you must sign it. This will show that you agree that the list is correct and complete. If it is not correct, you must attach a separate signed list of any damage which you believe exists in the premises. This statement must be returned to the lessor or his agent within fifteen days after you receive this list or within fifteen days after you move in,

whichever is later. If you do not return this list, within the specified time period, a court may later view your failure to return the list as your agreement that the list is complete and correct in any suit which you may bring to recover the security deposit."

If the tenant submits to the lessor or his agent a separate list of damages, the lessor or his agent shall, within fifteen days of receiving said separate list, return a copy of said list to the tenant which either such lessor's signed agreement with the content thereof or a clear statement of disagreement attached.

(d) Every lessor who accepts a security deposit shall maintain a record of all such security deposits received which contains the following information:-

(i) a detailed description of any damage done to each of the dwelling units or premises for which a security deposit has been accepted, returned to any tenant thereof or for which the lessor has brought suit against any tenant;

(ii) the date upon which the occupancy of the tenant or tenants charged with such damage was terminated; and

(iii) whether repairs were performed to remedy such damage, the dates of said repairs, the cost thereof, and receipts therefor.

Said record shall also include copies of any receipt or statement of condition given to a tenant or prospective tenant as required by this section.

Said record shall be available for inspection upon request of a tenant or prospective tenant during normal business hours in the office of the lessor or his agent. Upon a wrongful failure by the lessor or his agent to make such record available for inspection by a tenant or prospective tenant, said tenant or prospective tenant shall be entitled to the immediate return of any amount paid in the form of a security deposit together with any interest which has accrued thereon.

The lessor or his agent shall maintain said record for each dwelling unit or premises for which a security deposit was accepted for a period of two years from the date of termination of the tenancy or occupancy upon which the security deposit was conditioned.

(3) (a) Any security deposit received by such lessor shall be held in a separate, interest-bearing account in a bank, located within the commonwealth under such terms as will place such deposit beyond the claim of creditors of the lessor, including a foreclosing mortgagee or trustee in bankruptcy, and as will provide for its transfer to a subsequent owner of said property. A receipt shall be given to the tenant within thirty days after such deposit is received by the lessor which receipt shall indicate the name and location of the bank in which the security deposit has been deposited and the amount and account number of said deposit. Failure to comply with this paragraph shall entitle the tenant to immediate return of the security deposit.

(b) A lessor of residential real property who holds a security deposit pursuant to this section for a period of one year or longer from the commencement of the term of the tenancy shall, beginning with the first day of the tenancy, pay interest at the rate of five per cent per year, payable to the tenant at the end of each year of the tenancy. Such interest shall be paid over to

the tenant each year as provided in this clause, provided, however, that in the event that the tenancy is terminated before the anniversary date of the tenancy, the tenant shall receive all accrued interest within thirty days of such termination. Such interest shall be beyond the claims of such lessor, except as provided for in this section. At the end of each year of a tenancy, such lessor shall give or send to the tenant from whom a security deposit has been received a statement which shall indicate the name and address of the bank in which the security deposit has been placed, the amount of the deposit, the account number, and the amount of interest payable by such lessor to the tenant. The lessor shall at the same time give or send to each such tenant the interest which is due or shall include with the statement required by this clause a notification that the tenant may deduct the interest from the tenant's next rental payment. If, after thirty days from the end of each year of the tenancy, the tenant has not received such notice or payment, the tenant may deduct from his next rent payment the interest due.

(4) The lessor shall, within thirty days after the termination of occupancy under a tenancy-at-will or the end of the tenancy as specified in a valid written lease agreement, return to the tenant the security deposit or any balance thereof; provided, however, that the lessor may deduct from such security deposit for the following:

(i) any unpaid rent which has not been validly withheld or deducted pursuant to the provisions of any special or general law and

(ii) any unpaid increase in real estate taxes which the tenant is obligated to pay pursuant to a tax escalation clause which conforms to the requirements of section fifteen C; and

(iii) a reasonable amount necessary to repair any damage caused to the dwelling unit by the tenant or any person under the tenant's control or on the premises with the tenant's consent, reasonable wear and tear excluded. In the case of such damage, the lessor shall provide to the tenant within such thirty days an itemized list of damages, sworn to by the lessor or his agent under pains and penalties of perjury, itemizing in precise detail the nature of the damage and of the repairs necessary to correct such damage, and written evidence, such as estimates, bills, invoices or receipts, indicating the actual or estimated cost thereof. No amount shall be deducted from the security deposit for any damage to the dwelling unit which was listed in the separate written statement of the present condition of the premises which was required to be given to the tenant prior to the execution of the lease or creation of the tenancy pursuant to clause (c) of subsection (2) or any damages listed in any separate list submitted by the tenant and signed by the lessor or his agent pursuant to said clause (c), unless the lessor subsequently repaired or caused to be repaired said damage and can prove that the renewed damage was unrelated to the prior damage and was caused by the tenant or by any person under the tenant's control or on the premises with the tenant's consent.

No deduction may be made from the security deposit for any purpose other than those set forth in this section.

(5) Whenever a lessor who receives a security deposit transfers his interest in the dwelling unit for which the security deposit is held, whether by sale, assignment, death, appointment of a receiver or trustee in bankruptcy, or otherwise, the lessor shall transfer such security deposit together with any interest which has accrued thereon for the benefit of the tenant who made such security deposit to his successor in interest, and said successor in interest shall be liable for the retention and return of said security deposit in accordance with the provisions of this section from the date upon which said transfer is made; provided however, that the granting of a mortgage on such premises shall not be a transfer of interest. The successor in interest shall, within forty-five days from the date of said transfer, notify the tenant who made such security deposit that such security deposit was transferred to him and that he is holding said security deposit. Such notice shall also contain the lessor's name, business address, and business telephone number, and the name, business address, and business telephone number of his agent, if any. Said notice shall be in writing.

Upon such transfer, the lessor or his agent shall continue to be liable with respect to the provisions of this section until:

(a) there has been a transfer of the amount of the security deposit so held to the lessor's successor in interest and the tenant has been notified in writing of the transfer and of the successor in interest's name, business address, and business telephone number;

(b) there has been compliance with this clause by the successor in interest; or

(c) the security deposit has been returned to the tenant.

In the event that the lessor fails to transfer said security deposit to his successor in interest as required by this subsection the successor in interest shall, without regard to the nature of the transfer, assume liability for payment of the security deposit to the tenant in accordance with the provisions of this section; provided, however, that if the tenant still occupies the dwelling unit for which the security deposit was given, said successor in interest may satisfy such obligation by granting the tenant free occupation and use of the dwelling unit for a period of time equivalent to that period of time for which the dwelling unit could be leased or occupied if the security deposit were deemed to be rent. The liability imposed by this paragraph shall not apply to a city or town which acquires title to property pursuant to chapter sixty or to a foreclosing mortgagee or a mortgagee in possession which is a financial institution chartered by the commonwealth or the United States. The term "rent", as used in the preceding sentence, shall mean the periodic sum paid by the tenant for the use and occupation of the dwelling unit in accordance with the terms of his lease or other rental agreement.

(6) The lessor shall forfeit his right to retain any portion of the security deposit for any reason, or, in any action by a tenant to recover a security deposit, to counterclaim for any damage to the premises if he:

(a) fails to deposit such funds in an account as required by subsection (3);

(b) fails to furnish to the tenant within thirty days after the

termination of the occupancy the itemized list of damages, if any, in compliance with the provisions of this section;

(c) uses in any lease signed by the tenant any provision which conflicts with any provision of this section and attempts to enforce such provision or attempts to obtain from the tenant or prospective tenant a waiver of any provision of this section;

(d) fails to transfer such security deposit to his successor in interest or to otherwise comply with the provisions of subsection (5) after he has succeeded to an interest in residential real property; or,

(e) fails to return to the tenant the security deposit or balance thereof to which the tenant is entitled after deducting therefrom any sums in accordance with the provisions of this section, together with any interest thereon, within thirty days after termination of the tenancy.

(7) If the lessor or his agent fails to comply with clauses (a), (d), or (e) of subsection 6, the tenant shall be awarded damages in an amount equal to three times the amount of such security deposit or balance thereof to which the tenant is entitled plus interest at the rate of five per cent from the date when such payment became due, together with court costs and reasonable attorney's fees.

(8) Any provision of a lease which conflicts with any provision of this section and any waiver by a tenant or prospective tenant of any provision of this section shall be deemed to be against public policy and therefore void and unenforceable.

SECTION 3. The prohibition against co-mingling contained in clause (e) of subsection (1) of section fifteen B of chapter one hundred and eighty-six of the General Laws, the requirements of subsection (2) of said fifteen B of said chapter one hundred and eighty-six, the requirements of clause (a) of subsection (3) of said section fifteen B of said chapter one hundred and eighty-six, and the forfeiture provisions of subsection (6) of said section fifteen B of said chapter one hundred and eighty-six insofar as they relate to clauses (a) and (d), shall take effect on the first of September, nineteen hundred and seventy-eight, for any and all security deposits received by a lessor on or after the first of September, nineteen hundred and seventy-eight, or in connection with tenancies which commence on or after the first of September, nineteen hundred and seventy-eight. The remainder of the provisions of this act shall take effect on the first of September, nineteen hundred and seventy-eight for all security deposits held by a lessor on or after said date.

Approved July 22, 1978

Chap. 554. AN ACT TRANSFERRING A PARCEL OF LAND FROM THE MASSACHUSETTS BOARD OF REGIONAL COMMUNITY COLLEGES TO THE SAINT JOHN MISSIONARY BAPTIST CHURCH.

Be it enacted, etc., as follows:

SECTION 1. The Massachusetts board of regional community colleges, acting for and on behalf of the commonwealth, is hereby

authorized and directed to convey a parcel of land located in the city of Boston to The Saint John Missionary Baptist Church for consideration of one dollar and by a deed as approved to form by the attorney general. Said parcel being bounded and described as follows:

Westerly by Warren Street, 178.40 feet; Northerly by Montrose Street, 146.86 feet; Easterly by land now or formerly of Palmer L. Paige et al., 64.43 feet; Northerly by land of same 48.60 feet; Easterly by land now or formerly of Joseph Robinson, 129.40 feet; Southerly by Dunreath Street, 204.13 feet; being the land shown on a plan marked-"City of Boston-Public Works Department-Engineering Division, Taking Plan, Warren St., Montrose St., Dunreath St., Roxbury, Oct. 22, 1970, Frederick L. Garvin, Division Engineer."

SECTION 2. Said parcel shall be used for the construction of a church and related facilities and if construction has not begun within two years or if said land is used for any other purposes, title to said land shall revert to the commonwealth.

SECTION 3. This act shall take effect upon its passage.
Approved July 22, 1978

Chap. 555. AN ACT AUTHORIZING CERTAIN BY-LAWS AND AMENDING CERTAIN ACTS RELATING TO THE TOWN OF WELLESLEY.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any contrary provisions of section 11 of chapter 41 of the General Laws, the town of Wellesley is authorized to provide by bylaw that any vacancy in any appointed board, commission, committee or office of the town shall be filled in the same manner as the original appointment was made, except as otherwise specifically provided by law, and that no person appointed to fill a vacancy need be a registered voter of the town unless the original appointee was required to be a registered voter.

SECTION 2. Notwithstanding any contrary provisions of chapters 40 and 41 of the General Laws, the town is authorized to provide by bylaw that the annual town report, and the reports of the boards, commissions, committees, officers and officials of the town required to be contained therein, shall be for the last completed fiscal year, commencing with the fiscal year ending June thirtieth, nineteen hundred and seventy-nine and that such a report shall be prepared and distributed not later than the third Monday in December of each year, and thereafter no additional report of the town need be prepared on a calendar year basis. Said bylaw may set the date or dates by which all reports required to be contained in the annual report must be filed with the selectmen. Notwithstanding the foregoing provisions, if such a bylaw is adopted, the selectmen shall print and distribute before the annual town meeting in nineteen hundred and seventy-nine a report containing the annual report of the town accountant for the preceding fiscal year as provided in section 61 of chapter

41 of the General Laws, the annual report of the town treasurer as provided in section 35 of said chapter 41, the jury list as required by chapter 234 of the General Laws, and such other financial reports and other matters as the selectmen may determine; the annual town report distributed in December, nineteen hundred and seventy-nine shall include financial reports for the fiscal year ending June thirtieth, nineteen hundred and seventy-nine, and the annual jury list, but all other reports required to be contained therein shall be for the period beginning January first, nineteen hundred and seventy-eight and ending June thirtieth, nineteen hundred and seventy-nine.

The foregoing paragraph shall not relieve any particular town board, commission, committee, officer or official from the duty of preparing any other annual report on a calendar year basis if a report so prepared is required by law, other than Section 60 of Chapter 41 of the General Laws, to be filed with an agency, department, board, commission or authority of the commonwealth.

SECTION 3. Notwithstanding any contrary provisions of the General Laws, the town is authorized to establish by bylaw a department of financial services. Any such bylaw shall provide that the department shall be responsible to the selectmen and its duties and responsibilities may include, but not be limited to, the following: coordination and administration of town financial services and activities; maintenance of town accounting records and financial statements; payment of all town obligations, after securing required approvals; assisting in the development of budgets and reviewing of all budgets for format, completeness, and accuracy before submission to the advisory committee; monitoring of all expenditures of town funds; timely reporting to the selectmen and to other appropriate boards and officers of actual or foreseeable incurring of obligations or expenditures of funds in excess of budgeted appropriations; maintenance of payroll and other financial records relating to all town personnel; preparing and supervising town purchasing and inventory control procedures; administering the disposal of town property; and supervision of all data processing.

The department shall be headed by a director of financial services who shall be appointed by the selectmen for a term of three years commencing on July first. The Director shall be ex officio the town comptroller and town accountant. The director shall appoint annually as of July first, subject to the approval of the selectmen, a town treasurer and collector of taxes, who shall be subject to the direction and supervision of the director and shall have, except as otherwise expressly provided by this act, the powers and duties vested by law in town treasurers and collectors of taxes. The initial terms of the director and the treasurer and collector shall commence January first, nineteen hundred and seventy-nine and consequently shall be extended by six months.

SECTION 4. Notwithstanding any contrary provisions of the General Laws, the town is authorized to establish by bylaw a natural resources commission consisting of five members elected for a term of three years, which shall have the powers and duties of conservation commissions and forest committees under

the General Laws and the powers and duties (currently vested in the board of public works of the town) of park commissioners, tree wardens, moth superintendents and superintendents of insect pest control under the General Laws, and which shall appoint a director of natural resources, a wetlands protection committee to which shall be delegated the power and authority to administer and enforce the provisions of section 40 of chapter 131 of the General Laws, a landscape advisory committee, a long-range planning committee, and such staff as it deems necessary. Any such commission shall have overall authority and responsibility with respect to: the use, acquisition, management, preservation, and protection of conservation land, park land and such other land as may be transferred to or acquired by the commission, forest and tree nursery management, insect pest and moth control, and administration of the conservation fund under sections 5(51) and 8C of chapter 40 of the General Laws. In addition, it shall study and make recommendations regarding the use, maintenance, management, preservation, and protection of the natural resources of the town which are under the jurisdiction of other boards, establish general policies to be implemented by the department of public works for the carrying out of work affecting natural resources, propose for acquisition by the town those natural resources that the commission deems useful or important to the town, and carry out such other related responsibilities as the town may assign to it or as may be permitted or required by law. Members of the commission shall be elected at the annual town election to be held in nineteen hundred and seventy-nine. The terms of office shall be staggered in a manner determined by vote of the town. Initial organization of the commission and the termination of the conservation commission, the park and tree board and the town forest committee shall also be as determined by vote of the town.

SECTION 5. The town is authorized to provide by bylaw for the members of the capital budgeting and investment committee of the town to serve, commencing January first, nineteen hundred and seventy-nine, as the trustees of the fund established by chapter 229 of the acts of 1951.

SECTION 6. Section 4 of said chapter 229 is hereby amended by striking out the word "three" in the first sentence and inserting in place thereof the word:- five.

SECTION 7. Said chapter 229 is hereby further amended by striking out section 7 and inserting in place thereof the following:-

Section 7. The members of the capital budgeting and investment committee of the town, appointed in accordance with the bylaws of the town, shall be ex-officiis the trustees of said fund. Said trustees shall serve without compensation. Expenses actually incurred by them in the performance of their duties shall be paid from funds appropriated by the town for that purpose.

SECTION 8. Chapter 223 of the acts of 1960 and chapter 302 of the acts of 1966 are hereby repealed.

SECTION 9. Notwithstanding any contrary provisions of section 69E of chapter 41 of the General Laws, the superintending

officer appointed by the board of public works of the town pursuant to said section 69E shall bear the title:- Director of Public Works.

SECTION 10. Section 2 of chapter 202 of the acts of 1932, as amended, is hereby further amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

In the case of a tie vote which affects the election of town meeting members in any precinct and not in the case where a vacancy is involved as set forth in Section 8A, the Town Clerk shall call a special meeting of the town meeting members of the precinct in which such tie vote occurred. The members from the affected precinct shall determine which of the candidates receiving such tie vote shall serve as town meeting member from such precinct, or they shall determine which member receiving such tie vote shall serve for the longer and which for the shorter term, as the case may be. The procedures to be followed at said special meeting shall be the same as those prescribed for the special meeting provided for in Section 8.

SECTION 11. Said chapter 202 is hereby further amended by striking out section 7 and inserting in place thereof the following section:-

Section 7. A moderator shall be elected by ballot at each annual town election, and shall serve as moderator of all town meetings, except as otherwise provided by law, until a successor is elected and qualified. Nominations for and election of a moderator shall be as in the case of other elective town officers, and any vacancy in the office shall be filled by town meeting members at a meeting held for that purpose. If a moderator is absent, a moderator pro tempore shall be elected by the town meeting members.

SECTION 12. Said chapter 202 is hereby further amended by striking out section 9 and inserting in place thereof the following section:-

Section 9. A vote passed at any representative town meeting authorizing the expenditure of one hundred thousand dollars or more for the acquisition of land, or for the construction, alteration or enlargement of any building, or for other than the usual departmental appropriations, or authorizing the incurring of debt, except temporary loans in anticipation of revenue or reimbursement from the commonwealth or the county of Norfolk, 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 term 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 bylaw, or amending or repealing an existing bylaw, shall not be operative until after the expiration of seven days, exclusive of Sundays and holidays, from the dissolution of the meeting. If, within said seven days, a petition, signed by not less than five per cent of the registered voters of the town, containing their names and addresses as they appear on the list of registered voters, is filed as hereinafter provided asking that the question or questions involved in such a vote be submitted

to the registered voters of the town at large, its operation shall be further suspended and the selectmen, after receiving the certificate of the registrars of voters as hereinafter provided shall call a special meeting not less than twenty-eight days nor more than forty-five days after the certification by the registrars of voters hereinafter provided for the sole purpose of presenting to the registered voters at large the question or questions so involved.

The petition shall be termed a referendum petition. It shall be filed in the office of the town clerk before five o'clock in the afternoon of the seventh day, exclusive of Sundays and holidays, after the dissolution of the meeting. If the seventh day falls on a Saturday, Sunday, or a holiday, the petition shall be filed before ten o'clock in the morning on the next business day. Signatures thereto need not be all on one paper but all such papers relating to one vote shall be fastened securely together and filed as one instrument with the endorsement thereon of the person or persons filing the same and the time of filing shall be immediately noted thereon by the town clerk. Immediately after the expiration of the time within which referendum petitions may be filed, the town clerk shall notify the registrars of voters, who shall examine any such petition seasonably filed, and within five days determine by what number of registered voters it is signed in conformity with the provisions of this section and what percentage that number is of the total number of registered voters of the town and certify their findings to the selectmen, and at the same time send a copy of the same to the person or to one of the persons who filed the petition.

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 (brief description of the substance of the vote)?"

The polls at such special meeting shall be opened not later than seven o'clock in the morning and shall be closed not earlier than eight o'clock in the evening. All votes upon any questions so submitted shall be taken in the several precinct meetings by ballot, and the check list shall be used in the same manner as in the election of town officers. For the action of the representative town meeting to be null and void the following two conditions must be satisfied: 1) at least twenty per cent of all registered voters in the town must vote in the negative on the referendum; and 2) a majority of those who vote on the referendum must vote in the negative. Otherwise, the action of the representative town meeting shall take effect immediately upon the declaration by the selectmen of the vote upon the referendum.

SECTION 13. Section 12 of this act shall be submitted to the registered voters of the town of Wellesley for acceptance at the annual town election in the year nineteen hundred seventy-nine or at an earlier special meeting called by the Selectmen. The vote shall be taken by ballot in answer to the following question, which shall be placed upon the official ballot to be used in the several precincts - "Shall Section 12 of an act passed by the general court in the year nineteen hundred seventy-eight,

entitled 'An Act Authorizing Certain Bylaws and Amending Certain Acts Relating to the Town of Wellesley', revising referendum procedures and requirements, be accepted by this town?" The polls at any such special meeting shall be opened not later than seven o'clock in the morning and shall be closed not earlier than eight o'clock in the evening, and the check list shall be used in the same manner as in the election of town officers.

SECTION 14. This section and Section 13 of this act shall take effect upon passage of this act. Sections 1, 2, 3, 4, 5 and 9 shall take effect as of January 1, 1978. Sections 6, 7, 8, 10 and 11 shall take effect on January 1, 1979. If accepted by a majority of the voters voting thereon in accordance with Section 13, Section 12 of this act shall take effect immediately upon the declaration by the selectmen of the vote upon the question, or on January first, nineteen hundred and seventy-nine, whichever date is later.

Approved July 22, 1978

Chap. 556. AN ACT TERMINATING THE COMMONWEALTH'S RIGHTS, TITLE AND INTEREST IN CERTAIN LANDS UPON ACQUISITION THEREOF BY THE GOVERNMENT LAND BANK OR THE BOSTON REDEVELOPMENT AUTHORITY.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to aid private enterprise or public agencies in the speedy and orderly redevelopment of lands within the United States Navy Yard, Charlestown section of Boston, in order to prevent continued and further blight, economic dislocation and unemployment and to alleviate the housing shortage, therefore, it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience. _____

Be it enacted, etc., as follows:

Chapter 212 of the acts of 1975 is hereby amended by inserting after section 5, as most recently amended by chapter 432 of the acts of 1976, the following section:-

Section 5A. Notwithstanding any provision of general or special law to the contrary, upon the recording in the Suffolk county registry of deeds of a deed or deeds from the United States of America conveying to the bank or to the Boston Redevelopment Authority as grantee all or any portion of the premises within the United States Navy Yard, Charlestown section of Boston, Massachusetts, now owned in part by the United States of America and in part by the Boston Redevelopment Authority, bounded northwesterly by Little Mystic Channel, easterly and southeasterly by the main channel of Boston Inner Harbor, southwesterly by the Charles River and northwesterly by the lands of others: (a) it shall be deemed conclusively that jurisdiction to said premises vested in the United States of America in accordance with the terms of any special acts whereby the commonwealth ceded jurisdiction to said premises to said United States and, further, that said United States has complied with all conditions imposed by such acts; (b) all right, title and

interest of the commonwealth in and to any such premises shall pass to and vest in the grantee, establishing fee simple absolute title in the grantee, all without further evidence of conveyance by the commonwealth and all interests of the commonwealth are hereby ratified and confirmed in the respective grantees of any such deed or deeds of all or any portion of these premises so recorded prior to the enactment hereof; and (c) all licenses and authority to place fill, to maintain existing fill, to build and maintain bulkheads, to drive piles, to build, extend and widen wharves, piers and other structures on piles or on other support structures or to construct other structures heretofore or hereafter granted under the applicable provisions of chapter ninety-one of the General Laws and all actions of the United States of America taken in respect to placing and maintaining fill or building and maintaining bulkheads, piles, wharves, piers or other structures completed prior to the date of enactment hereof, whether or not so placed, built or maintained in accordance with the applicable provisions of any general or special act, deed, grant or other instrument authorizing or conveying the same and whether or not so placed, built or maintained in accordance with any plans that may have been filed or required to be filed with the commonwealth or any agency or political subdivision thereof, all with respect to said premises, shall be irrevocable and ratified and confirmed in place, the commonwealth hereby waiving any right or claim of action it might have for the recovery of said land or any interest therein below high water mark to or in such fill or appurtenant structures or to restrict the use of same.

Approved July 22, 1978

Chap. 557. AN ACT PERMITTING CERTAIN EMPLOYEES TO CONTINUE WORKING AND TO RETIRE AS VETERANS AFTER THEY HAVE REACHED THE MANDATORY RETIREMENT AGE.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is, in part, to enable those persons classified as veterans and who were in the service of the commonwealth, or of any county, city, town or district, or any housing authority or any redevelopment authority prior to July first, nineteen hundred and thirty-nine, and for a total period of thirty years in the aggregate, to retire as veterans notwithstanding the fact that said persons have attained and passed the age of seventy, therefore it is declared to be an emergency law, necessary for the preservation of the public convenience and welfare.

Be it enacted, etc., as follows:

Chapter 32 of the General Laws is hereby amended by inserting after section 90F the following new section:-

Section 90G. Any member in service, classified in Group 1, who is a veteran, shall continue in service, at his option, notwithstanding the fact that he has attained age seventy; provided, however, that he is mentally and physically capable of performing the duties of his office or position. Such member shall annually,

at his own expense, be examined by an impartial physician designated by the retirement authority to determine such capability. No deductions shall be made from the regular compensation of each member under the provisions of this chapter for service after he has attained age seventy and upon retirement such member shall, to the extent eligible, receive a veteran's pension allowance equal to that to which he would have been entitled had he retired at age seventy. Nothing in this section shall be construed to deny any veteran or his surviving spouse any benefit under any section of chapter thirty-two to which he would have been entitled had he retired at age seventy.

Approved July 22, 1978

Chap. 558. AN ACT AUTHORIZING THE VOTERS OF THE CITY OF TAUNTON TO ESTABLISH THE COMPOSITION OF ITS MUNICIPAL LIGHT COMMISSION BY VOTE AT THE NEXT BIENNIAL STATE ELECTION.

Be it enacted, etc., as follows:

SECTION 1. The state secretary shall cause the following two questions to be printed on the official ballot to be used in the city of Taunton at the biennial state election to be held in the year nineteen hundred and seventy-eight in the following form:-

INSTRUCTION TO VOTERS

The vote on the following two questions shall be binding upon the city of Taunton in establishing the composition of the commissioners for the Taunton municipal lighting plant. On question number 1, choose either A or B or C. Do not vote more than one. On question number 2, vote for either 3 or 5 members. Do not vote for both of said numbers.

Question Number 1.

In reference to the composition of the municipal light commission of the city of Taunton, choose one of the following:

- A. All commissioners shall be elected by the voters of the city of Taunton. yes
- B. Remain in its present structure, all commissioners appointed by the mayor. yes
- C. All commissioners shall be elected in part and appointed in part. yes

Question Number 2.

Regardless of how the commissioners are selected, shall the municipal lighting commission of the city of Taunton consist of three members or five members?

3 members 5 members

The municipal light commission of the city of Taunton shall be established in the manner provided in subdivision A, B or C of question number 1 as shall receive the greatest number of votes of the voters of said city voting on said question, and the number of its members shall be three or five as shall be determined

by a majority of the voters of said city voting on question number 2.

If the votes cast in answer to these questions indicate that the city of Taunton shall elect a municipal light commission, the commission shall be established as follows:

If the commission is a three member board, initially two members shall be chosen for terms of two years, and one member for a term of four years, and their successors shall be chosen for terms of two years. If the commission shall consist of a five member board, initially three members shall be chosen for terms of two years, and two members for terms of four years, and their successors shall be chosen for terms of two years. Upon the election and qualification of the members of the commission, all powers and duties of the members of the commission then in office shall terminate.

If the votes cast in answer to these questions indicate that the members of the municipal light commission of the city of Taunton shall be elected in part and appointed in part, the commission shall be established as follows:

If the commission shall consist of a three member board, the mayor shall appoint one member who shall serve for a term of two years and the members to be elected shall be chosen initially one for a term of two years and one for a term of four years. As the terms of such elected members expire their successors shall be chosen for terms of two years.

If the commission shall consist of a five member board, the mayor shall appoint two members who shall serve for a term of two years and the members to be elected shall be chosen initially one for a term of two years and two for terms of four years. As the terms of such elected members expire their successors shall be chosen for terms of two years. Upon the appointment and qualification of the member of the commission to be appointed and the election and qualification of the members to be elected, all powers and duties of the members of the commission then in office shall terminate.

SECTION 2. This act shall take effect upon its passage.
Approved July 22, 1978

Chap. 559. AN ACT FURTHER REGULATING THE DISCLOSURE
OF CONSUMER CREDIT COSTS AND TERMS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is immediately to regulate the disclosure of consumer credit costs and terms, 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 140C of the General Laws is hereby amended by adding the following three subsections:-

(cc) "Regular price", (1) the tag or posted price charged for the property or service if a single price is tagged or posted; or (2) the price charged for the property or service when payment is made by use of an open end credit card account if either (a)

no price is tagged or posted, or (b) two prices are tagged or posted, one of which is charged when payment is made by use of an open end credit card account and the other when payment is made by use of cash, check, or similar means. For purposes of this definition, payment by check, draft, or other negotiable instrument which may result in the debiting of a cardholder's open end account shall not be considered payment made by use of that account.

(dd) "Discount", as used in subsection (i) of section three and subsection (b) of section six E, means a reduction made from the "Regular price," as defined in subsection (cc).

(ee) "Surcharge", as used in subsection (i) of section three means any amount added at the point of sale to the "Regular price," as defined in subsection (cc), as a condition or consequence of payment being made by use of an open end credit card account. For purposes of this definition, payment by check, draft, or other negotiable instrument which may result in the debiting of a cardholder's open end account shall not be considered payment made by use of that account.

SECTION 2. Section 3 of said chapter 140C is hereby amended by striking out subsection (i), as amended by section 7 of chapter 52 of the acts of 1977, and inserting in place thereof the following subsection:-

(i) Notwithstanding any other provision of this section, a discount which a creditor offers, allows or otherwise makes available for the purpose of inducing payments for a purchase by cash, check, or similar means rather than by use of an open end credit card account, whether or not a credit card is physically used, is not a finance charge, provided that for purposes of this subsection, payment by check, draft or other negotiable instrument which may result in the debiting of a cardholder's open end account shall not be considered payment by use of that account and provided further that:-

(1) such discount does not exceed five per cent when computed or expressed as a percentage of the regular price of the property or services which are the subject of the transaction; (2) such discount is available to all prospective buyers, whether or not they are cardholders, and such fact is clearly and conspicuously disclosed by a sign or display posted at or near each public entrance to the seller's place of business wherein such discount is offered, and at all locations within the place of business where a purchase may be paid for; and (3) if an offer of property or services is advertised in any medium or if offers are invited or accepted through the mail, over the telephone, or by means other than personal contact between the customer and the creditor offering such a discount, and if customers are allowed to pay by use of a credit card or its underlying account and such fact is disclosed in the advertisement, telephone contact, or in other correspondence, the availability of such a discount must be clearly and conspicuously disclosed in any advertisement for such offerings and, in any case, before the transaction has been completed by use of the credit card or its underlying account. If a price other than the regular price, as defined in subsection (cc) of section one, is disclosed in an advertisement, telephone

contact, or other correspondence promoting goods or services for which such a discount is offered, then the advertisement, telephone contact, or other correspondence shall also indicate that such price is not available to credit card purchasers.

With respect to any such discount which is greater than five per cent, the total amount of such discount shall constitute a finance charge under subsection (a) to be disclosed in accordance with subsection (d) of section six.

The availability of any discount may be limited by the creditor offering such discount to certain types of property or services or to certain outlets maintained by that creditor provided that such limitations are clearly and conspicuously disclosed.

No creditor in any sales transaction may impose a surcharge.

Notwithstanding any other provisions of this chapter, any discount which, pursuant to this subsection, is not a finance charge for purposes of this chapter, shall not be considered a finance charge or other charge for credit under the laws relating to: usury; or disclosure of information in connection with credit extensions; or the types, amounts, or rates of charges, or the element or elements of charges permissible in connection with the extension or use of credit.

SECTION 3. Subclause (i) of clause (2) of subsection (g) of section 6 of said chapter 140C, as appearing in section 14 of said chapter 52, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- For transaction in which the creditor and the seller are the same person or related persons, the amount of the transaction, the date on which the transaction took place, and a brief identification of any property or services purchased or an identifying number or symbol reasonably unique for that transaction with that creditor which appears on the document evidencing the transaction given to the customer; provided, that, if the creditor discloses such an identifying number or symbol, the absence of the identification of the property or services otherwise required must be treated as a billing error and as an erroneous billing under section nine B, if the customer submits a proper written notice of a billing error relating to such absence, and the creditor must provide documentary evidence of the transaction to the customer free of charge whether or not the customer requests it.

SECTION 4. Clause (3) of said subsection (g) of said section 6 of said chapter 140C, as so appearing, is hereby amended by striking out subclause (ii) and inserting in place thereof the following subclause:-

(ii) A description of the transaction, which characterizes it as a cash advance, loan, overdraft loan, or other designation as appropriate, and which includes the amount of the transaction and the date of the transaction or the date which appears on the document or instrument evidencing the transaction, if the customer signed the document or instrument, or the date of debiting the amount to the account, provided that if only the debiting date is disclosed and the customer submits a proper written notification of a billing error related to the transaction, the creditor shall treat such inquiry as a billing error under subsection (f₂) of section one and under section nine B, and as an erroneous

billing under subsection (b) of said section nine B, and shall supply documentary evidence of the transaction whether or not the customer requests it, within the time period allowed under section said nine B for resolution of a billing error without charge to the customer. If the date of debiting is disclosed, it must be reasonably identified as such on the periodic statement. In cases in which an amount is debited to a customer's open end credit account under an overdraft checking plan, the date of debiting the open end credit account shall be considered the date of the transaction for the purposes of this subclause.

SECTION 5. Said subsection (g) of said section 6 of said chapter 140C, as so appearing, is hereby further amended by striking out clause (4) and inserting in place thereof the following clause:-

(4) If, despite the maintenance of procedures reasonably adopted to procure the information required by clauses (1), (2) and (3) such information is unavailable to the creditor, the date of debiting the amount to the account shall be substituted for the date otherwise required, except that the date of debiting need not be provided if an actual copy of the document evidencing the transaction is provided with the periodic statement and the creditor shall disclose as much of the required information as is available and omit any information which is not available; provided, that if the customer submits a proper written notification of a billing error relating to the absence of the primarily required date or other information, such absence shall be treated as a billing error and as an erroneous billing under section nine B, and, unless previously furnished with a periodic statement, documentary evidence of the transaction must be furnished whether or not the customer requests it, within the time period allowed in said section nine B for resolution of a billing error, without charge to the customer.

SECTION 6. Subsection (b) of section 6E of said chapter 140C, as appearing in section 16 of said chapter 52, is hereby amended by striking out clause (i) and inserting in place thereof the following clause:-

(i) Prohibit any person from offering any discounts to all customers of such person, including cardholder customers, to induce such customers to pay by cash, check, or similar means rather than by use of a credit card or its underlying account for the purchase of property or services; or.

SECTION 7. Subsection (b) of section 7 of said chapter 140C, as most recently amended by section 8 of chapter 592 of the acts of 1975, is hereby further amended by adding the following clause:-

(8) If the annual percentage rate as disclosed under class (2) is prospectively subject to increase, the following additional disclosures shall be made: (i) the fact that the annual percentage rate is subject to increase and the conditions under which such rate may increase, including: (A) identification of the index, if any, with respect to which such increase in annual percentage rate is tied; and (B) any limitation on such increase; (ii) the manner, such as an increase in payment amounts, number of

scheduled periodic payments, or in the amount due at maturity, in which any increase in the annual percentage rate may be effected; (iii) if the obligation is repayable in substantially equal instalments at substantially equal intervals, including those obligations providing for "balloon" payments, and the increase could be effected by an increase in the periodic payment amount, a statement of the estimated increase in the amount of the payment caused by a hypothetical immediate increase of one quarter of one percentage point, based upon the number of scheduled periodic payments and original amount financed disclosed at consummation; (iv) if the obligation is repayable in substantially equal instalments at substantially equal intervals, including those obligations providing for "balloon" payments, and the increase could be effected by an increase in the number of periodic payments, a statement of the estimated increase in the number of periodic payments caused by a hypothetical immediate increase of one quarter of one percentage point, based upon the periodic payment amount and the original amount financed disclosed at consummation.

Any increase in the annual percentage rate within the conditions or limitations disclosed in accordance with the subclause is a subsequent occurrence under subsection (g) of section five and is not a refinancing under subsection (j).

The disclosures required under clauses (iii) and (iv) need be made only in transactions in which a security interest is taken in real property used or expected to be used as the customer's dwelling, and they need not be made in transactions primarily for agricultural purposes, transactions in which the obligation is repayable in substantially equal instalments which do not include repayments of principal or transactions in which disclosures are the result of optional insurance obtain subsequent to original obligation made pursuant to regulations or interpretations promulgated by the commissioner or official interpretations issued by the board and adopted by the commissioner.

For the purpose of this subsection, the phrase "prospectively subject to increase" does not apply to increases in the annual percentage rate upon such occurrences as default, acceleration, late payment, assumption or transfer of property.

Approved July 22, 1978

Chap. 560. AN ACT RELATING TO INSPECTORS OF PLUMBERS AND GAS FITTING.

Be it enacted, etc., as follows:

SECTION 1. Chapter 142 of the General Laws is hereby amended by striking out section 12, as appearing in section 9 of chapter 843 of the acts of 1977, and inserting in place thereof the following section:-

Section 12. No inspector of plumbing or inspector of gas fitting shall inspect or approve any plumbing or gas fitting work done by himself, his employer, employee or one employed with him, but in a city or town subject to sections one to sixteen, inclusive, the said inspector of buildings, or the board of health,

shall in the manner provided in the preceding section appoint an additional inspector of plumbing or inspector of gas fitting as therein provided, who shall inspect plumbing or gas fitting so done. Said additional inspector may act in the absence or disability of the local inspector and for his services shall receive like compensation.

This section shall not apply to any city or town establishing an annual salary for an inspector of plumbing or inspector of gas fitting, and in such city or town an inspector of plumbing or inspector of gas fitting shall not engage or work at the business of plumbing or gas fitting; provided, however such an inspector may perform the work of a journeyman plumber or gas fitter outside the area over which he exercises jurisdiction as an inspector.

SECTION 2. Any inspector of plumbing or inspector of gas fitting who was certified on the classified civil service list of January twenty-first, nineteen hundred and seventy-seven shall be exempt from the practical experience requirements of section eleven of chapter one hundred and forty-two of the General Laws.

Approved July 22, 1978

Chap. 561. AN ACT AUTHORIZING THE STATE TEACHERS' RETIREMENT SYSTEM TO GRANT A PENSION TO IRENE V. McHUGH, THE WIDOW OF LEO T. McHUGH.

Be it enacted, etc., as follows:

SECTION 1. For the purpose of promoting a moral obligation and insuring equity and justice, the Massachusetts state teachers' retirement board is hereby authorized to grant to Irene V. McHugh, the widow of Leo T. McHugh, a former employee of the Quincy public schools for approximately twenty years, who died before a medical panel could examine him because of the failure of the commonwealth to appoint its representative thereto in a timely manner, a pension under the provisions of chapter thirty-two of the General Laws in the same amount as if the medical panel had examined said Leo T. McHugh, retired him thereunder, and authorized a pension for his widow.

SECTION 2. This act shall take effect upon its acceptance by the school committee of the city of Quincy.

Approved July 22, 1978

Chap. 562. AN ACT RELATIVE TO THE POSTING OF NOTICES REGARDING COLLECTIVE BARGAINING BY PUBLIC EMPLOYEES WITHIN THE LABOR RELATIONS COMMISSION.

Be it enacted, etc., as follows:

The first paragraph of section 4 of chapter 150E of the General Laws, as appearing in section 2 of chapter 1078 of the acts of 1973, is hereby amended by adding the following sentence:- All

notices relative to a representation petition and all elections shall be posted at the request of the commission ten days prior to a hearing in a conspicuous place where the affected employees are employed.

Approved July 22, 1978

Chap. 563. AN ACT PROHIBITING PICKETING OR CREATING A DISTURBANCE OUTSIDE A FUNERAL HOME, CHURCH OR TEMPLE WHERE FUNERAL SERVICES ARE BEING HELD.

Be it enacted, etc., as follows:

Chapter 272 of the General Laws is hereby amended by inserting, after section 42, as appearing in the Tercentenary Edition, the following section:-

Section 42A. Whoever pickets, loiters or otherwise creates a disturbance within five hundred feet of a funeral home, church or temple or other building where funeral services are being held, shall be punished by a fine of not more than one thousand dollars or by imprisonment for not more than one year in a house of correction, or both.

Approved July 22, 1978

Chap. 564. AN ACT PROVIDING FOR PARTIAL REIMBURSEMENT BY THE COMMONWEALTH TO CITIES, TOWNS AND REGIONAL SCHOOL DISTRICTS WHICH LEASE BUILDINGS FOR THE PURPOSE OF MAINTAINING A VOCATIONAL EDUCATION PROGRAM.

Be it enacted, etc., as follows:

SECTION 1. Chapter 645 of the acts of 1948, as most recently amended by chapter 875 of the acts of 1977, is hereby further amended by inserting after section 9 the following section:-

Section 9A. Any city, town or regional school district which leases the whole or part of a building for a period of not less than five years for the purpose of maintaining a vocational education program under the provisions of chapter seventy-four of the General Laws may apply to the board of education for reimbursement in part for the rental due under the lease and the cost of originally equipping and furnishing the leased building, provided that such lease has been approved by the board of education. The amount of reimbursement shall be determined by adding together the entire rental to be paid during the term of the lease and the entire cost of initially equipping and furnishing the leased building and multiplying the result by the same percentage to which such city, town or regional school district would be entitled had the lease been an approved school project under the provisions of clauses (a) and (b) of section nine. Such reimbursement shall be paid annually in equal parts by dividing the total reimbursement by the number of years during which the lease will remain outstanding, the first payment to

begin in the fiscal year next following the fiscal year in which the term of the lease commences. The board of education shall certify to the comptroller the amounts due to any city, town or regional school district under this section and payment thereof shall be made subject to appropriation by the state treasurer.

Any city, town or regional school district which receives payments under this section shall not include the same expenses in the reimbursements payable under section nine of chapter seventy-four of the General Laws.

SECTION 2. The provisions of this act shall apply only to a city, town or regional school district which executes a lease in which the term thereof commences on or after July first, nineteen hundred and seventy-eight.

Approved July 22, 1978

Chap. 565. AN ACT DESIGNATING A COURT OFFICER IN THE MUNICIPAL COURT OF SOUTH BOSTON AS CHIEF COURT OFFICER.

Be it enacted, etc., as follows:

Section 62 of chapter 218 of the General Laws is hereby amended by striking out the second paragraph, as appearing in chapter 731 of the acts of 1974, and inserting in place thereof the following paragraph:-

In the municipal court of the Roxbury district and in the municipal court of the Dorchester district one court officer shall be designated by the first justice of each said court as chief court officer and one as assistant chief court officer. In the district court of Chelsea, in the East Boston district court and in the municipal court of the South Boston district one court officer shall be designated by the justice of said court as chief court officer. In the Boston juvenile court one court officer shall be designated by the justice of said court as chief court officer, and two as assistant chief court officers.

Approved July 22, 1978

Chap. 566. AN ACT PROVIDING FOR THE FUNDING OF THE RETIREMENT SYSTEM OF THE MASSACHUSETTS TURNPIKE AUTHORITY.

Be it enacted, etc., as follows:

SECTION 1. Chapter 354 of the acts of 1952 is hereby amended by striking out section 17 thereof and inserting in place thereof the following:-

Section 17. Transfer to Commonwealth. When the last of the following to occur, namely: (a) all bonds issued under the provisions of this act and the interest thereon shall have been paid or a sufficient amount for the payment of all such bonds and the interest thereon to the maturity thereof shall have been set aside in trust for the benefit of the bondholders, (b) the tunnels owned and operated by the authority under and pursuant to Chapter 598 of the acts of 1958 have become a part of the

state highway system pursuant to section 16 of said chapter 598, and (c) the Authority has contributed to the pension and expense funds of the Massachusetts Turnpike Authority employees' retirement system established under sections 1 to 28 inclusive of chapter 32 of the General Laws amounts sufficient, in the opinion of the actuary as defined in section 1 of said chapter 32, to cause the amounts then on deposit in said funds to be adequate to provide benefits from said system to persons then and thereafter entitled thereto, as determined under and pursuant to said chapter 32, and to pay or provide for the payment of all future expenses of administration of said system, the turnpike, if then in good condition and repair to the satisfaction of the state department of public works, shall become a part of the state highway system and shall thereafter be maintained and operated by said department free of tolls as may be provided by law, and thereupon the Authority shall be dissolved, all remaining funds of the Authority shall be paid into the treasury of the commonwealth for the credit of the Highway Fund and all machinery, equipment and other property belonging to the Authority shall be vested in the commonwealth and delivered to the state department of public works.

SECTION 2. Anything to the contrary in section 22 of said chapter 32 notwithstanding, the amount to be paid by the Massachusetts Turnpike Authority for any fiscal year for the pension fund of the Massachusetts Turnpike Authority employees' retirement system shall be the sum of (a) the normal pension cost, as hereinafter defined, incurred by the Authority for that year plus (b) not less than the following percentages of the unfunded past service liability of the Authority calculated in the amount of twenty-one million four hundred eighty-seven thousand and seven hundred dollars as of December thirty-first, nineteen hundred and seventy-seven: for the years nineteen hundred and eighty-three through nineteen hundred and eighty-eight, twenty-seven per cent; for the years nineteen hundred and eighty-nine through nineteen hundred and ninety-four, fifty-three per cent; for the year nineteen hundred and ninety-five until the Authority is dissolved, one hundred and thirty-three per cent; provided, however, that the amount paid in the year in which the Authority shall be dissolved shall be an amount which, in the opinion of the actuary, when added to all other amounts theretofore paid for such purpose, shall be sufficient to amortize the unfunded past service liability of the Authority calculated in such year.

For purposes of this section the term "past service liability" of the authority shall mean the excess of the present value of all future pension benefits payable by the Massachusetts Turnpike Authority employees' retirement system as determined under the entry age normal actuarial cost method with frozen initial liability over the present value of all future normal costs. The term "unfunded past service liability" shall mean the past service liability less the assets of the system. The term "normal pension cost" for any year shall mean the amount, as determined under the entry age normal actuarial cost method with frozen initial liability, required to finance pension benefits earned by employees

of the Authority during that year as members of the Massachusetts Turnpike Authority employees' retirement system.

Any balance of the pension fund above the past service liability at the close of business on December thirty-first of any year shall be applied to reduce the payments required in subsequent years pursuant to this section.

SECTION 3. In the fiscal period of the Massachusetts Turnpike Authority ending on the date of dissolution of the Authority, the Authority shall pay for the expense fund of the Massachusetts Turnpike Authority employees' retirement system an amount, in addition to all other amounts payable by the Authority in said period for such fund, sufficient in the opinion of the actuary, as defined in section one of chapter thirty-two, when added to the amount then on deposit in said fund and with the proceeds of investment thereof, to pay or provide for the payment of the expenses of administration of said system thereafter to be incurred. This sum shall become a separate account within the expense fund of the Massachusetts State Employee Retirement System.

SECTION 4. The employees of the Massachusetts Turnpike Authority who are members of the Massachusetts Turnpike Authority employees' retirement system on the effective date of the dissolution of the Authority and who do not then transfer to service in a governmental unit in which a contributory retirement system is established under the provisions of sections one to twenty-eight, inclusive, of said chapter thirty-two, or under corresponding provisions of earlier laws or of any special law, shall continue to be members of the Massachusetts Turnpike Authority employees' retirement system and shall then be entitled to apply for and receive retirement allowances from such system in the amounts, upon the terms, subject to the conditions and with all of the related rights provided by and under said chapter thirty-two.

SECTION 5. Effective upon the date of dissolution of the Massachusetts Turnpike Authority (a) the Massachusetts Turnpike Authority employees' retirement system shall continue under the provisions of said chapter thirty-two, (b) the management of the Massachusetts Turnpike Authority employees' retirement system shall be transferred to the state board of retirement provided for in section eighteen of chapter ten of the General Laws which board shall have respect thereto the general powers and duties set forth in subdivision (5) of section twenty of said chapter thirty-two, (c) all data, files, papers and records and other materials of the retirement board provided for in paragraph (4-½) (b) of said section twenty shall be transferred to and held by the state board of retirement, (d) the funds of the Massachusetts Turnpike Authority employees' retirement system in the custody of the secretary-treasurer of the Authority and treasurer-custodian of the retirement system shall be transferred to the state treasurer who shall thereafter be and perform the duties of the treasurer-custodian of such funds, which shall be held, administered, invested and maintained as an account separate and apart from all other funds and accounts in his custody or possession as treasurer-custodian of any other retirement system,

and (e) the retirement board provided for in said paragraph (4½) (b) shall be abolished; provided, however, that the members and officers thereof shall continue to be authorized to do all such things and take all such action as may be necessary or desirable to be done or taken by them to effectuate the transfers to be made pursuant to this section.

SECTION 6. Effective upon the date of dissolution of the Massachusetts Turnpike Authority, said chapter thirty-two shall be amended as follows:

(1) Section 11 of subdivision (3) shall be amended by striking out the second paragraph of subdivision (3) and inserting in place thereof the following:- No check which has been issued by the state treasurer in payment of any obligation of the state board of retirement, the teachers' retirement board or the Massachusetts Turnpike Authority employees' retirement system under authority of sections 1 to 28, inclusive, or which is issued by any county, city or town treasurer or by the secretary-treasurer of the Massachusetts Turnpike Authority or by the treasurer of Massachusetts Housing Finance Agency in payment of any obligation of any retirement system established under this chapter shall be payable later than six years after its date, and the obligation of the commonwealth or of any county, city, town, the Massachusetts Turnpike Authority or the Massachusetts Housing Finance Agency represented by any such check shall not be enforceable if such check is not presented for payment within such period. The amount represented by such check shall thereupon be transferred to the pension fund of the retirement system under whose authority the check was originally issued, or its successor in interest.

(2) Section 20 shall be amended by striking out paragraphs (4½) (b), (4½) (c), (4½) (d), (4½) (e) and (4½) (f) thereof.

(3) Section 20 shall be further amended by striking out the third and sixth sentences of paragraph (5) (i) and by inserting in place of such third sentence the following:- The state retirement board shall file a copy of its report, which shall include the Massachusetts Turnpike Authority employees' retirement system as a separate item, with the governor, and with the state treasurer for publication in his annual report.

(4) Section 21 shall be amended by striking out of the third sentence of paragraph (1) (c) the words:- the Massachusetts Turnpike Authority.

(5) Section 21 shall be further amended by striking out the fourth sentence of subdivision (2) and inserting in place thereof the following:- The pension fund of the Massachusetts Turnpike Authority employees' retirement system shall be charged with, and the treasurer-custodian thereof shall pay therefrom to the commonwealth, such proportion of such expenses attributable to such system as shall be determined just and proper by the commissioner, which sum shall be paid to the state treasurer upon notice from the commissioner.

(6) Section 22 shall be further amended by striking out paragraph (7) (e).

(7) Section 23 shall be amended by striking out the first sentence of paragraph (1) (a) and inserting in place thereof the

following:- There shall be an unpaid investment committee which shall have general supervision of the investment and reinvestment of the funds of the state employees' retirement system, the funds of the teachers' retirement system and the funds of the Massachusetts Turnpike Authority employees' retirement system.

(8) Section 23 shall be further amended by striking out of the heading of subdivision (2) the words "the Massachusetts Turnpike Authority" and by striking out of the first sentence of paragraph (2) (a) the words "the secretary-treasurer of the Massachusetts Turnpike Authority" and the words "the Massachusetts Turnpike Authority."

(9) Section 24 shall be amended by striking out of the first sentence of subdivision (1) the words "the Massachusetts Turnpike Authority."

(10) Section 25 shall be amended by striking out subdivision (4) and inserting in place thereof the following:- The payment of all annuities, pensions, retirement allowances and refunds of accumulated total deductions and of any other benefits granted under the provisions of sections 1 to 28, inclusive, are hereby made obligations of the commonwealth in the case of any such payments from funds of the state employees' retirement system, of the teachers' retirement system or of the Massachusetts Turnpike Authority employees' retirement system and obligations of the governmental unit in which the system is established in the case of payments from funds of any system established in any county, city or town or in the Massachusetts Bay Transportation Authority or the Massachusetts Housing Finance Agency.

Approved July 22, 1978

Chap. 567. AN ACT AMENDING THE ENVIRONMENTAL IMPACT LAW.

Be it enacted, etc., as follows:

Chapter 947 of the acts of 1977 is hereby amended by striking out section 4 and inserting in place thereof the following section:-

Section 4. The secretary of environmental affairs shall on or before January first, nineteen hundred and seventy-nine file with the secretary of the commonwealth, pursuant to chapter thirty A, of the General Laws, regulations establishing general and special categories of projects and permits which shall or shall not require environmental impact reports as provided in section sixty-two E of chapter thirty. The classes of categorically exempt activities in regulations implementing section sixty-two of chapter thirty in effect prior to February fifteenth, nineteen hundred and seventy-eight, shall govern compliance with sections sixty-two to sixty-two H, inclusive, as so amended, until said regulations are filed.

Approved July 22, 1978

EMERGENCY LETTER - July 26, 1978 @ 4:42 P.M.

Chap. 568. AN ACT RELATIVE TO THE SALARY OF THE SECRETARY OF THE BOARD OF REGISTRATION OF BARBERS.

Be it enacted, etc., as follows:

Section 41 of chapter 13 of the General Laws is hereby amended by striking out the third sentence, as most recently amended in section 36 of chapter 872 of the acts of 1977, and inserting in place thereof the following sentence:- The secretary of the board shall receive a salary of fourteen thousand dollars.

Approved July 22, 1978

Chap. 569. AN ACT AUTHORIZING AND DIRECTING THE COMMISSIONER OF CORRECTIONS TO TERMINATE THE OPERATIONS AT MASSACHUSETTS CORRECTIONAL INSTITUTION, MONROE.

Be it enacted, etc., as follows:

Notwithstanding the provisions of any law to the contrary, the commissioner of correction is hereby authorized and directed to terminate immediately the operations at Massachusetts Correctional Institution, Monroe and to close such facility forthwith.

Approved July 22, 1978

Chap. 570. AN ACT MAKING APPROPRIATIONS FOR THE FISCAL YEAR NINETEEN HUNDRED AND SEVENTY-NINE FOR THE MAINTENANCE OF MIDDLESEX 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-nine.

MIDDLESEX COUNTY.

<u>Item</u>	<u>Subtotal</u>	<u>Total</u>
1. For interest on county debt.....		\$1,655,717 50
2. For reduction of county debt.....		2,455,000 00
3. For county commissioners, salaries and expenses.....		542,965 30
1. Personal services	\$505,315 30	
2. Contractual services	26,750 00	
4. Current charges and obligations	10,900 00	
4. For transportation and expenses of county and acting commissioners.....		2,600 00
5. For clerk of courts, salaries and expenses.....		1,186,297 63
1. Personal services	1,127,002 63	
2. Contractual services	3,745 00	
3. Supplies and materials	30,250 00	
4. Current charges and obligations	25,300 00	
6. For county treasurer, salaries and expenses.....		170,801 82
1. Personal services	140,751 82	
2. Contractual services	28,000 00	

<u>Item</u>	<u>Subtotal</u>	<u>Total</u>
4. Current charges and obligations	\$2,050 00	
7. For sheriff, salary and expenses.....		\$22,251 20
1. Personal services	21,951 20	
4. Current charges and obligations	300 00	
8. For registry of deeds, salaries and expenses		
Northern District.....		369,907 23
1. Personal services	352,253 93	
2. Contractual services	11,537 50	
3. Supplies and materials	1,160 80	
4. Current charges and obligations	4,955 00	
Southern District		1,628,675 73
1. Personal services	1,531,145 73	
2. Contractual services	54,480 00	
3. Supplies and materials	13,000 00	
4. Current charges and obligations	30,050 00	
8a. For registry of probate, salaries and expenses.....		67,616 00
2. Contractual services	1,050 00	
3. Supplies and materials	38,275 00	
4. Current charges and obligations	28,291 00	
9. For law library, salaries and expenses		
Cambridge.....		112,348 17
1. Personal services	64,248 17	
2. Contractual services	100 00	
4. Current charges and obligations	48,000 00	
Lowell		74,478 42
1. Personal services	33,553 42	
2. Contractual services	765 00	
3. Supplies and materials	160 00	
4. Current charges and obligations	40,000 00	
10. For highways, including state highways, bridges and land damages.....		1,080,695 08
1. Personal services	977,095 08	
2. Contractual services	16,000 00	
3. Supplies and materials	12,000 00	
4. Current charges and obligations	600 00	
6. All other	75,000 00	
12. For superior court costs.....		3,567,148 15
1. Personal services	1,649,049 15	
2. Contractual services	1,883,149 00	
3. Supplies and materials	14,550 00	
4. Current charges and obligations	20,400 00	
13. For civil expenses in probate court.....		371,709 65
1. Personal services	181,409 65	
2. Contractual services	158,000 00	
3. Supplies and materials	18,100 00	
4. Current charges and obligations	14,200 00	
14. For district courts, salaries and expenses		
District Court of Lowell.....		998,575 15
1. Personal services	913,107 15	
2. Contractual services	53,983 00	
3. Supplies and materials	26,200 00	
4. Current charges and obligations	5,285 00	
District Court of Somerville.....		834,152 45
1. Personal services	778,541 45	
2. Contractual services	41,299 00	
3. Supplies and materials	8,665 00	
4. Current charges and obligations	5,647 00	
District Court of Newton.....		433,388 15
1. Personal services	395,548 15	
2. Contractual services	21,900 00	
3. Supplies and materials	6,750 00	

<u>Item</u>	<u>Subtotal</u>	<u>Total</u>
4. Current charges and obligations	\$8,490 00	
5. Equipment	700 00	
District Court of Marlborough.....		\$359,217 99
1. Personal services	340,457 29	
2. Contractual services	9,286 70	
3. Supplies and materials	6,450 00	
4. Current charges and obligations	3,024 00	
District Court of Natick.....		247,518 28
1. Personal services	223,473 28	
2. Contractual services	6,275 00	
3. Supplies and materials	2,470 00	
4. Current charges and obligations	15,300 00	
First District Court of Eastern Middlesex.....		845,841 44
1. Personal services	792,112 44	
2. Contractual services	35,384 00	
3. Supplies and materials	13,025 00	
4. Current charges and obligations	5,320 00	
Second District Court of Eastern Middlesex.....		580,609 76
1. Personal services	553,366 76	
2. Contractual services	15,550 00	
3. Supplies and materials	7,208 00	
4. Current charges and obligations	4,485 00	
Third District Court of Eastern Middlesex.....		1,605,435 57
1. Personal services	1,552,654 05	
2. Contractual services	31,284 00	
3. Supplies and materials	13,500 00	
4. Current charges and obligations	7,997 52	
Fourth District Court of Eastern Middlesex.....		811,436 95
1. Personal services	751,856 87	
2. Contractual services	42,874 00	
3. Supplies and materials	8,450 00	
4. Current charges and obligations	8,256 08	
First District Court of Northern Middlesex.....		503,244 87
1. Personal services	478,509 87	
2. Contractual services	14,325 00	
3. Supplies and materials	5,500 00	
4. Current charges and obligations	3,560 00	
5. Equipment	1,350 00	
First District Court of Southern Middlesex.....		869,253 92
1. Personal services	826,168 92	
2. Contractual services	21,025 00	
3. Supplies and materials	12,500 00	
4. Current charges and obligations	8,760 00	
District Court of Central Middlesex.....		619,180 07
1. Personal services	572,636 07	
2. Contractual services	37,024 00	
3. Supplies and materials	4,990 00	
4. Current charges and obligations	4,530 00	
District Court Juvenile Division.....		393,359 26
1. Personal services	364,269 26	
2. Contractual services	23,355 00	
3. Supplies and materials	3,280 00	
4. Current charges and obligations	2,455 00	
District Court Legal counsel for indigent defendants.....		280,000 00
2. Contractual services	280,000 00	
15. For medical examiners and commitments of insane.....		137,600 00
16. For jail and house of correction, maintenance and operation Billerica.....		4,375,898 40
1. Personal services	3,611,863 40	
2. Contractual services	135,100 00	
3. Supplies and materials	570,035 00	
4. Current charges and obligations	58,900 00	
18. For court houses and registry buildings, maintenance and operation.....		4,192,373 87

<u>Item</u>	<u>Subtotal</u>	<u>Total</u>
1. Personal services	\$2,355,326 87	
2. Contractual services	1,494,550 00	
3. Supplies and materials	186,300 00	
4. Current charges and obligations	156,197 00	
20. For agricultural school or county cooperative extension service.....		\$313,257 28
1. Personal services	292,132 28	
2. Contractual services	17,000 00	
3. Supplies and materials	3,500 00	
4. Current charges and obligations	625 00	
26. For miscellaneous and contingent expenses.....		280,350 00
27. For unpaid bills of previous years.....		50,000 00
28. For reserve fund.....		125,000 00
28a. For reserve for salary increases.....		2,199,632 48
28e. For reserve for child care.....		35,000 00
39. For group insurance.....		1,400,400 00
45. For centralized purchasing department.....		<u>591,994 80</u>
Total amount of appropriations.....		\$36,390,932 57
Less estimated amount available for reduction of county tax.....		<u>2,665,000 00</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..... \$33,725,932 57

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.

<u>Item</u>	
24. For noncontributory pensions	\$508,757 49
25. For contributory retirement system and supervisory expenses	<u>1,822,280 24</u>
Total	\$2,331,037 73

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

Approved July 22, 1978

Chap. 571. AN ACT CLARIFYING LIABILITY FOR PARKING VIOLATIONS INCURRED BY CERTAIN OPERATORS OF MOTOR VEHICLES.

Be it enacted, etc., as follows:

Chapter 90 of the General Laws is hereby amended by striking out section 20E, as added by chapter 1108 of the acts of 1973, and inserting in place thereof the following section:-

Section 20E. Notwithstanding the provisions of sections twenty A and twenty C, if the registered owner of a motor vehicle involved in a parking violation subject to this chapter is a person or entity engaged in the taxicab business or the business of leasing motor vehicles, and such motor vehicle is under lease or being operated for hire at the time of such violation, the procedures of this section shall be applicable, and the registered owner shall be liable for any unpaid fines only upon compliance by the clerk of the district court or the Boston municipal court

with the procedures hereinafter set forth.

(a) The clerk of a district court or the Boston municipal court shall give to the registered owner notice in writing of each violation in which a motor vehicle owned by such owner is involved, including the license number of the vehicle and state of issue and the date and time of the violation.

(b) Within thirty days, the registered owner shall furnish to such clerk in writing the name and address of the lessee of such motor vehicle at the time of such violation, and, if the lessee is also the operator, the license number, and state of issue of the license of such lessee.

(c) The clerk of such court shall thereupon issue a notice of violation to such lessee, in or substantially in, the form prescribed by sections twenty A or twenty C.

(d) If such lessee does not appear in person or by writing as otherwise provided in this chapter or make payment within twenty-one days from the date on which such notice is issued, the clerk of such court shall forthwith issue a criminal complaint against the lessee, and thereafter proceed against such lessee following the procedures established by the provisions of sections twenty A or twenty C. Upon notification by the clerk, the registrar shall, after due hearing, suspend any license issued under this chapter or suspend the right to operate of a person not licensed in this commonwealth. The registrar shall remove any suspension of license or right to operate made under the provisions of this section upon the payment in full to the clerk of the fine and penalty for such violation by the lessee. The clerk shall thereupon forthwith reimburse the registered owner for any payment made by the registered owner on account of such violation.

(e) If within thirty days after the clerk has followed the procedure established by the provisions of sections twenty A or twenty C, the clerk has not received payment from the lessee, notice to that effect shall be mailed by the clerk to the registered owner. The registered owner, shall, within thirty days after receipt of such notice, pay the fine for such violation. If, thereafter, any payment is received by the clerk from or on behalf of the lessee, the clerk shall forthwith reimburse the amount paid by such registered owner.

(f) The provisions of section twenty A and section twenty C shall be applicable to lessees of motor vehicles as provided herein.

(g) Any registered owner and clerk of court may, by agreement upon such terms and conditions as they may deem appropriate, provide for the transmission of the information hereinbefore referred to in subsections (a) and (b) of this section, on magnetic tape or in other computer readable format, in order to expedite completion of the foregoing procedures.

Approved July 22, 1978

Be it enacted, etc., as follows:

Chapter 55 of the General Laws is hereby amended by inserting after section 22 the following section:-

Section 22A. The treasurer of any city, town, or other governmental unit which has given, paid, expended or contributed, or promised to give, pay, expend or contribute any money or any valuable thing in order to influence or affect the vote on any question submitted to the voters of the commonwealth shall file reports with the director setting forth the amount or value of every gift, payment, expenditure of contribution or promise to give, pay, expend or contribute, together with the date, purpose, and full name and address of the person to whom it was made.

The treasurer of any city, town, or other governmental unit which has given, paid, expended or contributed, or promised to give, pay, expend or contribute any money or any valuable thing in order to influence or affect the vote on any other question submitted to the voters of any city or town or any part of any city or town, shall file reports with the clerk of such city or town setting forth the amount or value of every gift, payment, expenditure of contribution or promise to give, pay, expend or contribute, together with the date, purpose, and full name and address of the person to whom it was made.

Such reports shall be filed as follows:-

(1) the sixtieth day prior to the election; on or before (2) the fifth and twentieth day of each month complete as of the preceding first and fifteenth day of the month, until the election, and thereafter; (3) the fifth day of each month until all declared liabilities have been discharged.

Any officer of a governmental unit violating any provision thereof or authorizing such violation, or any person who violates or in any way knowingly aids or abets the violation of any provision thereof, shall be punished by a fine of not more than ten thousand dollars or by imprisonment for not more than one year, or both.

The director of campaign and political finance, or in the case of a city or town, the clerk of such city or town, shall examine the accounts submitted by cities and towns for political expenditures, and may order restitution of public funds which have been adjudicated to have been spent contrary to law by public officials. Nothing contained herein shall be construed as authorizing the expenditures of public monies for political purposes.

Approved July 22, 1978

Chap. 573. AN ACT PROHIBITING DOG OFFICERS IN CITIES AND TOWNS FROM BEING LICENSED ANIMAL DEALERS.

Be it enacted, etc., as follows:

Section 151 of Chapter 140 of the General Laws is hereby amended by adding the following paragraph:-

No dog officer shall be a licensed animal dealer registered with the United States Department of Agriculture and no dog officer shall sell any animal to any licensed animal dealer registered with the United States Department of Agriculture. Whoever violates

the provisions of this paragraph shall be punished by a fine of not less than fifty dollars nor more than two hundred dollars.

Approved July 22, 1978

Chap. 574. AN ACT RELATIVE TO THE SERVICES PROVIDED BY MEDICAL SERVICE CORPORATIONS.

Be it enacted, etc., as follows:

SECTION 1. Chapter 176B of the General Laws is hereby amended by striking out section 1, as most recently amended by section 1 of chapter 543 of the acts of 1971, and inserting in place thereof the following section:-

Section 1. In this chapter the following words shall have the following meanings:

"Commissioner", the commissioner of insurance.

"Covered dependent", a dependent for whose medical or chiropractic care provision is made in a subscription certificate issued by a medical service corporation to a subscriber.

"Dependent", the spouse, child or foster child of a subscriber, or an adult relative dependent upon the subscriber for his support.

"Medical service", the medical services ordinarily provided by registered optometrists and physicians in accordance with accepted practices in the community where the services are rendered.

"Chiropractic service", the chiropractic services ordinarily provided by registered chiropractors in accordance with accepted practices in the community where the services are rendered.

"Visual service", the optometric services ordinarily provided by registered optometrists and physicians in accordance with accepted practices in the community where the services are rendered.

"Medical service corporation", a corporation organized as provided by this chapter for the purpose of establishing and operating a non-profit medical service plan.

"Nonprofit medical service plan", a plan operated by a medical service corporation under the provisions of this chapter, whereby the cost of medical and chiropractic service and other health services furnished to subscribers and covered dependents is paid by the corporation to subscribers, to participating physicians, to participating chiropractors, and to such other physicians as are provided for herein, and to providers of other health services.

"Participating physician", a registered physician under the provisions of chapter one hundred and twelve who agrees in writing with a medical service corporation to perform medical service for subscribers and covered dependents and to abide by the by-laws, rules and regulations of such corporation.

"Participating chiropractor", a registered chiropractor under the provisions of chapter one hundred and twelve who agrees in writing with a medical service corporation to perform chiropractic service for subscribers and covered dependents and to abide by the by-laws, rules and regulations of such corporation.

"Participating optometrist", a registered optometrist who agrees in writing with a medical service corporation to perform visual

service for subscribers and covered dependents and to abide by the by-laws, rules and regulation of such corporation.

"Registered physician", a physician registered to practice medicine in the commonwealth as provided in section two of chapter one hundred and twelve.

"Registered chiropractor", a chiropractor registered to practice chiropractic in the commonwealth as provided in section eighty-nine of chapter one hundred and twelve.

"Subscriber", a person who has subscribed to a non-profit medical service plan and to whom a subscription certificate has been issued in accordance with the provisions of section six.

SECTION 2. Section 4 of said chapter 176B is hereby amended by striking out the first paragraph, as most recently amended by section 3 of chapter 543 of the acts of 1971, and inserting in place thereof the following paragraph:-

Any medical service corporation may enter into contracts with its subscribers and with participating physicians, participating chiropractors, participating optometrists, dentists, podiatrists, and other providers of health services licensed under the laws of the commonwealth for such medical, chiropractic, visual, surgical and other health services as may lawfully be rendered by them to subscribers and to their dependents and may pay for such services. The form of agreement with such participating physicians, participating chiropractors, participating optometrist, dentists, podiatrists and other providers of health services and the methods of compensating such participating physicians, participating chiropractors, participating optometrists, dentists, podiatrists and other providers of health services for their services to subscribers or covered dependents shall at all times be subject to the written approval of the commissioner, but no participating physicians or participating chiropractors shall be denied their right to enter into a contract with any medical service corporation by reason of any unfair or arbitrary discrimination.

SECTION 3. Said chapter 176B is hereby further amended by striking out section 7, as most recently amended by section 1 of chapter 434 of the acts of 1971, and inserting in place thereof the following section:-

Section 7. Every registered physician and every registered chiropractor shall have the right, on complying with such rules and regulations as the corporation may make, to enter into a written agreement with a medical service corporation, doing business in the city or town where the said physician or chiropractor resides or has his usual place of business, to perform medical or chiropractic services. This chapter shall not change the normal relations between physician or chiropractor and patient. No restriction shall be placed by any such corporation upon its participating physicians or participating chiropractors as to methods of diagnosis or treatment. No officer, agent, or employee of a medical service corporation shall influence or attempt to influence a subscriber or a covered dependent in his choice of a participating physician or participating chiropractor. A subscriber or a covered dependent, subject to the by-laws,

rules and regulations of a medical service corporation and the terms and provisions of his subscription certificate, shall be entitled to the benefits of this chapter upon receiving medical or chiropractic service from any participating physician or participating chiropractor or, in the discretion of the corporation, upon receiving medical or chiropractic service from any non-participating physician or chiropractor in an emergency or when outside the commonwealth. A corporation may terminate its agreement with any participating physician or participating chiropractor at any time (a) for failure to comply with the reasonable rules and regulations of such corporation, including without limitation such rules and regulations as may be adopted governing the keeping of accounts, records and statistics, the making of reports and proof of services rendered, or (b) for presenting any fraudulent, unreasonable, or improper claim for payment, or compensation.

Nothing in section four or in this section shall be construed to prohibit any medical service corporation from entering into written agreements with its subscribers and with participating chiropractors to furnish chiropractic services to subscribers and covered dependents or from including chiropractic services in its nonprofit medical service plan, nor shall any medical service corporation discriminate in any way against participating chiropractors in the furnishing of chiropractic service to its subscribers and covered dependents.

SECTION 4. Section 12 of said chapter 176B is hereby further amended by striking out the first sentence, as appearing in chapter 306 of the acts of 1941, and inserting in place thereof the following sentence:- Any dispute or controversy arising between a medical service corporation and any participating physician, participating chiropractor, or any subscriber, or any person whose subscription certificate has been canceled or to whom such corporation has refused to issue such certificate may within thirty days after such dispute or controversy arises be submitted by any person aggrieved to a board serving in the division of insurance and consisting of the commissioner or a person designated by him, the chairman of the board of registration and discipline in medicine or any person designated by him, and the attorney general or a person designated by him, for its decision with respect thereto.

SECTION 5. Section 13 of said chapter 176B is hereby amended by striking out the second paragraph, inserted by section 2 of chapter 434 of the acts of 1971, and inserting in place thereof the following paragraph:-

If the right of any person or group of persons to become a participating physician or participating chiropractor as defined in section one is denied because of arbitrary or unfair discrimination, any such person or group of persons so aggrieved may apply to the supreme judicial court for an injunction restraining it from further proceeding with its business.

Approved July 22, 1978

Chap. 575. AN ACT ALLOWING TOWNS TO CONTRACT FOR THE PURCHASE OF MAGAZINES AND PERIODICALS FOR PERIODS NOT EXCEEDING THREE YEARS.

Be it enacted, etc., as follows:

Section 4 of chapter 40 of the General Laws is hereby amended by adding the following paragraph:-

For the purchase of magazines and periodicals for periods not exceeding three years.

Approved July 22, 1978

Chap. 576. AN ACT AUTHORIZING THE GRANTING OF LIMITED REAL ESTATE TAX ABATEMENTS FOR CERTAIN IMPROVEMENTS TO REAL ESTATE.

Be it enacted, etc., as follows:

SECTION 1. Section 38 of chapter 59 of the General Laws, as amended by chapter 853 of the acts of 1975, is hereby further amended by adding the following paragraph:-

The assessors of each city and town, beginning December thirty-first, nineteen hundred and seventy-eight, shall not consider expenditures for normal repairs and maintenance in determining fair cash valuation of property for assessment purposes. In no event shall the amount excluded exceed four thousand dollars each year, not to exceed three consecutive years. The following repairs shall be considered normal maintenance if they are not part of a structural addition: repairing and replacing existing masonry, repairing or replacing existing siding, roof, porches, steps, sidewalks or driveways, wiring or plumbing modernization, new fences, lawns, and landscaping, outside and inside painting, new boiler or furnace replacement of storm windows or doors, insulation or weatherstripping, replacement of awnings, adding or replacing gutters, downspouts, paving of driveways, new ceiling, wall or floor surfacing, plaster repairs, or other redecorating.

SECTION 2. The provisions of this act shall take effect upon local acceptance.

Approved July 22, 1978

Chap. 577. AN ACT AUTHORIZING THE DEPARTMENT OF PUBLIC WORKS TO LEASE AIR AND OTHER RIGHTS OVER THE MCLELLAN HIGHWAY AND ON OR OVER THE MASSACHUSETTS BAY TRANSPORTATION AUTHORITY AIRPORT STATION IN THE EAST BOSTON DISTRICT OF THE CITY OF BOSTON.

Be it enacted, etc., as follows:

SECTION 1. for the purpose of permitting the construction, use and operation on or above the real property hereinafter described or any part thereof, the department of public works, hereinafter called the department, may from time to time lease such property, hereinafter referred to as the Site, or any part thereof or interest therein, including without limitation air rights, and may grant temporary rights for construction and such permanent rights for support, access, utilities, light and air, as the

department shall deem appropriate, provided, that the department deems it to be in the public interest considering certain factors relative to the use, safety, maintenance, repair and operation of presently existing or reconstructed structures and facilities of the Massachusetts Bay Transportation Authority, hereinafter called the Authority, and known as the Airport Station as well as future structures and facilities of the Authority, and the use, safety, maintenance, repair and operation of the existing or reconstructed state highway route 1A and known as the McClellan highway or any future Site. Any building or other structure erected upon any leasehold granted to a private person under this act may be located wholly or partly in, on or over any or all of said Airport Station and any related facilities and under or over said McClellan highway. Each such lease shall be for a term not exceeding ninety-nine years and shall be upon such other terms as the department shall determine.

SECTION 2. The site is bounded and described as follows:

A certain parcel of land situated in Boston, Suffolk County, Commonwealth of Massachusetts bounded and described as follows:

Beginning at a point on the easterly sideline of Porter Street. Said point is S 49°-35'-57" E a distance of 290.00 feet from the intersection of the northerly sideline of Bremen Street with the easterly sideline of Porter Street;

thence running by land of the formerly Boston and Albany Railroad Co., land of Commonwealth of Massachusetts, and again by the land of formerly Boston and Albany Railroad Co., N 40°-27'-07" E a distance of 1187.04 feet to a point;

thence turning and running S 49°-32'-53" E a distance of 227.91 feet to a point;

thence turning and running by a curve to the left of 332.00 feet radius a distance of 14.44 feet to a point;

thence turning and running N 40°-27'-07" E a distance of 61.00 feet to a point;

Last three courses are running by the land of Commonwealth of Massachusetts;

thence turning and running by land of the Massachusetts port authority by a curve to the left of 292.00 feet radius a distance of 152.78 feet to a point;

thence turning and running by the land of Commonwealth of Massachusetts by two courses S 63°-52'-19" W a distance of 26.50 feet and S 30°-07'-33" W a distance of 101.03 feet to a point;

thence turning and running by a curve to the left of 132.00 feet radius a distance of 41.62 feet to a point;

thence turning and running S 40°-27'-07" W a distance of 444.73 feet to a point;

thence running by a curve to the left of 418.74 feet radius a distance of 134.84 feet to a point;

thence turning and running N 67°-59'-53" W a distance of 30.00 feet to a point;

thence turning and running by a curve to the right of 448.74 feet radius a distance of 75.28 feet to a point;

thence turning and running by a curve to the right of 338.00 feet radius a distance of 24.31 feet to a point;

thence turning and running N 49°-31'-24" W a distance of 6.23

feet to a point;

Last seven courses are running by the land of City of Boston; thence turning and running by land of City of Boston and Commonwealth of Massachusetts by a curve to the right of 440.00 feet radius a distance of 91.02 feet to a point;

thence turning and running S 15°-01'32" W a distance of 14.06 feet to a point;

thence turning and running by the land of Commonwealth of Massachusetts and land of City of Boston by a curve to the right of 450.00 feet radius a distance of 43.21 feet to a point;

thence turning and running N 67°-32'-16" W a distance of 14.06 feet to a point;

thence turning and running by a curve to the right of 440.00 feet radius a distance of 189.55 feet to a point;

thence running N 87°-32'-53" W a distance of 44.88 feet to a point;

Last three courses are running by land of City of Boston;

thence running by the land of City of Boston and land of Commonwealth of Massachusetts by a curve to the left of 100.00 feet radius a distance of 82.03 feet to a point;

thence running by land of City of Boston S 45°-27'-07" W a distance of 112.69 feet to a point on the easterly sideline of Porter Street;

thence turning and running by said easterly sideline of Porter Street N 49°-35'-57" W a distance of 40.15 feet to the point of beginning;

Containing 314,827 square feet or 7.227 acres as shown on the plan entitled "Plan of land proposed to be taken by Department of Public Works, Commonwealth of Massachusetts Boston (East Boston) Massachusetts" by HARRY R. FELDMAN, INC. dated April eleventh, nineteen hundred and seventy-eight.

SECTION 3. The leasehold estate created by any such lease may be subleased, assigned, pledged or mortgaged and any pledge or mortgage may, with the consent of the department, be foreclosed.

SECTION 4. Any building or other structure erected upon any leasehold of air rights granted to a private party under the provisions of this act shall for the privilege of such lease be assessed and taxed to the lessee thereof or his assigns in the same manner and to the same extent as if such lessee or his assigns were the owner of the land in fee, except that no part of the value of the land shall be included in any such assessment. Any portion of the site leased to a private party for facilities on ground level relating to hotel uses, and not subject to taxation under the preceding sentence, shall for the privilege of such lease be assessed and taxed to the lessee or his assigns in the same manner and to the same extent as if such lessee or his assigns were the owner thereof in fee. Property interests under the preceding two sentences shall be assessed and taxed notwithstanding statutes that may relieve such property from taxation because of its connection with highway, mass transportation or airport use, including, but not limited to, section three B of chapter fifty-nine of the General Laws.

The lessee shall be obligated to pay the taxes to the city of

Boston and shall not retain out of his rent the taxes paid by said lessee, notwithstanding section fifteen of chapter fifty-nine of the General Laws. Any such leasehold may be sold or taken by the collector of taxes of the city of Boston for the nonpayment of such tax in the manner provided by law for the sale or taking of real estate for nonpayment of annual taxes. Said collector shall have for the collection of taxes assessed under this act all remedies provided by chapter sixty of the General Laws for the collection of annual taxes upon real estate. A demand for the payment of any overdue tax on real estate under section fifteen of chapter sixty of the General Laws shall be made by service thereof on both the department and the lessee or his assigns. If the leasehold interest shall be taken or purchased by the city of Boston, the department is hereby authorized to redeem said interest. The department shall include in any such lease a provision whereby the lessee agrees, in the event that the foregoing tax provisions are determined by a court of competent jurisdiction to be inapplicable, to pay annually to the city of Boston a sum of money in lieu of taxes which would otherwise be assessed to the lessee in such year.

None of the provisions of this act shall be construed to prevent the provisions of chapter one hundred and twenty-one A of the General Laws from applying to any lease made under the provisions of this act or to any building or other thing erected or affixed under any such lease, and any leasehold created pursuant to this act shall be deemed to be a leasehold upon which a project may be constructed pursuant to or with the benefit of the provisions of said chapter one hundred and twenty-one A. In the event that the benefit of said chapter one hundred and twenty-one A shall be obtained with respect to any leasehold created under this act or any building or other thing erected or to be erected upon such a leasehold, the taxation of such building or other thing shall be in accordance with the provisions of said chapter one hundred and twenty-one A, notwithstanding anything to the contrary contained in this act.

SECTION 5. Each lease made with a private party pursuant to this act shall require that the lessee file with the department a statement under oath containing the names and addresses of all persons having significant financial interest in such lease, and any other information regarding such lease that the department deems it in the public interest to know.

SECTION 6. No off-premise billboard or other off-premise advertising device shall be erected at the site.

SECTION 7. Two independent and qualified appraisers shall be appointed by the department to recommend to the department the fair rental value of any air rights and space to be leased to a private party under terms as determined by the department. Proceeds from any lease made pursuant to this act shall be paid into the treasury of the commonwealth for credit to the Highway Fund. Any or all rental payments due under any such lease may be satisfied in money or services, including without limitation the construction, reconstruction, maintenance, operation or repair of public on-site or off-site facilities, improvements or

services, but nothing in this act shall establish any rights in any lessee to satisfy rental payments other than in money, except as such rights may be granted in the lease.

SECTION 8. Any construction or occupancy of any building or other structure erected or affixed under any lease made under this act shall comply with all provisions of law, ordinances, rules, regulations or orders that would otherwise be applicable to such lease, construction or occupancy notwithstanding the provisions of this act.

SECTION 9. The department, the Authority, and any other agency of the commonwealth and any public instrumentality or body politic or corporate, and their successors and assigns, are hereby granted the power and authority to transfer between or among themselves any easements or other interests in the property at or near the site to accomplish the joint highway, mass transportation and hotel uses and other uses related or incidental thereto, including access and parking, contemplated hereunder.

The department, the Authority, the city of Boston and the Massachusetts Port Authority, and their successors, and all other state and local agencies, authorities or political subdivisions of the commonwealth, are hereby granted the power and authority to enter into any contracts or agreements necessary or incidental to the powers of the department under this act, and said power and authority shall include necessary agreements with the Federal Highway Administration to insure continued protection of the safety and convenience of motorists using said McClellan highway. The department is hereby authorized to take by eminent domain under chapter seventy-nine of the General Laws, or otherwise acquire, all or any part of the land comprising the site for the joint highway, mass transportation and hotel uses and uses related or incidental thereto contemplated under this act, in order to clarify title and permit the leasing of unencumbered interests under this act. Any taking of such land by the department shall be subject to any easements therein presently held by the authority.

SECTION 10. The rights granted under this act pertaining to the site described in section two shall not be subject to and shall be notwithstanding the provisions of section seven L of chapter eighty-one of the General Laws.

SECTION 11. This act shall take effect upon its passage.

Approved July 24, 1978

Chap. 578. AN ACT PROVIDING FOR COOPERATION BY LOCAL HOUSING AUTHORITIES WITH THE FEDERAL GOVERNMENT IN THE CONSTRUCTION AND REHABILITATION OF LOW AND MODERATE INCOME HOUSING.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to encourage cooperation by local housing authorities with the federal government in undertaking federally assisted low and moderate income housing, 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 26 of chapter 121B of the General Laws is hereby amended by adding the following clause:-

(m) To cooperate with the federal government with respect to any low and moderate income housing undertaken or assisted pursuant to federal legislation, including the designation or approval of agencies or instrumentalities empowered to provide such federally assisted housing and to do any and all other things necessary or desirable to secure financial or other forms of assistance from the federal government with respect to such housing, except that any bonds, notes or other securities issued by any local housing authority, or any agency or instrumentality designed or approved by said authority, pursuant to the provisions of this section, shall not create or imply any obligation or indebtedness of any kind on the part of any local housing authority, the commonwealth, or any political subdivision thereof.

Approved July 24, 1978

Chap. 579. AN ACT FURTHER REGULATING THE MEMBERSHIP OF THE WORCESTER POLYTECHNIC INSTITUTE.

Be it enacted, etc., as follows:

SECTION 1. Chapter 214 of the acts of 1865 is hereby amended by striking out section 1, as most recently amended by chapter 11 of the acts of 1920, and inserting in place thereof the following section:-

Section 1. George F. Hoar, Seth Sweetser, their associates and successors, are hereby made a body corporate, by the name of the Worcester County Free Institute of Industrial Science, for the purpose of establishing and maintaining in the city of Worcester, an institution to aid in the advancement, development and practical application of science, in connection with arts, agriculture, manufactures, mercantile business and such other kindred branches of practical education as said corporation shall determine; with all the powers and privileges, and subject to all the duties and liabilities set forth in all laws which now or may hereafter be in force, and applicable to such corporations. Said corporation shall not consist of less than twelve members nor more than thirty-five members at any one time.

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

Approved July 24, 1978

Chap. 580. AN ACT PROVIDING FOR THE TAXATION OF REAL PROPERTY BY USAGE CLASSIFICATION.

Be it enacted, etc., as follows:

SECTION 1. Chapter 58 of the General Laws is hereby amended by striking out section 1, as most recently amended by section 30 of chapter 684 of the acts of 1975, and inserting in place thereof the following section:-

Section 1. The commissioner of corporations and taxation, in chapters fifty-eight to sixty-five C, inclusive, called the commissioner, may visit any town, inspect the work of its assessor and give them such information and require of them such action as will tend to produce uniformity throughout the commonwealth in valuation, classification and assessments. He shall prepare and issue printed instructions to assessors as a guide to them in carrying out said purpose, which shall be adapted to varying local circumstances and to differences in the character and condition of property subject to local taxation. He shall conduct or sponsor inservice or other training programs on the technical, legal and administrative aspects of the classification and assessment processes. For said purpose he may cooperate with other governmental agencies, educational institutions, local, regional, state or national assessors' organizations and any other appropriate professional organization. He may furnish to local assessors blank forms for use in classifying and valuing such property. He may cause an assessor to be prosecuted, either in the county where said officer resides or in an adjoining county, for any violation of law relative to assessment of taxes for which a penalty is imposed.

SECTION 2. The first paragraph of section 3 of said chapter 58, as most recently amended by section 1 of chapter 992 of the acts of 1977, is hereby further amended by striking out the first two sentences and inserting in place thereof the following two sentences:- The commissioner shall annually, on or about January first, furnish to each board of assessors all the information relative to the classification, assessment, valuation and ownership of property taxable in their town that has come into possession of his department, particularly under chapters sixty-five, sixty-five A and sixty-five C. He shall annually prepare a manual outlining in detail, procedures whereby said assessors may secure uniform classification and assessment of real property and uniform assessment of personal property and just taxation of such property.

SECTION 3. The third paragraph of said section 3 of said chapter 58, added by section 5 of chapter 660 of the acts of 1963, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- The commissioner may require from state and town officers such returns and statements relative to the amount, classification and valuation of taxable property in the several towns as he deems necessary.

SECTION 4. Section 4 of said chapter 58, as appearing in the Tercentenary Edition, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- Whenever it appears to the commissioner that the property or any part thereof in any town is not valued for taxation in accordance with law, and that such failure to comply with the law is the result of inadequate methods in keeping the records of valuation, classification or ownership of property, or is due to failure on the part of its assessors or any of them properly to examine the records of the registry of deeds and probate court, or to make use of the information required to be furnished to

assessors by the commissioner, he shall forthwith direct said assessors to adopt such methods of keeping their record or to make such examination of the records of the registry of deeds and probate court, or to make such use of the information that he has furnished to them, as he deems necessary.

SECTION 5. Section 6 of said chapter 58, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- The commissioner may collect and tabulate information as to the classification, sale price and actual cash value of real property in the several towns.

SECTION 6. Section 7C of said chapter 58, as appearing in chapter 649 of the acts of 1955, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- Assessment systems installed in accordance with this chapter shall be such as will, in the judgement of the commission, be most effective in providing adequate maps for assessment purposes, in maintaining detailed and accurate records of each parcel of property assessed and, generally, in producing uniform and equitable valuations, classifications, and assessments throughout the city or town in accordance with law.

SECTION 7. Section 10 of said chapter 58, as most recently amended by section 6 of chapter 660 of the acts of 1963, is hereby further amended by striking out the first sentence and inserting in place thereof the following sentence:- In determining the equalized valuations required by section nine, the commission may require from state, city and town officers such returns and statements relative to the amount, valuation, and classification of taxable property in the several cities and towns as it deems necessary.

SECTION 8. Section 17B of said chapter 58, as most recently amended by section 1 of chapter 468 of the acts of 1961, is hereby further amended by striking out the second sentence and inserting in place thereof the following sentence:- Such losses of taxes as determined by the commission shall be based on the then current tax rate in each town in which property has been taken for flood control reservoirs and on the average assessed taxable valuation for a period of five years prior to the acquisition of said land; provided, that whenever a town where in a flood control reservoir or portion thereof is located shall have made a general revaluation of property subject to the annual municipal taxes for such town, the commission may use such revaluation for determining the taxes for which payment shall be made.

SECTION 9. The second paragraph of section 1 of chapter 58A of the General Laws, as most recently amended by section 48 of chapter 422 of the acts of 1974, is hereby further amended by striking out the third sentence and inserting in place thereof the following sentence:- The majority of the members of the board shall constitute a quorum for the transaction of its business, except that the board may provide by rule for the decision by a single member on appeals from a board of assessors where the assessed fair cash valuation of the property involved in the

appeal does not exceed twenty-five thousand dollars and also in cases where the assessed fair cash valuation exceeds twenty-five thousand but does not exceed fifty thousand dollars when the appellant gives written consent to a decision by a single member.

SECTION 10. The first sentence of section 6 of said chapter 58A, as most recently amended by section 2 of chapter 415 of the acts of 1976, is hereby further amended by inserting after the word "fifty-nine", in line 6, the words:- ; chapter fifty-nine A.

SECTION 11. Section 7 of said chapter 58A, as most recently amended by section 2 of chapter 684 of the acts of 1972, is hereby further amended by striking out the sixth, seventh, eighth, and ninth sentences and inserting in place thereof the following four sentences:- Within such time as the board by its rules may prescribe, the appellee shall file with the board an answer stating fully each finding of fact and ruling of law made with respect to the tax or determination in issue and denying or admitting each and every allegation of fact contained in the petition; except that, in an appeal under section sixty-four or sixty-five of chapter fifty-nine, if the appellee desires to raise no issue other than the question whether there has been an overvaluation or improper classification of the property on which the tax appealed from was assessed, no answer need be filed. If no answer is filed in such a case, the allegation of overvaluation or improper classification of such property shall be held to be denied and all other material facts alleged in the petition admitted. If an answer is filed a copy shall be served upon the appellant, in the manner provided in section nine. The party taking the appeal shall at the time of filing the petition pay to the clerk an entry fee of thirty dollars for each appeal from a decision of the commission, or, in the case of an appeal from a decision of a board of assessors, an entry fee of ten dollars where the assessed fair cash valuation of the real property or personal property, or both, the tax on which is sought to be abated, is fifty thousand dollars or less; or, where such assessed fair cash valuation is in excess of fifty thousand dollars, an entry fee equal to thirty cents on each one thousand dollars of said assessed fair cash valuation.

SECTION 12. Section 7A of said chapter 58A, as most recently amended by section 3 of said chapter 684, is hereby further amended by striking out the third, fourth, fifth, sixth and seventh sentences and inserting in place thereof the following five sentences:- An appellant desiring to be heard under the informal procedure shall pay to the clerk the entry fee provided in section seven, except that the minimum entry fee shall be two dollars if the assessed fair cash valuation of the property on which the tax appealed from was assessed does not exceed twenty thousand dollars and such property is occupied in whole or in part by the appellant as his dwelling, contains no more than three units designed for dwelling purposes and is in no part used for any other purposes, or if the assessed valuation of the property on which the tax appealed from was assessed does not exceed five thousand dollars and such property is within the

class of tangible personal property described in clause twentieth of section five of chapter fifty-nine, and shall file a written waiver of the right to appeal to the supreme judicial court, except upon questions of law raised by the pleadings or by an agreed statement of facts or shown by the report of the board, an election of the informal procedure and a written statement of the facts in the case and of the amount claimed in abatement together with such additional information as the clerk may require. The statement last referred to may be made on forms to be supplied by the board and, if the appellant so requests and the assessed fair cash valuation of the property concerned does not exceed twenty thousand dollars, shall be made out for the appellant by the clerk or an employee of the board designated by the board. The clerk shall then serve a copy of such statement upon the appellee. No further pleadings shall be required under this procedure if the appellee intends to offer no other defense than that the property was not overvalued or that the property was not improperly classified; otherwise it shall file with the board within thirty days of the service of such statement an answer similar to that required under the procedure provided by section seven, hereinafter referred to as the formal procedure. If the assessed fair cash valuation of the property concerned exceeds twenty thousand dollars, the appellee, within ten days of the date of the service of such statement, may elect to have the appeal heard under the formal procedure by so notifying the clerk in writing and by paying him a transfer fee of ten dollars, in which case the said statement shall be considered to be a petition and such service to be service of the petition and the waiver of the right of appeal by the appellant shall be void.

SECTION 13. Section 12A of said chapter 58A, inserted by chapter 430 of the acts of 1943, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- If, at a hearing of an appeal relative to the assessed fair cash valuation of property brought within three years after a determination by the appellate tax board of the valuation thereof, it appears that the assessed fair cash valuation is greater than the valuation as so determined, the burden shall be upon the appellee to satisfy the board that the increased valuation was warranted and upon failure so to do the board may, in its discretion, tax as costs against the appellee, in addition to witness fees and expenses of service of process, the whole or any part of the reasonable expense of the taxpayer incurred in the preparation, entry and trial of his appeal.

SECTION 14. Section 12B of said chapter 58A, inserted by chapter 262 of the acts of 1950, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- At any hearing relative to the assessed fair cash valuation or classification of property, evidence as to the fair cash valuation or classification of property at which assessors have assessed other property of a comparable nature or class shall be admissible.

SECTION 15. Section 13 of said chapter 58A is hereby amended by striking out the first sentence, as appearing in section 4 of

chapter 1114 of the acts of 1973, and inserting in place thereof the following sentence:- The board shall make a decision in each case heard by it and make findings of fact and report thereon in writing; provided, that every decision granting an abatement without findings of fact and report which relates to a tax on land with one or more buildings thereon shall, if so requested by the appellee in writing at the commencement of the hearing, state separately the fair cash valuation of the land and of each building.

SECTION 16. Sections three and three A of chapter fifty-nine of the General Laws are hereby repealed.

SECTION 17. The first sentence of clause Seventeenth of section 5 of said chapter 59, as most recently amended by section 1 of chapter 696 of the acts of 1973, is hereby further amended by striking out, in line 1, the word "value" and inserting in place thereof the words:- taxable valuation.

SECTION 18. The last sentence of said clause Seventeenth of said section 5 of said chapter 59, as appearing in section 1 of chapter 1110 of the acts of 1971, is hereby amended by striking out, in line 2, the word "value" and inserting in place thereof the words:- taxable valuation.

SECTION 19. The first paragraph of clause Twenty-second of said section 5 of said chapter 59, as most recently amended by section 2 of said chapter 1110, is hereby further amended by inserting after the word "dollars", in line 13, the word:- of assessed taxable valuation.

SECTION 20. Paragraph (e) of said clause Twenty-second of said section 5 of said chapter 59, as amended by section 3 of said chapter 1110, is hereby further amended by inserting after the word "dollars", in line 2, the words:- of the taxable valuation of real property.

SECTION 21. Clause Twenty-second A of said section 5 of said chapter 59, as most recently amended by section 5 of said chapter 1110, is hereby further amended by inserting after the word "dollars", in line 19, the words:- of the taxable valuation of real property.

SECTION 22. Clause Twenty-second B of said section 5 of said chapter 59, as most recently amended by section 6 of said chapter 1110, is hereby further amended by inserting after the word "dollars", in line 16, the words:- of the taxable valuation of real property.

SECTION 23. Clause Twenty-second C of said section 5 of said chapter 59, as most recently amended by section 7 of said chapter 1110, is hereby further amended by inserting after the word "dollars", in line 14, the words:- of the taxable valuation of real property.

SECTION 24. Clause Twenty-second D of said section 5 of said chapter 59, as most recently amended by section 8 of said chapter 1110, is hereby further amended by inserting after the word "dollars", in line 1, the words:- of the taxable valuation

of real property.

SECTION 25. Clause Twenty-second E of said section 5 of said chapter 59, inserted by section 3 of chapter 831 of the acts of 1974, is hereby amended by inserting after the word "dollars", the first time it appears, in line 11, the words:- of the taxable valuation of real property.

SECTION 26. Clause Thirty-seventh of said section 5 of said chapter 59, as most recently amended by section 1 of chapter 179 of the acts of 1970, is hereby further amended by inserting after the word "dollars", in line 1, the words:- of the taxable valuation of real property.

SECTION 27. Clause Forty-first of said section 5 of said chapter 59 is hereby amended by striking out, in line 2, as appearing in section 1 of chapter 456 of the acts of 1970, the word "valuation" and inserting in place thereof the words:- of the taxable valuation of real property.

SECTION 28. Clause Forty-second of said section 5 of said chapter 59, as most recently amended by section 9 of chapter 1110 of the acts of 1971, is hereby further amended by inserting after the word "dollars", in line 3, the words:- of the taxable valuation of real property.

SECTION 29. Clause Forty-third of said section 5 of said chapter 59, as most recently amended by section 10 of said chapter 1110, is hereby further amended by inserting after the word "dollars", the first time it appears, in line 4, the words:- of the taxable valuation of real property.

SECTION 30. Section six to seven A, inclusive, sections thirteen to seventeen A, inclusive, and sections thirty-eight B and thirty-eight C of said chapter fifty-nine are hereby repealed.

SECTION 31. Said chapter 59 is hereby further amended by striking out section 44, as most recently amended by section 1 of chapter 671 of the acts of 1973, and inserting in place thereof the following section:-

Section 44. This list shall exhibit the valuation, classification and assessment of the real property assessed; and shall contain the names of the owners of the real property assessed, or such description of them as can be given, their places of abode, if known, and a description of the property.

SECTION 32. Section 46 of said chapter 59 is hereby amended by inserting after the word "valuation", in line 2, as appearing in the Tercentenary Edition, the word:- classification.

SECTION 33. The first sentence of section 59 of said chapter 59, as most recently amended by chapter 125 of the acts of 1963, is hereby further amended by inserting after the word "proportion", in line 10, the words:- or upon an improper classification.

SECTION 34. The first sentence of section 64 of said chapter 59, as amended by section 1 of chapter 677 of the acts of 1975, is hereby further amended by striking out, in lines 22 and 23, the words "valuation equal to the average of the valuations" and

inserting in place thereof the words:- taxable valuation equal to the average of the taxable valuations.

SECTION 35. Said chapter 59 is hereby further amended by striking out section 76, as appearing in the Tercentenary Edition, and inserting in place thereof the following section:-

Section 76. If the commissioner deems any property subject to taxation not properly valued or classified, he may recommend to the assessors a revision of its valuation or classification, and they may make an assessment upon any additional value in the manner and within the time provided by the preceding section and subject to its provisions.

SECTION 36. Sections seventy-nine and eighty of said chapter fifty-nine are hereby repealed.

SECTION 37. Said chapter 59 is hereby further amended by striking out section 90, as appearing in the Tercentenary Edition, and inserting in place thereof the following section:-

Section 90. Whoever willfully conceals, removes, transfers, or misrepresents any property to evade proper valuation, assessment or classification, or takes such other action with the intent so as to avoid taxation, shall be punished by a fine of not less than one thousand nor more than five thousand dollars; and he may be indicted either in the county where any of the acts or things made criminal by this section are done or in the county where he is liable to taxation.

SECTION 38. The General Laws are hereby amended by inserting after chapter 59 the following chapter:-

CHAPTER 59A.

CLASSIFICATION OF REAL PROPERTY.

Section 1. The following words shall have the following meanings for purposes of this chapter, unless the context clearly indicates otherwise:-

"Commercial property", all real property and improvements which are not used nor held for use for a residential or industrial and manufacturing purpose, including but not limited to any commercial, business, retail, trade, professional service, recreational, artistic, sporting, fraternal, governmental, educational, medical or religious enterprise. Such property may be used for profit or nonprofit purposes and may be expressly exempt from taxation by other provisions of this chapter or of chapter fifty-nine.

"Commissioner", the commissioner of corporations and taxation.

"Industrial and manufacturing property", all real property and improvements which is used or held for use for profit making purposes involving the manufacturing, milling, producing, processing, or fabricating of materials; the extraction or processing of materials which are unserviceable in their natural state to create commercial products or materials; or the mechanical or chemical transformation of materials or substances into new products. Industrial and manufacturing property shall include the storage, transmitting and generating facilities of utilities regulated by the department of public utilities.

"Open space property", all real property and improvements thereto which is used for profit or nonprofit purposes, and which is characterized principally by an open or natural condition and whose preservation provides the public with the benefit of the conservation of natural resources such as air, water and wildlife, or whose preservation contributes to the enjoyment and economic value of surrounding residential, commercial or industrial and manufacturing property. No private association or club shall be deemed owners of "open space property" that discriminates its membership on grounds of race, religion or sex. Such associations shall be deemed owners of "commercial property".

"Parcel", a unit of real property as defined by the assessor in accordance with the deed for such property.

"Residential property", all real property and improvements thereto which is used or held for use for human habitation and which contains a room or group of rooms which form a habitable unit for a person or persons and which has facilities used or intended to be used for living, sleeping, cooking and eating. Residential property includes accessory buildings and property determined by the assessors to be incidental to property used for human habitation if such accessory property is available for use only by the resident, or residents. Residential property shall not include a hotel, motel or lodging house.

Section 2. All real property within the commonwealth shall be subject to valuation and classification by the assessors of the city or town in which the real property is situated. Real property for the purposes of valuation, classification and taxation shall include all land and all buildings and improvements thereon or affixed thereto.

Section 3. The assessors of each city and town shall determine the fair cash valuation and classification of real property for the purposes of taxation according to the valuation and the use of such property on the first day of January of each year.

Section 4. The assessors shall determine the fair cash valuation of all real property according to section thirty-eight of chapter fifty-nine and shall secure an equitable and uniform valuation of all real property situated in the same class.

Section 5. The assessors shall classify all taxable real property according to the following uses:

Class one.

All real property and the improvements thereto, if any, used or held for use for residential purposes, shall be classified as class one property.

Class two.

All real property and the improvements thereto, if any, used or held for use for commercial purposes, shall be classified as class two property.

Class three.

All real property and the improvements thereto, if any, used or held for use for industrial or manufacturing purposes, shall be classified as class three property.

Class four.

Upon approval by the assessors of an application filed in

accordance with section six, all real property and the improvements thereto, if any, which is open space property shall be classified as class four property.

Section 6. The eligibility of real property for classifications as class four, open space property, shall be determined for each tax year. Application therefor shall be submitted to the assessors of each city and town in which such land is situated not later than October first of the year preceding the tax year for which such classification is being sought. Application shall be made on a form prescribed by the commissioner and provided for the use of the applicant by said assessors. Such form shall provide for the reporting of such information as the assessor may require to aid him in determining whether such land qualifies for class four classification, and shall provide a statement of the potential tax liability under sections thirty-seven and thirty-eight. The applicant shall sign and certify the accuracy of such application under the penalties of perjury.

Failure to file an application for the classification of property as class four property within the time and in the manner prescribed shall constitute a waiver of the right to such classification.

Section 7. An application for classification of property as class four property shall be allowed or disallowed by the assessors of the city or town in which such land is located within three months of the filing thereof. An application for classification as class four property shall be disallowed by the assessors of the city or town in which such land is located if, in their judgment, such land does not qualify thereunder. The failure of the assessors to allow or disallow any such application within three months following the filing thereof, shall be deemed to be an allowance of such application. The assessors shall within ten days of an allowance, or disallowance, send written notice of such allowance or disallowance by certified mail to the applicant and shall set forth therein the reason or reasons for disallowance together with a statement advising the landowner of his right to appeal therefrom as provided in section fifty-nine of chapter fifty-nine.

With respect to the first application relating to a parcel of land which has been approved, and any subsequent such application after a lapse of time when such land has not been classified as class four property, or after a change of record ownership of such land, the assessors shall forthwith cause to be recorded in the registry of deeds of the county or district in which the city or town is situated a statement of their action which shall constitute a lien upon the land covered by such application for such taxes as may be levied under the provisions of this chapter. The statement shall name the owner or owners of record and shall include a description of the land adequate for identification. Unless such a statement is recorded the lien shall not be effective with respect to a bona fide purchaser or other transferee without actual knowledge of such lien. Upon application by any record owner, such liens shall be released by the assessors with respect to any parcel of land as provided below in this section upon the applicable facts being established by their records or by affidavits or otherwise.

All liens for a conveyance tax under section thirty-seven shall be released upon its being so established that no conveyance or change of use by the owner at the time of such release will result in a conveyance tax under said section or that any such taxes which have become due have been paid.

All liens for roll-back taxes under section thirty-eight, other than roll-back taxes based on a change of use after the date of such release, shall be released upon its being established that no roll-back taxes have become due or that any such taxes which have become due have been paid.

The assessors shall also have the power and authority to release any such liens to correct any errors or omissions. Any release under this section shall be recorded with the registry of deeds.

When any land which has been classified as class four property ceases to be so classified the assessors shall forthwith record in the registry of deeds a statement to that effect which shall include the name of the record owner or owners, the date when such land ceased to be so valued, assessed and taxed and a description of the land adequate for identification.

Section 8. All real property which is exempt from taxation under section five of chapter fifty-nine shall be classified according to guidelines promulgated by the commissioner.

Section 9. Where real property is used for more than one purpose and such use would result in different classifications, then the assessors shall classify such property by determining the percentage of the fair cash valuation of the property which is allocated to each use.

Section 10. All real property situated within the commonwealth shall be subject to taxation, unless such property is expressly exempt, in whole or in part, under this chapter or under section five of chapter fifty-nine.

Section 11. Mortgages upon taxable buildings or other improvements shall be deemed mortgages of real property for the purposes of taxation, and shall be taxed under this chapter.

Section 12. The assessors before making an assessment shall give reasonable notice thereof to all persons subject to taxation of real property in their respective city or town. Such notice shall be posted in one or more public places in each city or town, or shall be given in some other sufficient manner, and shall require said persons to bring to the assessors such lists as may be required under section twenty-nine of chapter fifty-nine. The assessors shall administer such lists in the manner, and under the conditions, specified in sections thirty through thirty-seven, inclusive, of chapter fifty-nine.

Section 13. A board of assessors may request the owner or lessee of any real property to make a written return under oath within sixty days containing such information as may reasonably be required by it to determine the actual fair cash valuation of such property.

Failure of an owner or lessee of real property to comply with such request within sixty days after it has been made shall bar

him from any statutory appeal under this chapter, unless the owner or lessee of such real property was unable to comply with such request for reasons beyond his control. If any owner or lessee of real property in a return made under this section makes any statement which he knows to be false in a material particular, such false statement shall bar him from any statutory appeal under this chapter.

Section 14. A board of assessors may require testimony under oath of a taxpayer relative to his written return filed under section thirteen and may also require testimony under oath of any applicant for abatement under section thirty-six.

Section 15. The assessors shall make, on the books furnished under section forty-five of chapter fifty-nine, a list of the valuation, classification and assessment of all real property in their respective city or town. The assessors shall administer such lists in the manner, and under the conditions, specified in sections forty-three, forty-four, forty-six, forty-nine, fifty, fifty-one and fifty-two of chapter fifty-nine.

Section 16. If real property which is liable to taxation is omitted from the annual assessment of taxes or if the taxation of such property is invalid by reason of error or irregularity in the assessment, the assessors may reassess such property or reassess such tax in the manner and under the conditions specified in sections seventy-five through seventy-eight, inclusive, of chapter fifty-nine.

Section 17. There shall be exempt from property taxation, except special assessments, five thousand dollars of the taxable valuation of residential real property. No more than one residential real property exemption shall be allowed to any one residential parcel. This exemption shall be in addition to all exemptions which may be granted under section five of chapter fifty-nine; provided, however, in no instance shall the taxable valuation of such property be reduced below ten per cent of the fair cash valuation of such property, unless such reduction has been caused by the application of clause eighteen of section five of chapter fifty-nine.

Section 18. In determining the taxation of nonexempt real property classified under section five, the assessor shall apply to the fair cash valuation of such property the following percentages:

- Class one, forty per cent;
- Class two, fifty per cent;
- Class three, fifty-five per cent;
- Class four, twenty-five per cent.

Section 19. All real property, which is not totally exempt from taxation, shall be taxed according to the following procedures:

First, the assessor shall determine the fair cash valuation of the property.

Second, the assessor shall determine the classification of the property.

Third, the assessor shall apply the classification ratio to the fair cash valuation of the property. The resulting figure shall

determine the taxable valuation for all real property within classes two, three and four.

Fourth, the assessor shall apply the residential exemption to all property in class one. The resulting figure shall determine the taxable valuation for all real property within class one.

Fifth, the assessor shall apply the tax rate, as determined by the city or town, to the taxable valuation to reach the tax which shall be due and payable on such property.

Section 19A. All real and personal property of electric and gas utility companies subject to rate regulation by the department of public utilities or the federal energy regulatory commission, unless such property is otherwise exempted by law, shall be exempt from real and personal property tax under this chapter and under chapter fifty-nine; provided, however, that such utility companies shall be subject to a local excise for the privilege of doing business in a city or town. To compute such excise, the assessor of each city and town in which such utility company property exists shall multiply the current tax rate by the current assessed value of such property, as determined by the state tax commissioner. The current assessed value of such property of such electric and gas utility companies in each city or town shall be determined by multiplying the current net book value of such property by the assessment factor computed by use of the following formula:-

$$F \text{ EQUALS } \frac{AVU}{CVU} \text{ TIMES } \frac{CVN}{AVN}$$

As used in the foregoing formula the following letters shall have the following meanings:-

F, excise assessment factor

AVU, actual assessed value for fiscal year nineteen hundred and seventy-eight, as finally determined under the appeal procedures of chapter fifty-nine, of all real and personal property of utility companies within the city or town.

CVU, net book value for fiscal year nineteen hundred and seventy-eight of all real and personal property of utility companies within the city or town, as determined by the state tax commissioner.

CVN, taxable valuation for fiscal year nineteen hundred and seventy-eight of all real and personal property of non-utilities within the city or town, determined as though chapter fifty-nine A had been applicable thereto.

AVN, actual assessed valuation for fiscal year nineteen hundred and seventy-eight of all real and personal property of non-utilities within the city or town.

Excises so assessed by such city or town for such privilege of doing business shall be paid in accordance with the applicable provisions of chapter fifty-nine and this chapter.

The state tax commissioner may require a utility company subject to such local excise to provide information necessary to establish the net book value of real and personal property in each city and town where such property is located.

Section 20. Except as otherwise provided in section twenty-two, real estate owned in fee or otherwise or held in trust for the benefit of the United States, the commonwealth, or a county, city or town, or any instrumentality thereof, if used in connection

with a business conducted for profit or leased or occupied for other than public purposes, shall for the privilege of such use, lease or occupancy, be valued, classified, and taxed annually as of January first to the user, lessee or occupant in the same manner and to the same extent as if such user, lessee or occupant were the owner thereof in fee, whether or not there is any agreement by such user, lessee or occupant to pay taxes assessed under this section; provided, however, that whenever under the constitution and laws of the United States the privilege of such use, lease or occupancy of real estate owned by the United States cannot be taxed as aforesaid, but a leasehold or other interest in such real estate or the ownership of or an interest in buildings and other things erected thereon or affixed thereto, may be taxed, such interest or ownership shall be valued, classified, assessed and taxed to the holder thereof to the extent permitted by such constitution and laws. Except as otherwise provided, a payment purporting to be in lieu of a local tax for a particular year on real estate subject to this section shall be applied in reduction of the tax assessed under this section for such year with respect to such real estate. Notwithstanding any contrary provision of section thirty, unless there is a different agreement, no tax assessed under this section shall be retained out of rent or recovered under section thirty.

No tax assessed under this section shall be a lien upon the real estate with respect to which it is assessed; nor shall any such tax be enforced by any sale or taking of such real estate; but the interest of any lessee therein may be sold or taken by the collector of the town in which the real estate lies for the nonpayment of such tax in the manner provided by law for the sale or taking of real estate for nonpayment of annual taxes. Such collector shall have for the collection of taxes assessed under this section all other remedies provided by chapter sixty for the collection of annual taxes upon real estate.

This section shall not apply to a use, lease or occupancy which is reasonably necessary to the public purpose of a public airport, port facility, highway, turnpike, transportation system, park, or similar property which is available to the use of the general public or to easements, grants, licenses or rights of way of public utility companies; to the property of the United States, or any instrumentality thereof, for which payments are made in lieu of taxes in amount equivalent to taxes which might otherwise be lawfully assessed, in behalf of the United States or any instrumentality thereof; or to the property of the United States, or any instrumentality thereof, which is used by the manufacturing corporation so classified under chapter fifty-eight.

Section 21. All interests in real property situated within the commonwealth heretofore or hereafter acquired by any corporation by eminent domain and all such interests in real property heretofore or hereafter purchased by any corporation when it could have been acquired by eminent domain shall, unless expressly exempt by the charter of such corporation or by statute, be taxed to such corporation. This section shall not apply to real property of the commonwealth or of any of its political subdivisions; nor shall it apply to real property of a railroad corporation,

which shall continue to be governed by section eighty-seven of chapter one hundred and sixty and any other provisions of law applicable thereto.

Section 22. Whenever the Congress of the United States has so provided a leasehold interest in real property owned and leased by the United States and in buildings and other things erected thereon or affixed thereto shall be assessed and taxed to the lessee or his assigns to the extent so provided by the Congress. Payment of the aforesaid taxes shall not be enforced by any lien upon or sale of the said real property, but, in the case of any leasehold subject to taxation as aforesaid, the interest of the lessee or lessees or their assigns therein may be sold by the collector of taxes of the city or town in which the real property is situated for the nonpayment of the tax assessed as aforesaid in the manner provided by law for the sale of real property for nonpayment of local taxes. Said collectors shall have for the collection of taxes assessed under this section all other remedies provided by chapter sixty for the collection of taxes by collectors of cities and towns.

Section 23. Property held by a city, town or district including the metropolitan water district, in another city or town for the purpose of a water supply, the protection of its sources or of sewage disposal, or of a public airport if yielding no rent, shall not be liable to taxation therein; but the city, town or district so holding it shall, annually on July first, pay to the city or town where it lies an amount equal to that which such city or town would receive for taxes upon the average of the assessed taxable valuation of the land, which shall not include buildings or other structures except in the case of land taken for the purpose of protecting the sources of an existing water supply, for the three years last preceding the acquisition thereof, the valuation for each year being reduced by all abatements thereon. Whenever a city or town in which such land is located shall have made a general revaluation of all its real property for purposes of taxation, the valuation of such land for the purpose of payments authorized by this section shall be determined by the state tax commission as of January first, between January first and June first, in the year nineteen hundred and seventy and in every fifth year thereafter, so that the payment with respect to such land shall remain substantially the same as that made prior to such revaluation. The city, town or district owning such land, if aggrieved by the determination of the commission, may within three months after written notice thereof appeal to the appellate tax board. Any part of such land or buildings from which any revenue in the nature of rent is received shall be subject to taxation. Revenue received for the use of such areas of land within the property so held for the purpose of a public airport as are used for the take-off and landing of aircraft, including runways and taxi strips, or the use of buildings on such property which are used as a terminal or administration building or for housing, servicing and repairing aircraft, shall not be deemed to be rent or revenue in the nature of rent within the meaning of this paragraph.

If such land is part of a larger tract which has been assessed as a whole, its assessed taxable valuation in any year shall be

taken to be that proportional part of the taxable valuation of the whole tract which the value of the land so acquired, exclusive of buildings, bore in that year to the value of the entire estate.

Section 24. The assessors of a city or town where land is acquired by such other city, town or district for water supply or sewage disposal or for a public airport shall, within one year after such acquisition, determine the average taxable valuation of such land under the preceding section and certify the amount so determined to such other city, town or district. The mayor or selectmen, the commissioners or prudential committee of a district, or the metropolitan district commission, within six months after receipt of said certificate, may appeal from such determination to the appellate tax board; and said board shall determine the valuation in the manner provided in the preceding section, and section sixty-five of chapter fifty-nine so far as applicable, shall govern such appeal.

If land within any city or town shall have been taken from it for said purposes, and for any one of the three years prior to the taking no taxes have been collected thereon, the city or town and the board or officer having charge of the land so taken may within six years after the taking agree as to the valuation of the land upon which the annual payment is to be made as aforesaid from the time of the taking, and if they cannot agree the board or officer shall notify the city or town thereof, and thereupon the value shall be determined by the appellate tax board under said section sixty-five of chapter fifty-nine and said notice shall be deemed to be the notice referred to in said section sixty-five of chapter fifty-nine. This and section twenty-three shall apply to property held for the purposes of the metropolitan water supply, except property situated in Ashland, Boylston, Holden, Hopkinton, Sterling or West Boylston, but shall apply only to property acquired by a city, town or district, including the metropolitan water district, prior to January first, nineteen hundred and forty-six.

Section 25. Land acquired on or after January first, nineteen hundred and forty-six, by a municipality or a district, including the metropolitan water district, and held on January first in any year for any public purpose by such municipality, in this section referred to as the holding municipality, or by such district, if such land lies in a municipality other than such holding municipality, or, in the case of land so acquired and held by a district, in a municipality other than the municipality or municipalities in which the district lies or which constitute the district, shall, with all buildings and other things erected thereon or affixed thereto, be exempt from taxation in such year except as hereinafter otherwise provided; but such holding municipality or district shall, on July first of such year, pay to the municipality where such land lies the amount which would be assessable for the next following year upon a valuation equal to the average of the assessed taxable valuations of the land and all buildings and other things erected thereon or affixed thereto on the three assessment dates next preceding the acquisition of the land, the assessed taxable valuation for each assessment date being reduced by all abatements, if any. If land subject to this section was not separately assessed or was exempt from taxation on any of

said assessment dates, the assessors shall determine an assessed taxable valuation for the land and all buildings and improvements thereto according to guidelines promulgated by the commissioner. Whenever a city or town in which such land is located shall have made a general revaluation of all its real property for purposes of taxation, the valuation of such land for the purpose of payments authorized by this section shall be determined by the state tax commission as of January first, between January first and June first, in the year nineteen hundred and seventy and in every fifth year thereafter, so that payment with respect to such land shall remain substantially the same as that made prior to such revaluation. The holding municipality or district, if aggrieved by the determination of the commission, may within three months after written notice thereof appeal to the appellate tax board.

The assessors of the municipality where land subject to this section lies shall determine the average taxable valuation in accordance with this section and certify such valuation to the holding municipality or district liable under this section. Such holding municipality or district, if aggrieved by such determination, may within three months, after such certification appeal to the appellate tax board, which shall determine the average taxable valuation in accordance with this section.

If rent or any revenue in the nature of rent is received from any part of any real estate subject to this section, the party yielding such rent or revenue shall be subject to taxation. The tax shall be in addition to the amount payable under this section. Revenue received for the use of such portions of a public airport as are used for the taking off and landing of airplanes, including runways, taxi and transition strips, or revenue received for the use of buildings on a public airport, which are actually and exclusively used for servicing and repairing airplanes, shall not be deemed to be rent or revenue in the nature of rent within the meaning of this paragraph.

Section 26. Taxes on real estate shall be assessed in the town where it lies, to the person who is the owner on January first, and the person appearing of record, in the records of the county, or of the district, if such county is divided into districts, where the estate lies, as owner on January first, even though deceased, shall be held to be the true owner thereof; provided, that whenever the commissioner deems it proper he may, in writing, authorize the assessment of taxes upon real estate to the person who is in possession thereof on January first, and such person shall thereupon be held to be the true owner thereof for the purposes of this section; and provided, further, that whenever the commissioner deems it proper he may, in writing, authorize the assessment of taxes upon any present interest in real estate to the owner of such interest on January first, and taxes on such interest may thereupon be assessed to such person. Real estate held by a religious society as a ministerial fund shall be assessed to its treasurer in the town where the land lies. Buildings erected on land leased by the commonwealth under section twenty-six of chapter seventy-five shall be assessed to the lessees, or their assignees, at the taxable valuation of said buildings. Except as provided in the three following sections, mortgagors or real estate shall for the purpose of taxation be

deemed the owners until the mortgagee takes possession, after which the mortgagee shall be deemed the owner.

Whenever the assessors of any town assess a tax on real estate to a person other than the person appearing of record, in the records of the county, or of the district, if such county is divided into districts, where the estate lies, as owner on January first, such assessors shall, if the tax is a lien upon such real estate under section thirty-seven of chapter sixty, unless the commissioner shall certify that the assessors by reasonable diligence cannot ascertain the name of the person so appearing of record, include in such assessment the name of the person so appearing of record without imposing upon him personal liability for the tax.

Whenever the commissioner deems it proper he may, in writing, authorize the assessment of taxes upon real property to persons unknown, provided that the assessors certify to the commissioner that they cannot by reasonable diligence ascertain the name of the person appearing of record.

Real estate permanently restricted under section seventeen B of chapter twenty-one, section one hundred and five of chapter one hundred and thirty, section forty A of chapter one hundred and thirty-one and section thirty-one of chapter one hundred and eighty-four shall be assessed as a separate parcel of real estate. The initial assessment as a separate parcel shall be made on January first of the year next following the conveyance of such permanent restriction.

Section 27. If any person has an interest in real estate, not exempt from taxation under section five of chapter fifty-nine, as holder of a duly recorded mortgage given to secure the payment of a fixed and certain sum of money, the amount of his interest as mortgagee shall be assessed as real estate in the town where the land lies; and the mortgagor shall be assessed only for the taxable valuation of such real estate after deducting the taxable valuation of the interest therein of such mortgagee. If such real estate is situated in two or more towns, the amount of the mortgagee's interest to be assessed in each town shall be proportioned to the taxable valuation of the mortgaged real estate in the respective towns, deducting therefrom the taxable amount of prior mortgages, if any, thereon.

Section 28. If the holder of such mortgage fails to file in the assessor's office a sworn statement of all his estate liable to taxation under the preceding section, including a statement of the full amount remaining unpaid upon such mortgage and of his interest therein, the amount stated in the mortgage shall be conclusive as to the extent of such interest; but his interest in such real estate shall not be assessed at a greater sum than the taxable valuation of the land and the structures thereon or affixed thereto; and the amount of a mortgage interest in an estate divided after the creation of such mortgage need not be apportioned upon the several parts of such estate, except as provided in sections twenty-nine to thirty-five, inclusive. Whenever, in any case of mortgaged real estate, such statement is not brought in, no tax on such real estate for the year then current shall be invalidated for the reason that a mortgagee's interest therein has not been assessed to him.

Section 29. Mortgagors and mortgagees referred to in the two preceding sections shall for the purpose of taxation be deemed joint owners until the mortgagee takes possession; and until such possession is taken by a first mortgagee, an assessor or the collector of taxes, upon application, shall give to any such mortgagee or mortgagor a tax bill showing the whole tax on the mortgaged estate and the amount included in the valuation thereof as the interest of each mortgagee and of the mortgagor respectively. If the first mortgagee is in possession, he shall be deemed sole owner; and any other mortgagee in possession shall be deemed joint owner with prior mortgagees.

Section 30. If a tenant paying rent for real estate is taxed therefor, he may retain out of his rent the taxes paid by him, or may recover the same in an action against his landlord, unless there is a different agreement between them.

Section 31. The undivided real estate of a deceased person may be assessed to his heirs or devisees, without designating any of them by name, until the names of such heirs or devisees appear in the probate court records in the county in which said real estate lies; and each heir or devisee shall be liable for the whole of such tax, and when paid by him he may recover of the other heirs or devisees their respective proportions thereof.

Section 32. The real estate of a person deceased, the right or title to which is doubtful or unascertained by reason of litigation concerning the will of the deceased or the validity thereof, may be assessed in general terms to his estate, and said tax shall constitute a lien upon the land so assessed and may be enforced by sale of the same or a part thereof, as provided for enforcing other liens for taxes on real estate.

Section 33. Wherever real estate has been unassessed because the right or title thereto has been doubtful or unascertained because of missing records or otherwise, and a municipality has conducted a search and has determined the record ownership of said real estate, the said real estate shall become subject to a lien for the expenditures incurred by said municipality in the determination of said ownership. The assessors of said municipality shall forthwith cause to be recorded in the registry of deeds for the county or district in which the real estate is located a statement containing the name of the owner or owners of said real estate, an adequate description thereof, and the amount of said expenditures incurred, for which amount a lien on said real estate shall become effective as of the time and date of its recording. No such lien shall be effective against a bona fide purchaser or other transferee without notice of such lien. The recording fee for such statement shall be added to and become a part of the expenditures constituting said lien.

Section 34. If real property is divided by sale, mortgage, upon a petition for partition or otherwise, after a tax has been assessed thereon and such division has been duly recorded in the registry of deeds, the assessors, at any time before said real property has been advertised for sale for nonpayment of taxes, upon the written request of the owner or mortgagee of any portion thereof, shall apportion the tax, with costs and

interest upon the several parcels thereof, in proportion to the value of each, and only the portion of said tax, interest and costs so apportioned upon any such parcel shall continue to be a lien upon it; and the owners or mortgagees shall be liable only for the tax apportioned upon the parcel owned in whole or in part by them respectively. If a tax so apportioned upon any parcel remains unpaid after such a commitment to the collector, it may be recovered in an action of contract or in any other appropriate action, suit or proceeding brought by the collector either in his own name or in the name of the town against said owners and mortgagees.

Section 35. A person aggrieved by any action of the assessors may within seven days thereafter appeal in like manner as in the case of an overassessment, and the decision upon such appeal shall be final.

Section 36. A person upon whom a tax has been assessed under this chapter, if aggrieved by the determination of the assessors as to their fair cash valuation or classification or by a denial or an exemption for such property, shall have the right to file an application for an abatement under section fifty-nine of chapter fifty-nine. If the assessors deny such application for abatement, the taxpayer shall have the right to appeal such denial under sections sixty through seventy-four, inclusive, of chapter fifty-nine.

Section 37. Any real property which is classified as class four property which is sold for other use within a period of ten years from the earliest date of its uninterrupted class four classification shall be subject to a conveyance tax applicable to the total sales price of such property which tax shall be in addition to such taxes as may be imposed under any provision of law. Said conveyance tax shall be at the following rate: ten per cent if sold within the first year of ownership; nine per cent if sold within the second year of ownership; eight per cent if sold within the third year of ownership; seven per cent if sold within the fourth year of ownership; six per cent if sold within the fifth year of ownership; five per cent if sold within the sixth year of ownership; four per cent if sold within the seventh year of ownership; three per cent if sold within the eighth year of ownership; two per cent if sold within the ninth year of ownership; one per cent if sold within the tenth year of ownership. No conveyance tax shall be imposed under the provisions of this section following the end of the tenth year of ownership. Said conveyance tax shall be due and payable by the grantor at the time of transfer of the property by deed or other instrument of conveyance and shall be payable to the tax collector of the city or town in which the property is entered upon the tax list; provided, that, in the case of taking by eminent domain, the value of the property taken shall be determined in accordance with the provisions of chapter seventy-nine and the amount of conveyance tax, if any, shall be added thereto as an added value; and provided further, that if there is filed with the assessors an affidavit by the purchaser that such land is being purchased for class four use, no conveyance tax shall be payable by the seller by reason of such sale, but if such property is not

in fact continued in such use, the purchaser shall be liable for any conveyance tax that would have been payable on such sale as a sale for other use.

If any tax imposed under this section should not be paid, the collector of taxes shall have the same powers and be subject to the same duties with respect to such taxes as in the case of the annual taxes upon real estate, and the law in regard to the collection of the annual taxes, to the sale of land for the nonpayment thereof, and to redemption therefrom, shall apply to such taxes so far as the same are applicable. Any property which is classified as class four property, if changed by the owner thereof to another use within a period of ten years from the date of its acquisition by said owner, shall be subject to the conveyance tax applicable hereunder at the time of such change in use as if there had been an actual conveyance, and the value of such property for the purpose of determining a total sales price shall be fair cash value as determined by the assessors of the city or town.

Section 38. Whenever property which is classified as class four property no longer qualifies as class four property it shall be subject to additional taxes, hereinafter referred to as roll-back taxes, in the current tax year in which it is disqualified and in such of the four immediately preceding tax years in which the land was so classified, provided, that such roll-back taxes shall not be applicable unless the amount thereof as computed pursuant to this section, exceeds the amount, if any, imposed under the provisions of section thirty-seven and, in such case, the property shall not be subject to the conveyance tax imposed under said section thirty-seven and, provided further, that no roll-back taxes shall be applicable if the property involved is purchased for a public purpose by the city or town in which it is situated. For each year, the roll-back tax shall be an amount equal to the difference, if any, between the taxes paid or payable in accordance with class four property and that taxes that would have been paid or payable had the property been classified according to the new use.

Section 39. The assessment, collection, apportionment and payment of the roll-back taxes imposed by section thirty-eight shall be governed by the procedures provided for the assessment and taxation of omitted property under section seventy-five of chapter fifty-nine. Such procedures shall apply to each tax year for which roll-back taxes may be imposed notwithstanding the limitation set forth in said chapter fifty-nine with respect to the periods for which omitted property assessments may be imposed.

Section 40. Certificates as to Conveyance or Roll-Back Taxes. In connection with any proposed or completed sale or other transfer of any real property which has been classified as class four property the owner of record of the land may apply to the board of assessors for a certificate of the amount of conveyance tax and roll-back tax, if any, payable by reason of such sale or other transfer, or that no such tax will or has so become payable and stating the amount of any conveyance or roll-back taxes that have theretofore become payable with respect to such real property

and such a certificate shall be provided to the applicant within twenty days after application therefor. Such certification may be recorded with the registry of deeds; and upon recording of such a certificate that no such tax will or has so become payable, or a certificate by the collector of taxes that the amount of tax stated in such certificate of the board of assessors has been paid, all liens on such real property for taxes under this chapter shall terminate, except that any liens for any roll-back taxes assessed by reason of such real property ceasing to qualify for valuation, assessment and taxation under this chapter after the date of such sale or other transfer, shall continue. In connection with the issuance of such a certificate, the assessors may rely upon their own records, affidavits and other information as they may deem appropriate. The assessors shall charge six dollars for each certificate so issued, and the money so received shall be paid into the town treasury.

Section 41. Whoever willfully conceals, transfers, or misrepresents any real property with the intent to evade proper valuation, classification or assessment of real property shall be penalized under the provisions of sections eighty-nine, ninety, and ninety-one of chapter fifty-nine.

Section 42. Classification of real property shall be implemented on January first, nineteen hundred and seventy-nine; provided however, that no city or town shall classify real property until all real property located within such city or town has been assessed at fair cash valuation as mandated by law and such assessment has been certified by the commissioner.

SECTION 39. Section 3A of chapter 60 of the General Laws, as most recently amended by section 5 of chapter 831 of the acts of 1974, is hereby further amended by striking out the second, third and fourth sentences and inserting in place thereof the following three sentences:-

Every tax bill or notice shall also contain a statement indicating the provisions of law governing interest on the tax to which the bill or notice relates. Every bill or notice for a real property tax shall have printed thereon in a conspicuous place the school rate, the general tax rate and the total tax rate of the town, as determined by the assessors. In addition, every bill or notice for a tax upon real property shall, by street and number, or if no street number has been assigned, by lot number or by name of property or otherwise, describe in a manner sufficient to identify it, each parcel of real property separately assessed and shall state for each such parcel the fair cash valuation of the land, the fair cash valuation of the buildings and other improvements erected thereon and affixed thereto, the classification of the property, the five thousand dollar residential exemption, if any, the taxable valuation of the property and the tax due and payable on such property.

SECTION 40. This act shall take effect upon the ratification at the biennial state election to be held in the year nineteen hundred and seventy-eight of a legislative amendment, entitled "Proposal for a legislative amendment to the Constitution authorizing the classification of property according to its use for the purpose of taxation?" This act shall be applicable to property

taxes assessed for the fiscal year beginning nineteen hundred and eighty. If such amendment is not ratified this act shall be null and void.

SECTION 41. The commissioner of corporations and taxation shall, not later than the first Wednesday of December in the years nineteen hundred and seventy-nine and nineteen hundred and eighty, file a report with the clerks of the house and the senate on the effect of the provisions of this act on the property taxpayers of the commonwealth. Said report shall include but not be limited to an analysis of the property tax bills for each class of property established under the provisions of this act, for the commonwealth as a whole and each city and town thereof. Said analysis shall include but not be limited to a statement, for each of said classes of property, of the average tax bill and the proportion of the total property tax burden each of said classes of property bears to the whole: (1) before one hundred per cent valuation for those cities and towns which were not at one hundred per cent valuation as of January first, nineteen hundred and seventy-five, (2) after one hundred per cent valuation but before implementation of the provisions of this act, and (3) after implementation of the provisions of this act. Said report shall also include but not be limited to an analysis of the implementation of the provisions of this act including without exclusion the names of the cities and towns which have not been certified under the provisions of section fifty-three of this act.

SECTION 42. This act shall terminate June thirtieth, nineteen hundred and eighty-four.

Approved July 24, 1978

Chap. 581. AN ACT RELATIVE TO THE TAXATION OF BOATS, SHIPS AND VESSELS.

Be it enacted, etc., as follows:

SECTION 1. Section 5 of chapter 40 of the General Laws is hereby amended by adding after clause (71), added by chapter 425 of the acts of 1977, the following clause:-

(72) For the establishment and maintenance of a municipal waterways improvement and maintenance fund to receive revenue under subsection (i) of section two of chapter sixty B; and sums received from the commonwealth or the federal government and for the appropriation of monies in said fund for (a) maintenance, dredging, cleaning and improvement of harbors, inland waters and great ponds of the commonwealth, (b) the public access thereto, (c) the breakwaters, retaining walls, piers, wharves and moorings thereof, and (d) law enforcement and fire prevention.

SECTION 2. Section 4 of chapter 59 of the General Laws is hereby amended by striking out clause First and inserting in place thereof the following clause:-

First, Goods, chattels, money and effects, wherever they are; ships and vessels and their equipment at home or abroad, except as provided in section eight of this chapter, in chapter sixty B and in section sixty-seven of chapter sixty-three.

SECTION 3. Section 5 of said chapter 59 is hereby amended

by striking out clause Twentieth, as most recently amended by section 1 of chapter 144 of the acts of 1972, and inserting in place thereof the following clause:-

Twentieth, The wearing apparel, farming utensils and cash on hand of every person and the tools of his trade if a mechanic, to any amount; his household furniture and effects, including jewelry, plate, works of art, musical instruments, radios, television sets and garage or stable accessories, in storage in a public warehouse kept and maintained under chapter one hundred and five or used or commonly kept in or about the dwelling of which he is owner of record or for the use of which he is obligated to pay rent, and which is the place of his domicile; and, to an amount not exceeding a total value of ten thousand dollars, in respect to boats, fishing gear and nets owned and actually used by him in the prosecution of his business if engaged exclusively in commercial fishing; provided, that failure to comply with the provisions of sections twenty-nine and sixty-one relative to the filing of a list of his personal estate with the assessors shall not be a bar to an abatement of the tax, if any, imposed upon such personal estate.

SECTION 4. Section 18 of said chapter 59 is hereby amended by striking out clause First and inserting in place thereof the following clause:-

First, All tangible personal property, including that of persons not inhabitants of the commonwealth, except ships and vessels, shall, unless exempted by section five, be taxed to the owner in the town where it is situated on January first. Ships and vessels, except those used in or designed for use in carrying trade or commercial fishing, shall be taxed to the owner as of July first in the town where it is habitually moored or docked, otherwise where it is principally situated during the calendar year.

SECTION 5. The General Laws are hereby amended by inserting after chapter 60A the following chapter:-

CHAPTER 60B.

Excise on Boats, Ships and Vessels in lieu of Local Property Tax.

As used in this chapter, the following words shall, unless the context clearly requires otherwise, have the following meanings:

Section 1. "Vessel", every watercraft, including documented boats and ships, used or capable of being used as a means of transportation on water, and includes all equipment, including mode of power, and furnishings that are normally required aboard the vessel during accomplishment of the functions for which the vessel is being utilized.

"Habitually moored or docked", the place where the owner has usual mooring or dockage for the summer season.

"Principally situated", for a registered ship or vessel where it is registered, and for a non registered ship or vessel, whether documented or not, the city or town in Massachusetts where it is principally located during the calendar year.

Section 2. (a) Except as hereinafter provided there shall be assessed and levied by each city and town in each fiscal year on every vessel, and its equipment, for the privilege of using the

waterways of the commonwealth, an excise measured by the value thereof, as hereinafter defined and determined, at the rate of ten dollars per thousand of valuation.

(b) Any person who owns such a vessel on July first shall annually, on or before August first, make a return on oath to the assessors of the city or town where such vessel is habitually moored or docked, or in the case of a vessel which has no mooring or docking space, where said vessel is principally situated, setting forth the vessel's registration or documentation number, if any; an adequate description, as well as the owner's estimate of the fair cash value of said vessel and any engine or motor used to propel said vessel, as of the next preceding July first; and the place of habitual mooring or docking or other principal location of said vessel.

(c) For the purpose of computing the excise under this chapter the value of each such vessel, and its equipment, shall be deemed to be the fair cash value as determined by the assessors of each city and town, but not in excess of the following values:

LENGTH OF VESSEL (Overall center line Length excluding bowsprits, boomkins and similar extensions)	VALUATIONS OF VESSELS (based on age of vessel)		
	Under 4 Years of age	4 thru 6 Years of age	7 or More Years of age
Under 16'	\$1,000	\$700	\$400
16' but less than 17.5'	1,500	1,000	800
17.5' but less than 20'	3,000	2,000	1,500
20' but less than 22.5'	5,000	3,300	2,500
22.5' but less than 25'	7,500	5,000	3,800
25' but less than 27.5'	10,500	7,000	5,300
27.5' but less than 30'	14,000	9,300	7,000
30' but less than 35'	18,500	12,300	9,300
35' but less than 40'	24,000	16,000	12,000
40' but less than 50'	31,500	21,000	15,800
50' but less than 60'	41,000	27,300	20,500
60' or over	50,000	33,000	24,800

(d) The payment of such excise shall exempt such owner from any other tax applicable to said vessels and their equipment under chapter fifty-nine.

(e) If an owner fails to make such a return within the time herein provided, the assessors may abate the tax otherwise imposed by this chapter if such owner provides the assessors with a reasonable excuse for failure to file such return and if the return is filed on or before October thirty-first of the year in which the tax is assessed; but no abatement hereunder shall reduce the tax otherwise imposed to an amount less than the sum of the excise imposed by this section plus fifty per cent thereof.

(f) Said excise shall be assessed in the city or town where the vessel is habitually moored or docked, or in the case of a ship or vessel which has no mooring or docking space, where the ship or vessel is principally situated.

(g) Nothing in this section shall be construed to prevent the board of assessors from granting an abatement in any case in which the excise aforesaid is, in the opinion of the board, excessive.

(h) If during any fiscal year ownership of a boat subject to an excise under this chapter is transferred by sale or otherwise, or if during any fiscal year the owner of a boat subject to such an excise removes to another state and registers a boat in such other state and surrenders or does not renew his registration in this state, the excise under this chapter shall be reduced, upon application, by an abatement equal to that proportion of an excise under this chapter on such boat for the full fiscal year which the number of days in said year remaining after the day in which such transfer by sale or otherwise or such surrender or expiration of registration occurs bears to three hundred and sixty-five.

(i) All sums received from the excise imposed under this chapter shall be paid into the treasury of the city or town and fifty per cent of said excise shall be credited to the municipal waterways improvement and maintenance fund established under the provisions of clause (72) of section five of chapter forty.

Section 3. The excise imposed by this chapter shall not apply to vessels described in section eight of chapter fifty-nine and in section sixty-seven of chapter sixty-three; to vessels owned by the commonwealth or any political subdivision thereof; to law enforcement vessels; to vessels under construction; to ferries; to boats, fishing gear and nets owned and actually used by the owner in the prosecution of his business if engaged exclusively in commercial fishing, with a total value of ten thousand dollars or less; nor to other vessels with a value of one thousand dollars or less. Said exemptions shall not subject said vessels and their equipment to any other tax under section four of chapter fifty-nine.

Section 4. The board of assessors, upon assessing the excise imposed by this chapter, shall commit the same to the collector of taxes with their warrant for the collection thereof. The collector of taxes 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. Said excise shall be due and payable at the expiration of sixty days from the date upon which the notice was issued by the collector pursuant to this chapter.

Section 5. The provisions of law relative to the collection, payment, abatement, verification and administration of the motor vehicle excise imposed under chapter sixty A shall so far as pertinent apply to the excise imposed under this chapter.

Section 6. The commissioner of corporations and taxation shall annually transmit to the director of marine and recreational vehicles a list of all ships or vessels documented as of July first under the laws of the United States whose owners reside in Massachusetts. The boat list shall include for each boat the name and residence of the registered owner, the documentation number, type, length, and model year of the boat and type and horsepower of the engine or motor used to propel said boat and the city or town in which it is habitually moored or docked.

SECTION 6. The first paragraph of section 11 of chapter 90B of the General Laws, as amended by chapter 804 of the acts of 1973, is hereby further amended by striking out the second, third, fourth and fifth sentences and inserting in place thereof the following:-

He shall (1) submit to the secretary for his approval a numbering system for motorboats, (2) require that all applications for number, certificates of number, and reports of boating accidents contain the same information as that contained in similar documents of the coast guard, and (3) compile on or before December thirty-first of each year lists of all snow vehicles and recreational vehicles and on or before September thirtieth of each year lists of all boats registered as of the previous July first under the provisions of this chapter. The boat lists shall include for each boat the name and residence of the registered owner, the registration number, make, type, length, model year of the boat and the make, type, horsepower and model year of the engine or motor used to propel said boat and, if appropriate, the city or town in which it is habitually moored or docked, or with respect to trailered boats, the city or town where registered.

The snow vehicle and recreational vehicle lists shall include for each vehicle the name and residence of the registered owner, the registration number, type, size and model year and the city or town in which the vehicle is customarily kept. The director shall annually transmit to the assessors of each city and town in the commonwealth a list of registered owners of snow vehicles or recreational vehicles in such city or town and a list of documented or registered owners of boats habitually moored or docked in such city or town, and if not so moored or docked, a list of documented or registered boats whose owners reside in such city or town, together with any information which may assist the assessors in listing and valuing or assessing such boats, snow vehicles and recreational vehicles.

SECTION 7. The estimates of the assessors of the cities and towns for the revenue to be collected under section four of chapter fifty-nine prior to the passage of this act for the fiscal year nineteen hundred and seventy-nine shall be the amounts used by the department of corporations and taxation in computing the yield to be collected under the authority of this act for the fiscal year nineteen hundred and eighty.

SECTION 8. Section four of this act shall take effect on January first, nineteen hundred and seventy-nine and sections one, two, three, five, six and seven shall take effect on July first, nineteen hundred and seventy-nine.

Approved July 24, 1978

RESOLVES

- Chap. 1. RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY BY THE DEPARTMENT OF PUBLIC WORKS RELATIVE TO THE CONSTRUCTION OF ACCESS FROM STATE HIGHWAY ROUTE 3 ONTO STATE PROPERTY FOR MIDDLESEX COMMUNITY COLLEGE.

Resolved, That the department of public works is hereby authorized and directed to make an investigation and study relative to constructing access from state highway route 3 onto state property for the purpose of providing access to Middlesex community college. During its study, said department shall consult with the boards of selectmen, planning board members, conservation commission members and interested residents of the towns of Bedford and Billerica. Said department shall report to the general court the results of its investigation and study and its recommendations, if any, together with drafts of legislation necessary to carry its recommendations into effect, by filing the same with the clerk of the house of representatives on or before the thirtieth day of September, nineteen hundred and seventy-eight.

Approved March 2, 1978

- Chap. 2. RESOLVE REVIVING AND CONTINUING THE SPECIAL COMMISSION RELATIVE TO THE LAWS OF THE COMMONWEALTH PERTAINING TO ELEMENTARY AND SECONDARY EDUCATION AS THEY RELATE TO UNEQUAL EDUCATIONAL OPPORTUNITY AND SERVICES.

Resolved, That the special commission established by chapter one hundred and fifty-seven of the resolves of nineteen hundred and seventy-three and most recently revived and continued under the provisions of chapter seven of the resolves of nineteen hundred and seventy-seven is hereby further revived and continued.

Approved March 8, 1978

- Chap. 3. RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY BY THE RETIREMENT LAW COMMISSION RELATIVE TO THE ESTABLISHMENT OF THE BLUE HILLS REGIONAL VOCATIONAL SCHOOL RETIREMENT SYSTEM.

Resolved, That the retirement law commission is hereby authorized and directed to make an investigation and study relative to the establishment of the Blue Hills Regional Vocational School retirement system. 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 house of representatives on or before the last Wednesday of September, nineteen hundred and seventy-eight.

Approved March 21, 1978

Chap. 4. RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY BY THE SPECIAL JUDICIAL PENSION ADVISORY COMMITTEE OF THE RETIREMENT LAW COMMISSION RELATIVE TO THE JUDICIAL PENSION SYSTEM.

Resolved, That the special judicial pension advisory committee of the retirement law commission is hereby authorized and directed to make an investigation and study of the subject matter of current house documents numbered 474, providing for contribution to the retirement system of all members of the judiciary; 1079, relative to maximum pension benefits for future employees of the commonwealth; and 1600, providing for a new judicial retirement system. Said committee shall report to the general court the results of its investigation and study and its recommendation, 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-eight.

Approved April 7, 1978

Chap. 5 RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY BY A SPECIAL COMMISSION RELATIVE TO CORRUPTION INVOLVED IN CERTAIN STATE AND COUNTY BUILDING CONTRACTS.

Resolved, That a special commission to consist of seven members is hereby established to investigate and study as a basis for legislative action the existence and extent of corrupt practices and maladministration concerning contracts awarded no earlier than January first, nineteen hundred and sixty-eight related to the construction of state and county buildings; the existence of conditions which tend or may tend to permit the occurrence of said practices and maladministration; and the existence of limitations on the powers and functions of those charged with the duty of approving, supervising or overseeing said contracts or with the enforcement of laws related thereto. Said investigation and study shall include but need not be limited to consideration of the awarding, implementation and the subsequent events concerning the contract between the firm of McKee-Berger-Mansueto, Inc. and the commonwealth relating to the management of construction of certain buildings on the Boston campus of the University of Massachusetts.

Said commission shall consist of one justice retired from the supreme judicial court or from the superior court, one lay person who shall not at any time have served as a member of the general court, both to be appointed by the secretary of the commonwealth, the attorney general or a member of his department designated by him, a dean of a law school located in the commonwealth or a president of a private institution of higher learning located in the commonwealth to be appointed by the governor, the president-elect of the Massachusetts Bar Association or another member of that association designated by him to be appointed by the governor, a registered architect and a registered professional engineer, both to be appointed by the auditor of the commonwealth. No person who currently has or within the past five years has had any

direct or indirect financial interest in a contract with the commonwealth or with a county related to building construction, nor any member of the immediate family of such person, shall be eligible for appointment to or shall serve on or be employed by the commission.

Said dean or president of such institution appointed by the governor shall be the chairperson of the commission. The member who is a retired justice shall not in any way perform any judicial duties while serving on the commission. Any vacancy on the commission shall be filled by the appropriate appointing or designating authority, unless there is at the time of such vacancy no such authority, in which case by the governor. Such vacancy shall not affect the powers and duties of the commission. A quorum of four members shall be necessary to conduct the business of the commission. A majority vote of the commission shall mean a majority of the members authorized to be appointed to serve.

The members of the commission shall serve unless otherwise provided herein without compensation but shall receive their necessary expenses incurred in the discharge of their official duties. The commission shall be provided with offices.

The commission may employ an executive director, legal counsel and such other assistance as it may deem necessary, subject to appropriation. The commission may accept and expend any appropriations, grants of money, professional services, consultant services, clerical or other services and supplies from the commonwealth in the course of its investigations. The commission and its staff may travel within and without of the commonwealth.

The commission may request reasonable assistance from the attorney general, the state auditor and the commissioner of public safety, and said officers shall furnish the commission with any relevant information in their possession which is requested by the commission. Any justice of the supreme judicial court or of the superior court may, upon application by the commission and after notice of said application having been given to such officer who shall have an opportunity to be heard in opposition thereto, compel compliance with a request by subpoena for such information.

The commission may require by summons the attendance and testimony under oath of witnesses and the production before it of books and papers relating to any matter being investigated by it pursuant to the provisions of this resolve. Such a summons may be issued by the commission only upon a majority vote of the commission and shall be served in the same manner as summonses for witnesses in criminal cases issued on behalf of the commonwealth and all provisions of law relative to summonses issued in such cases shall apply to summonses issued under this resolve so far as applicable. Any justice of the supreme judicial court or of the superior court may upon application by the commission compel the attendance of witnesses summoned as aforesaid, the giving of testimony under oath and the production of books and papers before the commission in furtherance of any investigation under this resolve in the same manner and to the same extent as before the supreme judicial or superior courts. Such justice may also compel any witness to answer before the court any questions theretofore put to such witness by the commission;

in the event that such justice shall compel the giving of testimony before the court, he may, upon motion of the court or upon application of the commission, order that the public be excluded from such sitting of the court and may impound all papers and documents, and reproductions thereof, relating thereto.

Every person who behaves in a disorderly or contemptuous manner before such commission shall be deemed guilty of a misdemeanor punishable as provided in section twenty-eight A of chapter three of the General Laws.

If any person summoned to testify or produce evidence before the commission refuses to testify or produce evidence on the basis of his privilege against self-incrimination, the commission, upon a majority vote, may apply to a justice of the supreme judicial court for an order granting immunity to said witness. Notice of such application shall be sent to the attorney general, all district attorneys in the commonwealth, and the United States attorney for the district of Massachusetts, any of whom may file an appearance and have the right to be heard with respect to such application. The justice may, after hearing, order the witness to answer the question or produce the evidence requested and, if he so orders, he shall also issue an order granting immunity to the witness with respect to the transactions, matters or things concerning which he is compelled to testify or produce evidence. A witness who has been granted immunity as provided herein shall not be prosecuted or subjected to a penalty or forfeiture for or on account of any action, matter or thing concerning which he may be required to testify or produce evidence following the grant of immunity, except for perjury committed while giving testimony or producing evidence, giving a false statement or otherwise failing to comply with the order. The provisions of the second clause of the first sentence of section one of chapter two hundred and sixty-eight of the General Laws shall be applicable to testimony under oath before the commission.

The commission shall establish rules of procedure governing the conduct of its hearings which shall be made available in printed form to each witness prior to his testimony. Witnesses shall have the right to be represented by counsel and shall before testifying be sworn.

All hearings of the commission shall be public, however by a majority vote of the commission membership present, the commission may, at any time, conduct a private hearing. Private hearings shall be governed by the same provisions with reference to secrecy which govern proceedings of a grand jury.

Upon order of the commission, its counsel shall, under conditions of confidentiality, submit to the attorney general, a district attorney or other law enforcement agency, such evidence which has come to the attention of the commission as in the opinion of the commission warrants such presentation or submission. Any evidence of misconduct by an employee, officer, or official of the executive branch of government shall be presented to the governor; any evidence of misconduct by a member, officer, or employee of the general court shall be presented to the committee on Ethics of the appropriate branch of the general court; and any evidence of misconduct by a licensed or regulated professional shall be presented to the appropriate professional disciplinary body; provided, however, that such presentations may be limited to evi-

dence which, in the opinion of a majority of the commission, is reasonably credible.

The chairman of the commission shall notify the general court when all appointments have been made and the commission is ready to commence its investigation. Upon such notification, all legislative committees which are conducting an investigation and study of said contract and related events between McKee-Berger-Mansueto, Inc., and the commonwealth shall terminate in an orderly manner their investigations and studies thereon, and make a report of their findings and conclusions to the general court, and turn over all of the records of their proceedings to the commission in an orderly manner.

The commission shall file interim reports with the clerk of the house of representatives on or before July seventeenth, nineteen hundred and seventy-eight and on or before April fourth, nineteen hundred and seventy-nine and shall file the final report 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 said clerk on or before December thirty-first, nineteen hundred and seventy-nine.

The commission shall cease its investigation and study upon filing its final report and, except as otherwise provided herein, shall forward all records and documents, including stenographic notes, to the state secretary. The secretary shall be the custodian of such records, which he shall place in a separate and segregated vault in the archives division and he shall seal the same. Said records shall not be public records and shall be available only upon a court order. The state secretary shall retain said records and documents for seven years after receipt.

All appointments required under the provisions of the second paragraph of this resolve shall be made not later than thirty days after the effective date of this resolve.

Nothing in this resolve shall be so construed as to preclude any individual from cooperating with any investigation into matters covered by the provisions of this resolve.

Approved April 12, 1978

EMERGENCY LETTER - May 12, 1978 @ 1:20 P.M.

Chap. 6 RESOLVE REVIVING AND CONTINUING CERTAIN
SPECIAL COMMISSIONS.

Resolved, That the special commissions established by chapter eighty-eight of the resolves of nineteen hundred and sixty-five, chapter ninety-seven of the resolves of nineteen hundred and sixty-eight, chapter seventy-seven of the resolves of nineteen hundred and sixty-nine, chapter nineteen 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 and forty of the resolves of nineteen hundred and seventy-two, chapters sixty-three and one hundred and thirty-six of the resolves of nineteen hundred and seventy-three, chapters fifty-two and eighty-eight of the resolves of nineteen hundred and seventy-four, chapters fifty-four, fifty-eight, sixty and sixty-five of the resolves of nineteen hundred and seventy-five, chapter four of the resolves of nineteen hundred and seventy-six,

chapters twelve, sixteen, twenty, thirty-three, thirty-five and thirty-six of the resolves of nineteen hundred and seventy-seven are hereby revived and continued.

Approved April 21, 1978

Chap. 7. RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY BY THE MASSACHUSETTS ENERGY POLICY OFFICE AND THE MASSACHUSETTS ENERGY FACILITIES SITING COUNCIL RELATIVE TO THE LICENSING PROCEDURES FOR CERTAIN WATER POWER FACILITIES.

Resolved, That the Massachusetts energy policy office and the Massachusetts energy facilities siting council, acting jointly, shall conduct an investigation and study of the licensing procedure for water power facilities with an installed capacity of less than thirty megawatts. The members of said joint study shall report to the general court the results of its investigation and study, and its recommendations, if any, together with drafts of legislation necessary to carry its recommendations into effect, by filing the same with the clerk of the house of representatives on or before the last Wednesday in December, nineteen hundred and seventy-eight.

Approved April 28, 1978

Chap. 8. RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY BY THE MASSACHUSETTS TURNPIKE AUTHORITY RELATIVE TO THE USE OF CERTAIN AIR RIGHTS OVER THE MASSACHUSETTS TURNPIKE EXTENSION IN THE ALLSTON/BRIGHTON AREA IN THE CITY OF BOSTON.

Resolved, That the board of directors of the Massachusetts Turnpike Authority is hereby authorized and directed to make an investigation and study relative to the uses of air rights over the Massachusetts Turnpike Extension in the Allston/Brighton area of the city of Boston. Said directors or their designees shall, in the course of their investigation and study, examine and confer with appropriate community groups, state legislators and the mayor of the city of Boston about possible residential, commercial and beautification development of said air rights, and the actions necessary to implement said development.

Said board shall report to the General Court the results of its investigation and study, and its recommendations, if any, including a schedule for implementation, 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 April first, nineteen hundred and seventy-nine.

Approved May 5, 1978

Chap. 9. RESOLVE CHANGING THE MEMBERSHIP OF THE SPECIAL COMMISSION RELATIVE TO CORRUPTION INVOLVED IN CERTAIN STATE AND COUNTY BUILDING CONTRACTS.

Resolved, That the second paragraph of chapter five of the resolves of nineteen hundred and seventy-eight is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- Said commission shall consist of two lay persons who shall not at any time have served as a member of the general court, both to be appointed by the secretary of the commonwealth, the attorney general or a member of his department designated by him, a dean of a law school located in the commonwealth or a president of a private institution of higher learning located in the commonwealth to be appointed by the governor, the president-elect of the Massachusetts Bar Association or another member of that association designated by him to be appointed by the governor, a registered architect and a registered professional engineer, both to be appointed by the auditor of the commonwealth.

Approved June 16, 1978

EMERGENCY LETTER - June 19, 1978 @ 12:18 P.M.

Chap. 10. RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY BY THE JUDICIAL COUNCIL RELATIVE TO CONSUMER PROTECTION.

Resolved, That the judicial council be requested to investigate the subject matter of current senate documents numbered 104, relative to further regulating business practices for consumer protection; 121, relative to further regulating business practices for consumer protection and of current house documents numbered 972, relative to further regulating business practices for consumer protection; 4985, relative to repealing the law relative to eliminating the procedure for removing certain consumer protection cases to regulatory agencies; and 5184, relative to civil remedies for consumer protection, 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 27, 1978

Chap. 11. RESOLVE PROVIDING FOR AN INVESTIGATION BY THE JUDICIAL COUNCIL RELATIVE TO LIMITING THE LIABILITY FOR PERSONAL INJURIES OR DEATH SUFFERED BY A DEFENDANT WHILE PARTICIPATING IN A PROGRAM IN LIEU OF A SENTENCE FOR CERTAIN VIOLATIONS OF LAW.

Resolved, That the judicial council be requested to investigate the subject matter of current senate document numbered 708, relative to limiting the liability for personal injuries or death suffered by a defendant while participating in a program in lieu of a sentence for certain violations of law, and to include its conclusions and its recommendations, if any, in relation thereto, together with drafts of such legislation as may be necessary to give effect to the same, in its annual report for the current year.

Approved July 1, 1978

Chap. 12. RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY BY A SPECIAL COMMISSION RELATIVE TO PREPARING PLANS FOR THE OBSERVANCE BY THE COMMONWEALTH OF THE TWO HUNDREDTH ANNIVERSARY OF THE ESTABLISHMENT OF THE CONSTITUTION OF THE COMMONWEALTH.

Resolved, That a special commission, to consist of four members of the senate, seven members of the house of representatives, the counsel to the senate or his designee, the counsel to the house of representatives or his designee, the state secretary or his designee, the attorney general or his designee, the secretary of education or his designee, the commissioner of education or his designee, three persons appointed by the chief justice of the supreme judicial court, and twelve persons to be appointed by the governor, one of whom shall represent the Massachusetts Bar Association, one of whom shall be a dean of a law school in the commonwealth, one of whom shall represent the Massachusetts Historical Society, one of whom shall represent the League of Women Voters of Massachusetts, and one of whom shall represent the Massachusetts Teachers Association is hereby established for the purpose of devising plans and programs for the observance by the commonwealth of the two hundredth anniversary of the establishment of the Constitution of the Commonwealth. Such plans shall include the education of the people of the commonwealth, through schools, agencies of state and local government, and the media, concerning the creation of the Constitution, its content, and its influence upon said Constitution of the United States. Said commission may receive and expend such funds as may be donated to it for its purposes. Said commission shall submit an annual report to the general court 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 Tuesday of December in every year and shall file its final report, along with an accounting of funds received and expended, not later than the last Wednesday of December, nineteen hundred and eighty-one.

Approved July 3, 1978

Chap. 13. RESOLVE REVIVING AND CONTINUING THE SPECIAL COMMISSION ESTABLISHED TO MAKE AN INVESTIGATION AND STUDY RELATIVE TO THE EFFECT OF PRESENT GROWTH PATTERNS ON THE QUALITY OF LIFE IN THE COMMONWEALTH.

Resolved, That the special commission, established by chapter ninety-eight of the resolves of nineteen hundred and seventy-three and most recently revived and continued under the provisions of chapter thirty-two of the resolves of nineteen hundred and seventy-seven is hereby revived and continued. 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 house of representa-

tives on or before June thirtieth, nineteen hundred and seventy-nine.

Approved July 5, 1978

Chap. 14. RESOLVE IN FAVOR OF ELIZABETH A. KOULOHERAS.

Resolved, That for the purpose of discharging a moral obligation of the commonwealth and after an appropriation has been made therefor, there shall be allowed and paid out of the state treasury to Elizabeth A. Kouloheras, assistant marine fisheries biologist at the Cat Cove marine laboratory of the division of marine fisheries in the department of fisheries, wildlife and recreational vehicles, the sum of six hundred and ninety-eight dollars and thirty cents as reimbursement for diving equipment owned by her and stolen from said laboratory prior to February fifteenth, nineteen hundred and seventy-seven. If after such payment, said Elizabeth A. Kouloheras receives any sum in reduction of such loss, she shall forthwith pay over the same to the commonwealth.

Approved July 8, 1978

Chap. 15. RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY BY THE JUDICIAL COUNCIL RELATIVE TO THE APPOINTMENT OF GUARDIANS OF ADULTS.

Resolved, That the judicial council be requested to investigate the subject matter of current senate document numbered 1504, relative to the appointment of guardians of adults, and to include its conclusions and its recommendations, if any, in relation thereto, together with drafts of such legislation as may be necessary to give effect to the same, in its annual report for the current year.

Approved July 8, 1978

Chap. 16. RESOLVE IN FAVOR OF FLORENCE M. DELORY.

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 Florence M. Delory, the mother of Bernice W. Delory, the sum of five thousand seven hundred and forty-nine dollars and ninety-eight cents for vacation allowances earned by the late Bernice W. Delory as an employee of the house of representatives.

Approved July 8, 1978

Chap. 17. RESOLVE IN FAVOR OF MABEL JOE OF THE TOWN OF WEST SPRINGFIELD.

Resolved, That for the purpose of discharging a moral obligation of the commonwealth, there shall be allowed and paid out of the state treasury subject to appropriation, to Mabel Joe of the town of West Springfield, the sum of three thousand three hundred dollars in full satisfaction of the cost of relocation of the

Ding Ho restaurant, owned by her and her late husband due to the taking of said restaurant by the department of public works for the construction of Interstate highway route 91 and Interstate highway route 291 in the city of Springfield.

Approved July 10, 1978

Chap. 18. RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY BY THE MASSACHUSETTS TURNPIKE AUTHORITY RELATIVE TO THE USE OF CERTAIN AIR RIGHTS OVER THE MASSACHUSETTS TURNPIKE EXTENSION IN THE CITY OF NEWTON.

Resolved, That the board of directors of the Massachusetts Turnpike Authority is hereby authorized and directed to make an investigation and study relative to the lease of air rights to the city of Newton for development purposes, over the Massachusetts Turnpike Extension in the Newton Corner area of the city of Newton between the Centre avenue and the Washington street bridges, and between the Centre avenue and the St. James bridges, and in the Newtonville area of the city of Newton between the Walnut street and Lowell avenue bridges. Said directors or their designees shall, in the course of their investigation, examine and confer with the mayor and the board of aldermen of said city about the types of development proposed by said city, the necessary elements of coordination of said development with the transportation uses of said Turnpike Extension and the actions of the Authority necessary to implement such development.

Said board shall report to the General Court the results of its investigation and study, and its recommendations, if any, including a schedule for submission to said Authority by said city of a lease of air rights and for approval or alteration of said lease by said Authority, 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 April first, nineteen hundred and seventy-nine.

Approved July 12, 1978

Chap. 19. RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY BY THE MASSACHUSETTS BAY TRANSPORTATION AUTHORITY RELATIVE TO THE USE OF CERTAIN AIR RIGHTS OVER THE HIGHLAND BRANCH OF THE MASSACHUSETTS BAY TRANSPORTATION AUTHORITY IN THE CITY OF NEWTON.

Resolved, That the board of directors of the Massachusetts Bay Transportation Authority is hereby authorized and directed to make an investigation and study relative to the lease of air rights to the city of Newton for development purposes over the so-called Highland branch of the green line in the Newton centre area of the city of Newton and in the Newton Highlands area in said city between Floral and Lincoln streets from Walnut street to Hartford street.

Said directors or their designees shall, in the course of their investigation, examine and confer with the mayor and the board

of aldermen of said city about the types of development proposed by said city, the necessary elements of coordination of said development with the transportation uses of the Highland branch and actions of the Authority necessary to implement said development.

Said directors shall report to the General Court the results of its investigation and study, and its recommendations, if any, including a schedule for submission to said Authority by said city of a lease of air rights and for approval or alteration of said lease by said Authority, 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 April first, nineteen hundred and seventy-nine.

Approved July 12, 1978

Chap. 20. RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY BY A SPECIAL COMMISSION RELATIVE TO THE POSSIBLE TRANSFER OF THE FISCAL RESPONSIBILITY FOR MIDDLESEX COUNTY HOSPITAL TO PRIVATE OR PUBLIC ORGANIZATIONS OTHER THAN MIDDLESEX COUNTY.

Resolved, That a special commission to consist of two members of the senate, three members of the house of representatives, one of whom shall be a member of the joint committee on counties and one of whom shall be a member of the committee on health care, the commissioner of the department of public health or his designee, a member of the Middlesex county advisory board, the dean of the Middlesex Community College Nursing School, the director of the Middlesex-Cambridge lung association, the superintendent of Fernald state school, the director of Middlesex County Hospital, a member of the bargaining unit of Middlesex county hospital employees union, and three persons to be appointed by the governor, one to be an administrator of a public hospital, one an administrator of a private hospital and one a professor at the Harvard school of public health; is hereby established for the purpose of making an investigation and study relative to the possible transfer of the fiscal responsibility for Middlesex county hospital to private or public organizations other than Middlesex county.

Said commission shall, in the course of its investigation and study, consider alternatives for maintaining the operation of the hospital including, but not limited to, the possible transfer of fiscal responsibility to private or public organizations other than Middlesex county.

Said commission may accept proposals to manage and control the hospital from organizations qualified by experience or from groups, in the opinion of the commission, qualified to assure the continued operation of the hospital.

Said commission shall consider the possibility of amending section eighty-seven of chapter one hundred and eleven of the General Laws as it relates to county commissioners performing as trustees of Middlesex county hospital. The commission shall consider recommending a new board of trustees for said hospital consisting of not less than three nor more than nine members. In establish-

ing qualifications for new trustees, the commission shall consider education and experience as relating to the fields of medicine, administration and management.

Said commission shall report to the general court, the results of its investigation and study, and 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 senate on or before the first Wednesday of June, nineteen hundred and seventy-nine.

Approved July 13, 1978

Chap. 21. RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY BY THE EXECUTIVE OFFICE OF TRANSPORTATION AND CONSTRUCTION RELATIVE TO THE FEASIBILITY OF CONSTRUCTING A HIGH SPEED MONO-RAIL SYSTEM BETWEEN SPRINGFIELD AND BOSTON.

Resolved, That the executive office of transportation and construction is hereby authorized and directed to make an investigation and study of the feasibility of constructing a high speed mono-rail system connecting the cities of Springfield, Worcester and Boston. In the course of its investigation and study, said executive office shall review all existing material relating to said mono-rail system from previously authorized studies undertaken by the Massachusetts Port Authority, or any consultant to said authority. Said executive office 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 first Wednesday of April, nineteen hundred and seventy-nine.

Approved July 13, 1978

Chap. 22. RESOLVE IN FAVOR OF THE 1010 MEMORIAL DRIVE TENANTS CORPORATION.

Resolved, That, for the purpose of discharging a moral obligation of the commonwealth and after an appropriation has been made therefor, there shall be allowed and paid out of the state treasury to the 1010 Memorial Drive Tenants Corporation the sum of sixteen thousand three hundred and seventy-two dollars and thirty-one cents in settlement of its claim against the metropolitan district commission for reimbursement of the cost of a sewer connection for which said commission had agreed to pay.

Approved July 22, 1978

Chap. 23. RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY BY A SPECIAL COMMISSION RELATIVE TO ESTABLISHING AN ANNUAL EMISSIONS INSPECTION PROGRAM FOR ALL MOTOR VEHICLES AND CERTAIN MATTERS RELATED THERETO.

Resolved, That a special commission, to consist of three members of the senate, five members of the house of representatives, the secretary of consumer affairs or his designee, the secretary of environmental affairs or his designee, the secretary of human services or his designee, the secretary of public safety or his designee, the registrar of motor vehicles or his designee, and two persons to be appointed by the governor, one of whom shall be a member of the governor's highway safety bureau and one of whom shall be a representative of the Independent Garage Owner's Association of Massachusetts, is hereby established for the purpose of making an investigation and study of the subject matter of current senate document numbered 867, establishing a motor vehicle emissions inspection system in the commonwealth; and of current house document numbered 654, further regulating inspections of motor vehicles; 655, to establish a system of staggered inspection of motor vehicles; 868, to regulate charges for safety inspection of motor vehicles of the investigation and study proposedly house document numbered 1425, relative to reviving and continuing and increasing the membership and scope of the special commission relative to establishing an annual emissions program for all motor vehicles; to reduce air pollution by establishing a system of automobile pollution and safety inspection; 1427, to provide for periodic safety and emissions inspections of motor vehicles; 2081, prohibiting the self issuance of motor vehicle inspection stickers; 2831, establishing a motor vehicle emission inspection system in the commonwealth; 3742, providing for a complete yearly inspection of a motor vehicle; 3743, providing that the inspection period for motor vehicles coincide with the dates for using studded snow tires; and 4102, authorizing and directing the registrar of motor vehicles to devise and implement a system whereby inspections of motor vehicles may be made during the entire year.

Approved July 24, 1978

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 1978 passed 581 Acts and 23 Resolves of which 569 Acts and 23 Resolves received executive approval. Twelve (12) Acts from which executive approval was withheld became law by virtue of Chapter 1, Section 1, Article II of the Constitution of the Commonwealth.

Eleven (11) Acts entitled, respectively, "An Act Making Appropriations for the Fiscal Year Nineteen Hundred and Seventy-nine for the Maintenance of the County of Dukes County." (Chapter 84); "An Act Making Appropriations for the Fiscal Year Nineteen Hundred and Seventy-Nine for the Maintenance of Berkshire County." (Chapter 99); "An Act Directing the Department of Public Health to Continue Operation of the Woodland Nursing Home in the Town of Methuen Until the Question of Ownership of Said Home is Resolved and Prohibiting the Involuntary Transfer of Patients Therefrom." (Chapter 109); "An Act Making Appropriations for the Fiscal Year Nineteen Hundred and Seventy-nine for the Maintenance of Franklin County." (Chapter 157); "An Act Making Appropriations for the Fiscal Year Nineteen Hundred and Seventy-nine for the Maintenance of Barnstable County." (Chapter 178); "An Act Making Appropriations for the Fiscal Year Nineteen Hundred and Seventy-nine for the Maintenance of Bristol County." (Chapter 254); "An Act Temporarily Exempting Certain Single Family Dwellings from Certain Provisions of the Program for the Detection of the Sources of Lead Poisoning." (Chapter 265); "An Act Relative to Public Accommodations." (Chapter 331); "An Act Making Appropriations for the Fiscal Year Nineteen Hundred and Seventy-nine for the Maintenance of Hampden County." (Chapter 355); "An Act Making Appropriations for the Fiscal Year Nineteen Hundred and Seventy-nine for the Maintenance of Hampshire County." (Chapter 365); and "An Act Making Appropriations for the Fiscal Year Nineteen Hundred and Seventy-nine for the Maintenance of Plymouth County." (Chapter 366); 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 4 Acts with his objections thereto in writing. Upon said 3 Acts his objections were sustained and upon 1 Act his objections were not sustained.

Three (3) Acts entitled "An Act Making Appropriations for the Fiscal Year Ending June the Thirtieth, Nineteen Hundred and Seventy-Eight to Provide for Supplementing Certain Existing Appropriations and for Certain New Activities and Projects."; "An Act Relative to the Sale of Certain Alcoholic Beverages by Wholesalers and Importers."; and "An Act Providing that Persons Under the Age of Eighteen Shall Wear Protective Headgear While Operating or Riding as a Passenger on a Motorcycle." were returned by him with his objections thereto, to the Branch in which they originated, were reconsidered and, the vote being taken on their passage, the objections of the Governor thereto notwithstanding, they were rejected and said Acts thereby became void.

One (1) Act entitled "An Act Authorizing and Directing the Department of Public Health to Make Certain Determinations of Need Relative to Sacred Heart Home." (Chapter 137) 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-three (33) Acts, Chapters 11, 21, 30, 55, 73, 77, 78, 91, 103, 118, 120, 124, 146, 160, 172, 177, 201, 205, 221, 232, 234, 282, 300, 329, 351, 356, 384, 401, 459, 506, 542, 543 and 567, and two (2) Resolves, Chapters 5 and 9, were declared to be emergency laws by the Governor in accordance with the provisions of the Forty-eighth Amendment to the Constitution, the Referendum II, Emergency Measures.

Forty (40) 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 Wednesday, July 12, 1978 at 5:26 A.M., the session having occupied 190 days.

AN ACT

PASSED BY THE

General Court of Massachusetts

AT AN

EXTRA SESSION

1978

Convened on Monday, the Thirty-first Day of July, 1978 and
Prorogued on Tuesday, the First Day of August, 1978.

Chap. 582. AN ACT AUTHORIZING THE TOWN OF WESTON TO PROVIDE CERTAIN HOUSING FOR ELDERLY PERSONS.

Be it enacted, etc., as follows:

SECTION 1. Chapter 148 of the acts of 1977 is hereby amended by striking out section 1 and inserting in place thereof the following section:-

Section 1. The town of Weston is herewith authorized to appropriate money and receive gifts and grants to renovate, construct, reconstruct, equip, furnish, rent and manage, on and after August thirty-first, nineteen hundred and seventy-seven, at and on the site of the Brook School in said town, a building or buildings for the purpose of providing housing for handicapped persons and elderly persons of the commonwealth of low or moderate income.

SECTION 2. Said chapter 148 is hereby further amended by striking out sections 3 and 4 and inserting in place thereof the following two sections:-

Section 3. To provide such housing, the town of Weston may authorize the appropriation of money not in excess of two million four hundred thousand dollars for the renovation, construction, reconstruction and original equipping and furnishing of a building or buildings at and on the site of the said Brook school, any appropriation therefor to be raised by taxation or the issuance of bonds or notes, such borrowing to be for a period not exceeding twenty years and as provided in chapter forty-four of the General Laws but such borrowing shall not be included in the limit of indebtedness prescribed by section ten thereof.

Section 4. The Weston elderly housing committee shall have the authority to employ agents, managers and employees, enter into contracts including construction contracts, subject to approval of town counsel of the town of Weston, for the purposes of this act, establish rents and make such rules and regulations concerning use, occupancy and other necessary matters relating to the handicapped and elderly housing as herein authorized and as it shall deem proper. All revenues of the building or buildings shall be town funds and the Weston elderly housing committee shall, except as otherwise provided by law, expand only such funds as are appropriated for it by said town.

SECTION 3. This act shall take effect upon acceptance by the town of Weston at an annual or special town meeting.

Approved August 10, 1978

The General Court of 1978 during its extra session passed one Act, which received executive approval.

The General Court was prorogued on Tuesday, August 1, 1978 at seven o'clock and seventeen minutes, P.M., the session having occupied two days.

AMENDMENT OF THE CONSTITUTION

1978

ARTICLE OF AMENDMENT OF THE CONSTITUTION

OF

MASSACHUSETTS

adopted by the Legislature of the political year one thousand nine hundred and seventy-five, and by the Legislature of the political year one thousand nine hundred and seventy-seven, agreeably to the provisions of the Constitution, and approved by the People on the seventh day of November in the year one thousand nine hundred and seventy-eight.

ONE HUNDRED AND SEVENTH ARTICLE OF AMENDMENT.

ART. CVII. Section 2 of Article LXIII of the Articles of Amendment to the Constitution of the Commonwealth is hereby annulled and the following is adopted in place thereof:-

Section 2. The Budget. Within three weeks after the convening of the general court the governor shall recommend to the general court a budget which shall contain a statement of all proposed expenditures of the commonwealth for the fiscal year, including those already authorized by law, and of all taxes, revenues, loans and other means by which such expenditures shall be defrayed. In the first year of the term of office of a governor who has not served in the preceding year said governor shall recommend such budget within eight weeks after the convening of the general court. The budget shall be arranged in such form as the general court may by law prescribe, or, in default thereof, as the governor shall determine. For the purpose of preparing his budget, the governor shall have power to require any board, commission, officer or department to furnish him with any information which he may deem necessary.

THE COMMONWEALTH OF MASSACHUSETTS

OFFICE OF THE SECRETARY

December 7, 1978.

I Hereby Certify that the foregoing is the One Hundred and Seventh Article of Amendment of the Constitution of this Commonwealth, as approved by the People at the State Election held on the seventh day of November, in the year one thousand nine hundred and seventy-eight, pursuant to the provisions of Article XLVIII of the Amendments to the Constitution.

PAUL GUZZI,
Secretary of the Commonwealth.

AMENDMENT OF THE CONSTITUTION

1978

ARTICLE OF AMENDMENT OF THE CONSTITUTION

OF

MASSACHUSETTS

adopted by the Legislature of the political year one thousand nine hundred and seventy-five, and by the Legislature of the political year one thousand nine hundred and seventy-seven, agreeably to the provisions of the Constitution, and approved by the People on the seventh day of November in the year one thousand nine hundred and seventy-eight.

ONE HUNDRED AND EIGHTH ARTICLE OF AMENDMENT.

ART. CVIII. Article XLVIII of the Amendments to the Constitution of the Commonwealth is hereby amended by striking out, under the heading "GENERAL PROVISION", all of subheading "IV. Information for Voters.", as amended by section 4 of Article LXXIV of said Amendments, and inserting in place thereof the following subheading:

IV. Information for Voters.

The secretary of the commonwealth shall cause to be printed and sent to each person eligible to vote in the commonwealth or to each residence of one or more persons eligible to vote in the commonwealth the full text of every measure to be submitted to the people, together with a copy of the legislative committee's majority reports, if there be such, with the names of the majority and minority members thereon, a statement of the votes of the general court on the measure, and a fair, concise summary of the measure as such summary will appear on the ballot; and shall, in such manner as may be provided by law, cause to be prepared and sent other information and arguments for and against the measure.

 THE COMMONWEALTH OF MASSACHUSETTS

OFFICE OF THE SECRETARY

December 7, 1978.

I Hereby Certify that the foregoing is the One Hundred and Eighth Article of Amendment of the Constitution of this Commonwealth, as approved by the People at the State Election held on the seventh day of November, in the year one thousand nine hundred and seventy-eight, pursuant to the provisions of Article XLVIII of the Amendments to the Constitution.

PAUL GUZZI,
Secretary of the Commonwealth.

AMENDMENT OF THE CONSTITUTION

1978

ARTICLE OF AMENDMENT OF THE CONSTITUTION

OF

MASSACHUSETTS

adopted by the Legislature of the political year one thousand nine hundred and seventy-five, and by the Legislature of the political year one thousand nine hundred and seventy-seven, agreeably to the provisions of the Constitution, and approved by the People on the seventh day of November in the year one thousand nine hundred and seventy-eight.

ONE HUNDRED AND NINTH ARTICLE OF AMENDMENT.

ART. CIX. The first paragraph of Section 1 of Article CI of the Amendments to the Constitution of the Commonwealth is hereby amended by striking out the second sentence and inserting in place thereof the following two sentences:-

For purposes of said census every person shall be considered an inhabitant of the city or town of his usual place of residence in accordance with stanards used by the United States from time to time in conducting the federal census required by Section 2 of Article I of the Constitution of the United States subject to such exceptions as the general court may provide by law. Said census shall specify the number of inhabitants of each precinct of each town and of each precinct and ward of each city.

 THE COMMONWEALTH OF MASSACHUSETTS

OFFICE OF THE SECRETARY

December 7, 1978.

I Hereby Certify that the foregoing is the One Hundred and Ninth Article of Amendment of the Constitution of this Commonwealth, as approved by the People at the State Election held on the seventh day of November, in the year one thousand nine hundred and seventy-eight, pursuant to the provisions of Article XLVIII of the Amendments to the Constitution.

PAUL GUZZI,
Secretary of the Commonwealth.

AMENDMENT OF THE CONSTITUTION

1978

ARTICLE OF AMENDMENT OF THE CONSTITUTION

OF

MASSACHUSETTS

adopted by the Legislature of the political year one thousand nine hundred and seventy-five, and by the Legislature of the political year one thousand nine hundred and seventy-eighth, agreeably to the provisions of the Constitution, and approved by the People on the seventh day of November in the year one thousand nine hundred and seventy-eight.

ONE HUNDRED AND TENTH ARTICLE OF AMENDMENT.

Article CX of the Amendments to the Constitution is hereby annulled and the following Article is adopted in place thereof:-

Full power and authority are hereby given and granted to the general court to prescribe for wild or forest lands retained in a natural state for the preservation of wildlife and other natural resources and lands for recreational uses, such methods of taxation as will develop and conserve the forest resources, wildlife and other natural resources and the environmental benefits of recreational lands within the commonwealth.

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THE COMMONWEALTH OF MASSACHUSETTS

OFFICE OF THE SECRETARY

December 7, 1978.

I Hereby Certify that the foregoing is the One Hundred and Tenth Article of Amendment of the Constitution of this Commonwealth, as approved by the People at the State Election held on the seventh day of November, in the year one thousand nine hundred and seventy-eight, pursuant to the provisions of Article XLVIII of the Amendments to the Constitution.

PAUL GUZZI,
Secretary of the Commonwealth.

AMENDMENT OF THE CONSTITUTION

1978

ARTICLE OF AMENDMENT OF THE CONSTITUTION

OF

MASSACHUSETTS

adopted by the Legislature of the political year one thousand nine hundred and seventy-five, and by the Legislature of the political year one thousand nine hundred and seventy-seven, agreeably to the provisions of the Constitution, and approved by the People on the seventh day of November in the year one thousand nine hundred and seventy-eight.

ONE HUNDRED AND ELEVENTH ARTICLE OF AMENDMENT.

ARTICLE CXI. No student shall be assigned to or denied admittance to a public school on the basis of race, color, national origin or creed.

THE COMMONWEALTH OF MASSACHUSETTS

OFFICE OF THE SECRETARY

December 7, 1978.

I Hereby Certify that the foregoing is the One Hundred and Eleventh Article of Amendment of the Constitution of this Commonwealth, as approved by the People at the State Election held on the seventh day of November, in the year one thousand nine hundred and seventy-eight, pursuant to the provisions of Article XLVIII of the Amendments to the Constitution.

PAUL GUZZI,
Secretary of the Commonwealth.

AMENDMENT OF THE CONSTITUTION

1978

ARTICLE OF AMENDMENT OF THE CONSTITUTION

OF

MASSACHUSETTS

adopted by the Legislature of the political year one thousand nine hundred and seventy-five, and by the Legislature of the political year one thousand nine hundred and seventy-seven, agreeably to the provisions of the Constitution, and approved by the People on the seventh day of November in the year one thousand nine hundred and seventy-eight.

ONE HUNDRED AND TWELFTH ARTICLE OF AMENDMENT.

ART. CXII. Article IV of chapter 1 of Part the Second of the Constitution is hereby amended by inserting after the words "and to impose and levy proportional and reasonable assessments, rates and taxes, upon all the inhabitants of, and persons resident, and estates lying, with said Commonwealth" the words:- , except that, in addition to the powers conferred under Articles XLI and XCIX of the Amendments, the general court may classify real property according to its use in no more than four classes and to assess, rate and tax such property differently in the classes so established, but proportionately in the same class, and except that reasonable exemptions may be granted.

THE COMMONWEALTH OF MASSACHUSETTS

OFFICE OF THE SECRETARY

December 7, 1978.

I Hereby Certify that the foregoing is the One Hundred and Twelfth Article of Amendment of the Constitution of this Commonwealth, as approved by the People at the State Election held on the seventh day of November, in the year one thousand nine hundred and seventy-eight, pursuant to the provisions of Article XLVIII of the Amendments to the Constitution.

PAUL GUZZI,
Secretary of the Commonwealth.

AMENDMENT OF THE CONSTITUTION

1978

ARTICLE OF AMENDMENT OF THE CONSTITUTION

OF

MASSACHUSETTS

adopted by the Legislature of the political year one thousand nine hundred and seventy-five, and by the Legislature of the political year one thousand nine hundred and seventy-seven, agreeably to the provisions of the Constitution, and approved by the People on the seventh day of November in the year one thousand nine hundred and seventy-eight.

ONE HUNDRED AND THIRTEENTH ARTICLE OF AMENDMENT.

ART. CXIII. The first sentence of the sixth paragraph of Section 3 of Article II of the Amendments to the Constitution of the Commonwealth, as appearing in Article LXXXIX of said Amendments, is hereby amended by striking out the words "ten months" and inserting in place thereof the words:- eighteen months.

THE COMMONWEALTH OF MASSACHUSETTS

OFFICE OF THE SECRETARY

December 7, 1978.

I Hereby Certify that the foregoing is the One Hundred and Thirteenth Article of Amendment of the Constitution of this Commonwealth, as approved by the People at the State Election held on the seventh day of November, in the year one thousand nine hundred and seventy-eight, pursuant to the provisions of Article XLVIII of the Amendments to the Constitution.

PAUL GUZZI,
Secretary of the Commonwealth.

Question No. 1 (Article CXII)

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 May 28, 1975, by a vote of 220-53, and on September 7, 1977, by a vote of 243-20?

SUMMARY

The proposed constitutional amendment would permit the legislature to establish as many as four different classes of real property for tax purposes. Property

in any one class would be required to be assessed, rated and taxed proportionately but property in different classes could be assessed, rated and taxed differently. The legislature could grant reasonable exemptions. The constitution presently requires all property (other than wild lands, forest lands and certain agricultural and horticultural lands) to be assessed and rated equally at full value for tax purposes.

AGGREGATE OF VOTES

Counties	Yes	No	Blanks	Total Ballots
Barnstable	23,039	35,210	2,458	60,707
Berkshire	24,702	22,056	4,171	50,929
Bristol	100,740	38,983	9,049	148,772
Dukes	2,537	1,350	329	4,216
Essex	167,793	73,234	12,041	253,068
Franklin	11,502	10,287	1,175	22,964
Hampden	83,794	45,269	9,372	138,435
Hampshire	21,360	20,505	2,202	44,067
Middlesex	345,436	149,491	23,474	518,401
Nantucket	1,081	704	54	1,839
Norfolk	148,404	92,936	9,707	251,047
Plymouth	63,323	61,494	5,007	129,824
Suffolk	162,833	17,883	15,920	196,636
Worcester	129,321	79,998	13,852	223,171
TOTALS	1,285,865	649,400	108,811	2,044,076

BERKSHIRE COUNTY — Continued

Cities and Towns	Yes	No	Blanks	Total Ballots
Sandisfield	71	79	19	169
Savoy	75	65	12	152
Sheffield	291	606	46	943
Stockbridge	394	606	57	1,057
Tyringham	42	90	3	135
Washington	95	89	9	193
West Stockbridge	150	345	27	522
Williamstown	1,237	1,238	105	2,580
Windsor	102	114	7	223
TOTALS	24,702	22,056	4,171	50,929

BRISTOL COUNTY

Acushnet	2,442	811	151	3,404
ATTLEBORO	5,173	3,186	479	8,838
Berkley	459	257	23	739
Dartmouth	3,595	3,050	591	7,236
Dighton	1,054	568	58	1,680
Easton	2,280	3,145	112	5,537
Fairhaven	3,663	1,296	521	5,480

BARNSTABLE COUNTY				
Barnstable.....	4,997	6,685	462	12,144
Bourne.....	1,415	2,679	311	4,405
Brewster.....	587	1,552	61	2,200
Chatham.....	898	2,216	112	3,226
Dennis.....	1,893	3,417	172	5,482
Eastham.....	564	1,028	45	1,637
Falmouth.....	4,288	4,434	420	9,142
Harwich.....	1,639	2,209	93	3,941
Mashpee.....	678	659	83	1,420
Orleans.....	724	1,792	91	2,607
Provincetown.....	736	501	74	1,311
Sandwich.....	1,062	2,142	76	3,280
Truro.....	280	324	16	620
Wellfleet.....	405	623	38	1,066
Yarmouth.....	2,873	4,949	404	8,226
TOTALS.....	23,039	35,210	2,450	60,707

BERKSHIRE COUNTY				
Adams.....	2,363	1,810	334	4,507
Afford.....	54	91	7	152
Becket.....	118	163	7	288
Cheshire.....	596	523	64	1,183
Clarksburg.....	284	301	32	617
Dalton.....	1,082	1,453	79	2,614
Egremont.....	120	305	17	442
Florida.....	114	82	8	204
Great Barrington.....	773	1,237	213	2,223
Hancock.....	100	88	17	205
Hinsdale.....	252	194	25	471
Lanesborough.....	458	477	82	1,019
Lee.....	770	895	256	1,921
Lenox.....	842	1,151	226	2,219
Monterey.....	82	196	10	288
Mount Washington.....	19	28	2	49
New Ashford.....	32	33	4	69
New Marlborough.....	83	255	14	352
NORTH ADAMS.....	3,697	1,870	397	5,964
Otis.....	149	101	18	268
Peru.....	102	85	4	191
PITTSFIELD.....	9,917	7,099	2,051	19,067
Richmond.....	238	387	19	644

FALL RIVER.....	26,063	2,484	2,108	30,655
Freetown.....	1,374	443	51	1,868
Mansfield.....	1,972	1,674	107	3,753
NEW BEDFORD.....	23,427	4,838	2,378	30,643
North Attleborough.....	2,560	2,964	338	5,862
Norton.....	1,761	1,286	93	3,140
Raynham.....	1,396	1,583	68	3,047
Rehoboth.....	915	1,212	94	2,221
Seekonk.....	1,805	1,429	236	3,470
Somerset.....	3,086	4,121	391	7,598
Swansea.....	3,602	1,222	287	5,111
TAUNTON.....	10,693	2,449	782	13,924
Westport.....	3,420	965	151	4,566
TOTALS.....	100,740	38,983	9,049	148,772

DUKES COUNTY				
Chilmark.....	229	64	12	305
Edgartown.....	673	341	101	1,115
Gay Head.....	79	18	15	112
Gosnold.....	25	21	2	48
Oak Bluffs.....	519	351	84	954
Tisbury.....	675	460	94	1,229
West Tisbury.....	337	95	21	453
TOTALS.....	2,537	1,350	329	4,216

ESSEX COUNTY				
Amesbury.....	2,242	1,611	357	4,210
Andover.....	6,653	4,157	266	11,076
BEVERLY.....	9,464	5,749	688	15,901
Boxford.....	1,035	1,123	36	2,194
Danvers.....	6,126	3,675	336	10,137
Essex.....	667	526	48	1,241
Georgetown.....	1,239	1,037	76	2,352
GLOUCESTER.....	5,813	3,104	583	9,500
Groveland.....	1,479	585	52	2,116
Hamilton.....	1,177	1,693	97	2,967
HAVERHILL.....	12,536	3,169	1,096	16,801
Ipswich.....	2,888	1,802	166	4,856
LAWRENCE.....	17,747	2,271	1,407	21,425
LYNN.....	22,980	3,933	1,520	28,433
Lynnfield.....	2,200	3,238	122	5,560
Manchester.....	867	1,677	94	2,638
Marblehead.....	5,398	4,982	328	10,708

Question No. 1

ESSEX COUNTY — Continued

Cities and Towns	Yes	No	Blanks	Total Ballots
Merrimac.....	836	654	47	1,537
Methuen.....	12,108	2,127	575	14,810
Middleton.....	634	842	48	1,524
Nahant.....	1,417	467	71	1,955
Newbury.....	1,010	866	55	1,931
NEWBURYPORT.....	3,465	2,069	364	5,898
North Andover.....	5,178	2,265	248	7,691
PEABODY.....	13,052	6,098	1,276	20,426
Rockport.....	1,478	1,434	133	3,045
Rowley.....	625	693	54	1,372
SALEM.....	13,135	2,682	849	16,666
Salisbury.....	930	833	143	1,906
Saugus.....	7,383	2,326	348	10,057
Swampscott.....	4,066	2,175	426	6,667
Topsfield.....	896	1,668	57	2,621
Wenham.....	668	969	47	1,684
West Newbury.....	401	734	28	1,163
TOTALS.....	167,793	73,234	12,041	253,068

FRANKLIN COUNTY

Ashfield.....	232	277	25	534
Barnardston.....	253	376	23	652
Buckland.....	376	289	38	703
Charlemont.....	129	214	14	357
Colrain.....	288	280	31	599
Conway.....	301	180	16	497
Deerfield.....	857	771	39	1,667
Erving.....	265	236	17	518
Gill.....	237	225	25	487
Greenfield.....	3,384	2,826	500	6,710
Hawley.....	51	30	5	86
Heath.....	71	77	6	154
Leverett.....	359	149	11	519
Leyden.....	66	103	9	178
Monroe.....	34	25	6	65
Montague.....	1,607	1,523	164	3,294
New Salem.....	137	120	5	262

HAMPSHIRE COUNTY

Cities and Towns	Yes	No	Blanks	Total Ballots
Amherst.....	4,075	2,298	346	6,719
Belchertown.....	803	1,173	48	2,024
Chesterfield.....	138	130	10	278
Cummington.....	145	139	12	296
Easthampton.....	2,673	2,979	374	6,026
Goshen.....	73	125	5	203
Granby.....	727	844	114	1,685
Hadley.....	961	821	85	1,867
Hatfield.....	592	633	61	1,286
Huntington.....	240	252	30	522
Middlefield.....	49	53	7	109
NORTHAMPTON.....	5,335	4,096	471	9,902
Pelham.....	219	216	12	447
Plainfield.....	68	63	3	134
South Hadley.....	2,349	3,686	340	6,375
Southampton.....	515	794	41	1,350
Ware.....	1,754	1,344	183	3,281
Westhampton.....	143	237	11	391
Williamsburg.....	360	462	38	860
Worthington.....	141	160	11	312
TOTALS.....	21,360	20,505	2,202	44,067

MIDDLESEX COUNTY

Acton.....	3,093	3,276	136	6,505
Arlington.....	13,691	8,419	904	23,014
Ashby.....	342	393	38	773
Ashland.....	1,430	1,766	69	3,265
Ayer.....	1,139	419	70	1,628
Bedford.....	2,980	1,669	245	4,894
Belmont.....	7,596	5,282	615	13,493
Billerica.....	8,469	2,359	217	11,045
Boxborough.....	492	337	20	849
Burlington.....	5,896	2,271	255	8,422
CAMBRIDGE.....	26,373	3,881	1,560	31,814
Carlisle.....	592	905	24	1,521
Chelmsford.....	5,852	6,157	283	12,292
Concord.....	3,487	3,277	380	7,144

Northfield.....	392	498	52	942
Orange.....	929	861	76	1,866
Rowe.....	23	120	4	147
Shelburne.....	358	297	36	691
Shutesbury.....	231	82	11	324
Sunderland.....	370	336	33	739
Warwick.....	137	80	9	226
Wendell.....	166	54	6	226
Whately.....	249	258	14	521
TOTALS.....	11,502	10,287	1,175	22,964

HAMPDEN COUNTY

Agawam.....	4,692	2,629	431	7,752
Blandford.....	139	210	14	363
Brimfield.....	407	342	44	793
Chester.....	149	137	21	307
CHICOPEE.....	14,246	4,828	1,021	20,095
East Longmeadow.....	2,161	2,422	166	4,749
Granville.....	236	179	21	436
Hampden.....	464	1,001	26	1,491
Holland.....	267	171	15	453
HOLYOKE.....	8,998	3,914	1,622	14,534
Longmeadow.....	2,703	3,863	233	6,799
Ludlow.....	3,830	2,325	293	6,448
Monson.....	1,057	985	78	2,120
Montgomery.....	114	124	6	244
Palmer.....	1,766	2,178	190	4,134
Russell.....	331	105	10	446
Southwick.....	962	973	60	1,995
SPRINGFIELD.....	26,994	8,191	3,777	38,962
Tolland.....	63	36	1	100
Wales.....	137	198	15	350
West Springfield.....	5,036	3,818	586	9,440
WESTFIELD.....	7,096	3,873	481	11,450
Wilbraham.....	1,946	2,767	261	4,974
TOTALS.....	83,794	45,269	9,372	138,435

Dracut.....	6,587	1,545	277	8,409
Dunstable.....	325	238	15	578
EVERETT.....	13,987	645	1,552	16,184
Frammingham.....	13,037	8,732	655	22,424
Groton.....	927	1,109	56	2,092
Holliston.....	1,910	2,761	112	4,783
Hopkinton.....	1,006	1,519	54	2,579
Hudson.....	2,632	2,009	130	4,771
Lexington.....	8,924	4,857	699	14,480
Lincoln.....	1,229	1,120	85	2,434
Littleton.....	1,355	1,099	54	2,508
LOWELL.....	24,383	3,764	1,643	29,790
MALDEN.....	17,079	2,197	1,245	20,521
MARLBOROUGH.....	7,432	2,184	308	9,924
Maynard.....	2,183	1,217	101	3,501
MEDFORD.....	19,653	3,477	1,158	24,288
MELROSE.....	6,711	5,001	677	12,389
Natick.....	6,784	4,092	454	11,330
NEWTON.....	27,118	8,095	2,078	37,291
North Reading.....	2,236	2,080	98	4,414
Pepperell.....	946	1,264	76	2,286
Reading.....	5,018	4,635	236	9,889
Sherborn.....	527	1,314	32	1,873
Shirley.....	663	415	55	1,133
SOMERVILLE.....	21,245	2,825	1,325	25,395
Stoneham.....	4,845	3,125	311	8,281
Stow.....	654	1,162	34	1,850
Sudbury.....	2,164	3,623	182	5,969
Tewksbury.....	4,811	3,272	206	8,289
Townsend.....	879	882	77	1,838
Tyngsborough.....	996	702	83	1,781
Wakefield.....	8,149	2,394	289	10,832
WALTHAM.....	10,261	5,683	1,685	17,629
Watertown.....	12,005	2,012	700	14,717
Wayland.....	2,558	3,125	126	5,809
Westford.....	3,080	1,966	120	5,166
Weston.....	2,237	2,872	166	5,275
Wilmington.....	3,936	1,906	301	6,143
Winchester.....	4,468	4,295	380	9,143
WOBURN.....	9,064	3,867	823	13,754
TOTALS.....	345,436	149,491	23,474	518,401

Question No. 1

1056

NANTUCKET COUNTY					SUFFOLK COUNTY				
Cities and Towns	Yes	No	Blanks	Total Ballots	Cities and Towns	Yes	No	Blanks	Total Ballots
Nantucket	1,081	704	54	1,839	BOSTON	134,080	12,965	13,339	160,384
TOTALS	1,081	704	54	1,839	CHELSEA	8,077	774	745	9,596
NORFOLK COUNTY					WORCESTER COUNTY				
Avon	1,255	702	84	2,041	Ashburnham	496	729	79	1,304
Bellingham	2,194	2,940	240	5,374	Athol	2,090	1,455	145	3,690
Braintree	8,436	6,302	431	15,169	Auburn	3,193	2,530	253	5,976
Brookline	15,634	4,807	2,149	22,590	Barre	701	742	78	1,521
Canton	3,422	4,155	208	7,785	Berlin	429	434	24	887
Cohasset	1,630	1,688	115	3,433	Blackstone	1,281	610	177	2,068
Dedham	5,842	5,229	428	11,499	Bolton	520	479	32	1,031
Dover	752	1,554	39	2,345	Boylston	712	617	25	1,354
Foxborough	2,343	2,176	92	4,611	Brookfield	329	396	30	755
Franklin	2,790	2,826	201	5,817	Charlton	1,202	586	71	1,859
Holbrook	2,691	1,572	221	4,484	Clinton	3,356	1,396	301	5,053
Medfield	1,805	2,214	83	4,102	Douglas	586	610	77	1,273
Medway	1,561	1,456	120	3,137	Dudley	1,702	1,248	172	3,122
Millis	1,362	1,144	62	2,568	East Brookfield	380	303	23	706
Milton	8,825	4,369	339	13,533	FITCHBURG	6,224	4,723	1,394	12,341
Needham	6,911	6,886	364	14,161	GARDNER	3,024	2,912	450	6,466
Norfolk	955	892	39	1,886	Grafton	1,939	1,966	174	4,079
Norwood	5,481	6,287	365	12,133	Hardwick	205	561	31	797
Plainville	710	1,040	88	1,838	Harvard	750	947	38	1,735
QUINCY	29,059	6,338	1,373	36,770	Holden	2,426	3,223	256	5,905
Randolph	7,712	3,260	470	11,442	Hopedale	944	741	55	1,740
Sharon	3,622	2,231	148	6,001	Hubbardston	259	242	143	644
Stoughton	4,807	3,604	464	8,875	Lancaster	817	854	85	1,756
Walpole	3,763	3,383	189	7,335	Leicester	1,749	1,439	149	3,337
Wellesley	6,027	6,048	361	12,436	LEOMINSTER	5,080	4,009	1,780	10,869
Westwood	3,640	2,721	106	6,467	Lunenburg	1,025	1,757	134	2,916
Weymouth	14,204	5,996	838	21,038	Mendon	441	673	36	1,150
Wrentham	971	1,116	90	2,177					
TOTALS	148,404	92,936	9,707	251,047					

PLYMOUTH COUNTY

Abington	2,011	2,590	254	4,855
Bridgewater	2,040	2,643	146	4,829
BROCKTON	13,607	11,069	1,597	26,273
Carver	954	685	48	1,687
Duxbury	1,560	2,986	94	4,640
East Bridgewater	1,170	1,711	105	2,986
Halifax	755	1,161	44	1,960
Hanover	1,963	2,133	73	4,169
Hanson	1,030	1,371	103	2,504
Hingham	4,551	4,122	239	8,912
Hull	2,261	1,255	155	3,671
Kingston	1,038	1,423	73	2,534
Lakeville	855	957	60	1,872
Marion	733	773	40	1,546
Marshfield	4,134	2,928	147	7,209
Mattapoisett	1,127	909	72	2,108
Middleborough	2,468	1,958	142	4,568
Norwell	1,661	1,836	100	3,597
Pembroke	2,237	1,825	59	4,121
Plymouth	4,552	5,258	578	10,388
Plympton	232	406	15	653
Rochester	508	325	36	869
Rockland	2,938	1,686	236	4,860
Scituate	3,917	2,959	182	7,058
Wareham	2,146	2,514	208	4,868
West Bridgewater	874	1,597	64	2,535
Whitman	2,001	2,414	137	4,552
TOTALS	63,323	61,494	5,007	129,824

Milford	6,107	2,893	907	9,907
Millbury	3,186	1,094	194	4,474
Millville	377	163	68	608
New Braintree	70	161	11	242
North Brookfield	502	992	71	1,565
Northborough	1,937	1,691	73	3,701
Northbridge	1,990	1,739	454	4,183
Oakham	134	264	8	406
Oxford	1,642	1,352	171	3,165
Paxton	753	772	29	1,554
Petersham	223	241	11	475
Phillipston	115	188	12	315
Princeton	317	578	17	912
Royalston	191	101	11	303
Rutland	600	839	50	1,489
Shrewsbury	5,563	2,938	263	8,764
Southborough	1,099	1,376	50	2,525
Southbridge	2,012	2,531	1,206	5,749
Spencer	2,209	1,315	184	3,708
Sterling	774	1,041	60	1,875
Sturbridge	884	964	222	2,020
Sutton	1,136	685	60	1,881
Templeton	637	1,106	69	1,812
Upton	698	818	71	1,587
Uxbridge	1,939	893	144	2,976
Warren	461	714	67	1,242
Webster	3,299	1,373	335	5,007
West Boylston	1,484	1,084	63	2,631
West Brookfield	435	535	33	1,003
Westborough	1,819	3,208	125	5,152
Westminster	725	1,145	100	1,970
Winchendon	756	951	96	1,803
WORCESTER	43,437	7,991	2,405	53,833
TOTALS	129,321	79,998	13,852	223,171

Question No. 2 (Article CVII)

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 May 28, 1975, by a vote of 267-3, and on August 10, 1977, by a vote of 250-1?

SUMMARY

The proposed constitutional amendment would allow a governor who had not served in the preceding year as governor to submit a proposed budget to the legislature within eight weeks of the beginning of the legislative session. A governor who had served in the preceding year would still be required to submit a proposed budget within three weeks of the beginning of a legislative session.

AGGREGATE OF VOTES

Counties	Yes	No	Blanks	Total Ballots
Barnstable	38,578	14,600	7,529	60,707
Berkshire	29,128	12,370	9,431	50,929
Bristol	80,701	34,891	33,180	148,772
Dukes	2,580	904	732	4,216
Essex	153,829	55,250	43,989	253,068
Franklin	14,050	5,846	3,068	22,964
Hampden	82,366	32,200	23,869	138,435
Hampshire	26,436	11,727	5,904	44,067
Middlesex	321,487	116,917	79,997	518,401
Nantucket	1,161	387	291	1,839
Norfolk	159,174	58,446	33,427	251,047
Plymouth	78,673	34,686	16,465	129,824
Suffolk	100,321	33,584	62,731	196,636
Worcester	135,018	48,644	39,509	223,171
TOTALS	1,223,502	460,452	360,122	2,044,076

BARNSTABLE COUNTY

Barnstable	7,891	2,588	1,665	12,144
Bourne	2,470	1,231	704	4,405
Brewster	1,348	663	189	2,200
Chatham	2,110	807	309	3,226
Dennis	3,537	1,322	623	5,482
Eastham	1,041	465	131	1,637

BRISTOL COUNTY

Cities and Towns	Yes	No	Blanks	Total Ballots
Acushnet	1,912	922	570	3,404
ATTLEBORO	5,181	2,181	1,476	8,838
Berkley	424	207	108	739
Dartmouth	3,877	2,186	1,173	7,236
Dighton	949	497	234	1,680
Easton	3,463	1,568	506	5,537
Fairhaven	2,974	1,351	1,155	5,480
FALL RIVER	14,785	5,165	10,705	30,655
Freetown	1,164	493	211	1,868
Mansfield	2,241	1,111	401	3,753
NEW BEDFORD	16,780	6,376	7,487	30,643
North Attleborough	3,406	1,528	928	5,862
Norton	1,855	949	336	3,140
Raynham	1,728	996	323	3,047
Rehoboth	1,265	711	245	2,221
Seekonk	2,057	1,034	379	3,470
Somerset	4,161	2,024	1,413	7,598
Swansea	3,037	1,163	911	5,111
TAUNTON	6,831	3,406	3,687	13,924
Westport	2,611	1,023	932	4,566
TOTALS	80,701	34,891	33,180	148,772

Falmouth.....	5,874	2,078	1,190	9,142
Harwich.....	2,592	998	351	3,941
Mashpee.....	911	289	220	1,420
Orleans.....	1,604	728	275	2,607
Provincetown.....	828	280	203	1,311
Sandwich.....	2,151	829	300	3,280
Truro.....	384	162	74	620
Weilfleet.....	690	266	110	1,066
Yarmouth.....	5,147	1,894	1,185	8,226
TOTALS.....	38,578	14,600	7,529	60,707

BERKSHIRE COUNTY

Adams.....	2,488	1,149	870	4,507
Alford.....	99	40	13	152
Becket.....	176	88	24	288
Cheshire.....	660	334	189	1,183
Clarksburg.....	356	175	86	617
Dalton.....	1,666	706	242	2,614
Egremont.....	277	129	36	442
Florida.....	120	64	20	204
Great Barrington.....	1,042	650	531	2,223
Hancock.....	106	61	38	205
Hinsdale.....	241	162	68	471
Lanesborough.....	553	292	172	1,017
Lee.....	942	504	475	1,921
Lenox.....	1,251	538	430	2,219
Monterey.....	176	81	31	288
Mount Washington.....	28	9	12	49
New Ashford.....	37	20	12	69
New Marlborough.....	202	101	49	352
NORTH ADAMS.....	3,336	1,437	1,191	5,964
Otis.....	135	86	47	268
Peru.....	116	58	17	191
PITTSFIELD.....	10,940	4,049	4,078	19,067
Richmond.....	422	171	51	644
Sandisfield.....	99	40	30	169
Savoy.....	77	49	26	152
Sheffield.....	544	280	119	943
Stockbridge.....	635	265	157	1,057
Tyringham.....	82	37	16	135
Washington.....	118	56	19	193
West Stockbridge.....	268	162	92	522
Williamstown.....	1,802	516	262	2,580
Windsor.....	134	61	28	223
TOTALS.....	29,128	12,370	9,431	50,929

DUKES COUNTY

Chilmark.....	212	62	31	305
Edgartown.....	692	230	193	1,115
Gay Head.....	58	22	32	112
Gosnold.....	33	13	2	48
Oak Bluffs.....	523	233	198	954
Tisbury.....	742	271	216	1,229
West Tisbury.....	320	73	60	453
TOTALS.....	2,580	904	732	4,216

ESSEX COUNTY

Amesbury.....	2,134	1,166	910	4,210
Andover.....	7,480	2,475	1,121	11,076
BEVERLY.....	10,068	3,512	2,321	15,901
Boxford.....	1,576	475	143	2,194
Danvers.....	6,423	2,341	1,373	10,137
Essex.....	762	327	152	1,241
Georgetown.....	1,440	615	297	2,352
GLOUCESTER.....	5,789	1,917	1,794	9,500
Groveland.....	1,386	506	224	2,116
Hamilton.....	1,956	704	307	2,967
HAVERHILL.....	9,636	3,672	3,493	16,801
Ipswich.....	3,012	1,160	684	4,856
LAWRENCE.....	11,493	4,376	5,556	21,425
LYNN.....	17,319	5,176	5,938	28,433
Lynnfield.....	3,637	1,404	519	5,560
Manchester.....	1,748	620	270	2,638
Marblehead.....	7,162	2,454	1,092	10,708
Merrimac.....	976	373	188	1,537
Methuen.....	8,695	3,336	2,779	14,810
Middleton.....	888	464	172	1,524
Nahant.....	1,296	414	245	1,955
Newbury.....	1,207	501	223	1,931
NEWBURYPORT.....	3,469	1,306	1,123	5,898
North Andover.....	4,899	1,817	975	7,691
PEABODY.....	12,079	4,452	3,895	20,426
Rockport.....	2,048	588	409	3,045
Rowley.....	833	364	175	1,372
SALEM.....	9,464	3,233	3,969	16,666
Salisbury.....	967	519	420	1,906
Saugus.....	6,194	2,251	1,612	10,057
Swampscott.....	4,062	1,447	1,158	6,667

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ESSEX COUNTY — Continued

Cities and Towns	Yes	No	Blanks	Total Ballots
Topsfield	1,821	611	189	2,621
Wenham	1,169	392	123	1,684
West Newbury	741	282	140	1,163
TOTALS	153,829	55,250	43,989	253,068

FRANKLIN COUNTY

Ashfield	336	139	59	534
Bernardston	406	171	75	652
Buckland	428	169	106	703
Charlton	208	108	41	357
Colrain	368	145	86	599
Conway	307	134	56	497
Deerfield	1,089	421	157	1,667
Erving	314	146	58	518
Gill	314	117	56	487
Greenfield	4,058	1,598	1,054	6,710
Hawley	49	19	18	86
Heath	96	41	17	154
Leverett	351	123	45	519
Leyden	107	43	28	178
Monroe	30	25	10	65
Montague	2,038	808	448	3,294
New Salem	174	65	23	262
Northfield	583	260	99	942
Orange	1,098	502	266	1,866
Rowe	83	52	12	147
Shelburne	413	180	98	691
Shutesbury	199	85	40	324
Sunderland	437	213	89	739
Warwick	136	51	39	226
Wendell	137	64	25	226
Whately	291	167	63	521
TOTALS	14,050	5,846	3,068	22,964

HAMPSHIRE COUNTY — Continued

Cities and Towns	Yes	No	Blanks	Total Ballots
Ware	1,909	852	520	3,281
Westhampton	259	110	22	391
Williamsburg	516	250	94	860
Worthington	198	87	27	312
TOTALS	26,436	11,727	5,904	44,067

MIDDLESEX COUNTY

Acton	4,590	1,510	405	6,505
Arlington	13,080	7,185	2,749	23,014
Ashby	483	232	58	773
Ashland	2,065	864	336	3,265
Ayer	1,004	397	227	1,628
Bedford	3,109	1,108	677	4,894
Belmont	8,361	3,047	2,085	13,493
Billerica	7,251	2,647	1,147	11,045
Boxborough	561	223	65	849
Burlington	5,099	2,577	746	8,422
CAMBRIDGE	20,742	5,350	5,722	31,814
Carlisle	1,030	388	103	1,521
Chelmsford	8,034	3,217	1,041	12,292
Concord	4,860	1,424	860	7,144
Dracut	4,899	2,190	1,320	8,409
Dunstable	343	168	67	578
EVERETT	8,029	3,007	5,148	16,184
Framingham	15,254	4,658	2,512	22,424
Groton	1,396	505	191	2,092
Holliston	3,232	1,085	466	4,783
Hopkinton	1,636	696	247	2,579
Hudson	3,013	1,174	584	4,771
Lexington	9,900	2,710	1,870	14,480
Lincoln	1,788	393	253	2,434
Littleton	1,676	628	204	2,508
LOWELL	17,731	5,475	6,584	29,790
MALDEN	11,506	4,173	4,842	20,521
MARLBOROUGH	6,399	2,054	1,471	9,924
Maynard	2,192	832	477	3,501
MEDFORD	14,967	4,736	4,585	24,288

HAMPDEN COUNTY				
Agawam	4,834	1,838	1,080	7,752
Blandford	211	128	24	363
Brimfield	502	204	87	793
Chester	186	79	42	307
CHICOPEE	11,702	5,078	3,315	20,095
East Longmeadow	3,005	1,309	435	4,749
Granville	270	138	28	436
Hampden	983	426	82	1,491
Holland	276	127	50	453
HOLYOKE	7,285	3,323	3,926	14,534
Longmeadow	4,850	1,274	675	6,799
Ludlow	3,981	1,704	763	6,448
Monson	1,319	577	224	2,120
Montgomery	149	79	16	244
Palmer	2,366	1,151	617	4,134
Russell	271	113	62	446
Southwick	1,270	596	129	1,995
SPRINGFIELD	22,554	7,518	8,890	38,962
Tolland	61	33	6	100
Wales	203	108	39	350
West Springfield	5,654	2,354	1,432	9,440
WESTFIELD	7,271	2,785	1,394	11,450
Wilbraham	3,163	1,258	553	4,974
TOTALS	82,366	32,200	23,869	138,435

HAMPSHIRE COUNTY				
Amherst	4,240	1,640	839	6,719
Belchertown	1,251	585	188	2,024
Chesterfield	179	67	32	278
Cummington	176	82	38	296
Easthampton	3,492	1,642	892	6,026
Goshen	110	73	20	203
Granby	887	605	193	1,685
Hadley	1,055	529	283	1,867
Hatfield	739	373	174	1,286
Huntington	313	143	66	522
Middlefield	58	36	15	109
NORTHAMPTON	6,100	2,365	1,437	9,902
Pelham	297	111	39	447
Plainfield	69	50	15	134
South Hadley	3,770	1,694	911	6,375
Southampton	818	433	99	1,350

MELROSE	7,305	3,351	1,733	12,389
Natick	7,020	2,966	1,344	11,330
NEWTON	24,292	6,854	6,145	37,291
North Reading	2,939	1,096	379	4,414
Pepperell	1,409	660	217	2,286
Reading	6,689	2,271	929	9,889
Sherborn	1,325	428	120	1,873
Shirley	690	321	122	1,133
SOMERVILLE	14,907	5,275	5,213	25,395
Stoneham	5,129	2,015	1,137	8,281
Stow	1,213	522	115	1,850
Sudbury	4,222	1,292	455	5,969
Tewksbury	4,973	2,565	751	8,289
Townsend	1,134	534	170	1,838
Tyngsborough	1,027	519	235	1,781
Wakefield	7,026	2,267	1,539	10,832
WALTHAM	9,138	4,672	3,819	17,629
Watertown	9,159	2,703	2,855	14,717
Wayland	4,191	1,184	434	5,809
Westford	3,376	1,301	489	5,166
Weston	3,774	1,027	474	5,275
Wilmington	3,386	1,909	848	6,143
Winchester	4,851	3,171	1,121	9,143
WOBURN	8,082	3,361	2,311	13,754
TOTALS	321,487	116,917	79,997	518,401

NANTUCKET COUNTY				
Cities and Towns	Total			Ballots
	Yes	No	Blanks	
Nantucket	1,161	387	291	1,839
TOTALS	1,161	387	291	1,839

NORFOLK COUNTY				
Avon	1,244	470	327	2,041
Bellingham	2,905	1,737	732	5,374
Braintree	9,655	3,917	1,597	15,169
Brookline	13,507	3,853	5,230	22,590
Canton	4,902	2,020	863	7,785
Cohasset	2,301	716	416	3,433
Dedham	6,448	3,620	1,431	11,499
Dover	1,663	522	160	2,345
Foxborough	3,099	1,147	365	4,611
Franklin	3,470	1,606	741	5,817

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NORFOLK COUNTY — Continued

Cities and Towns	Yes	No	Blanks	Total Ballots
Holbrook	2,675	1,082	727	4,484
Medfield	2,617	1,167	318	4,102
Medway	1,841	932	364	3,137
Millis	1,654	664	250	2,568
Milton	9,680	2,399	1,454	13,533
Needham	9,637	3,159	1,365	14,161
Norfolk	1,162	563	161	1,886
Norwood	7,425	3,342	1,366	12,133
Plainville	1,036	564	238	1,838
QUINCY	23,482	7,497	5,791	36,770
Randolph	7,122	2,383	1,937	11,442
Sharon	4,184	1,190	627	6,001
Stoughton	4,917	2,668	1,290	8,875
Walpole	4,681	1,920	734	7,335
Wellesley	8,704	2,360	1,372	12,436
Westwood	4,463	1,482	522	6,467
Weymouth	13,413	4,802	2,823	21,038
Wrentham	1,287	664	226	2,177
TOTALS	159,174	58,446	33,427	251,047

PLYMOUTH COUNTY

Abington	2,736	1,379	740	4,855
Bridgewater	2,805	1,477	547	4,829
BROCKTON	14,894	6,721	4,658	26,273
Carver	1,009	519	159	1,687
Duxbury	3,229	1,042	369	4,640
East Bridgewater	1,491	1,158	337	2,986
Halifax	1,071	653	236	1,960
Hanover	2,649	1,185	335	4,169
Hanson	1,467	742	295	2,504
Hingham	6,081	1,922	909	8,912
Hull	2,217	846	608	3,671
Kingston	1,454	761	319	2,534
Lakeville	1,103	599	170	1,872
Marion	1,061	352	133	1,546
Marshfield	4,851	1,726	632	7,209

SUFFOLK COUNTY

Cities and Towns	Yes	No	Blanks	Total Ballots
BOSTON	81,252	26,674	52,458	160,384
CHELSEA	4,901	1,668	3,027	9,596
REVERE	9,686	3,115	5,185	17,986
Winthrop	4,482	2,127	2,061	8,670
TOTALS	100,321	33,584	62,731	196,636

WORCESTER COUNTY

Ashburnham	787	353	164	1,304
Athol	2,271	856	563	3,690
Auburn	4,073	1,086	817	5,976
Barre	890	353	278	1,521
Berlin	576	230	81	887
Blackstone	1,114	501	453	2,068
Bolton	705	237	89	1,031
Boylston	953	290	111	1,354
Brookfield	459	197	99	755
Charlton	1,103	525	231	1,859
Clinton	2,978	993	1,082	5,053
Douglas	695	350	228	1,273
Dudley	1,808	739	575	3,122
East Brookfield	433	162	111	706
FITCHBURG	6,586	3,076	2,679	12,341
GARDNER	3,498	1,669	1,299	6,466
Grafton	2,544	930	605	4,079
Hardwick	415	247	135	797
Harvard	1,182	446	107	1,735
Holden	3,925	1,299	681	5,905
Hopedale	1,043	423	274	1,740
Hubbardston	395	168	81	644
Lancaster	1,113	419	224	1,756
Leicester	2,100	819	418	3,337
LEOMINSTER	5,981	2,581	2,307	10,869
Lunenburg	1,779	861	276	2,916
Mendon	630	359	161	1,150
Milford	5,030	2,056	2,821	9,907
Millbury	2,761	901	812	4,474
Millville	303	173	132	608

Mattapoisset	1,327	573	208	2,108
Middleborough	2,687	1,402	479	4,568
Norwell	2,178	1,142	277	3,597
Pembroke	2,690	1,076	355	4,121
Plymouth	6,149	2,565	1,674	10,388
Plympton	397	196	60	653
Rochester	530	250	89	869
Rockland	2,876	1,286	698	4,860
Scituate	4,748	1,666	644	7,058
Wareham	2,858	1,298	712	4,868
West Bridgewater	1,448	841	246	2,535
Whitman	2,667	1,309	576	4,552
TOTALS	78,673	34,686	16,465	129,824

New Braintree	143	58	41	242
North Brookfield	916	400	249	1,565
Northborough	2,682	786	233	3,701
Northbridge	2,214	1,181	788	4,183
Oakham	270	96	40	406
Oxford	1,860	827	478	3,165
Paxton	1,138	294	122	1,554
Petersham	318	116	41	475
Phillipston	189	84	42	315
Princeton	630	215	67	912
Royalston	183	77	43	303
Rutland	950	410	129	1,489
Shrewsbury	6,057	1,642	1,065	8,764
Southborough	1,715	598	212	2,525
Southbridge	2,420	1,268	2,061	5,749
Spencer	2,301	819	588	3,708
Sterling	1,244	489	142	1,875
Sturbridge	1,088	512	420	2,020
Sutton	1,173	442	266	1,881
Templeton	1,014	568	230	1,812
Upton	895	429	263	1,587
Uxbridge	1,713	740	523	2,976
Warren	642	379	221	1,242
Webster	2,734	1,122	1,151	5,007
West Boylston	1,853	534	244	2,631
West Brookfield	659	215	129	1,003
Westborough	3,529	1,124	499	5,152
Westminster	1,147	604	219	1,970
Winchendon	1,063	495	245	1,803
WORCESTER	34,148	8,821	10,864	53,833
TOTALS	135,018	48,644	39,509	223,171

Question No. 3 (Article CVIII)

Proposed Amendment to the Constitution

SUMMARY

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 June 26, 1976, by a vote of 244-6, and on August 10, 1977, by a vote of 253-1?

The proposed constitutional amendment would require the Secretary of the Commonwealth to send information about questions that will appear on the state election ballot to each person eligible to vote in the Commonwealth, or to every residence in the Commonwealth where one or more eligible voters live. Presently, the Constitution requires the Secretary to send this information to each registered voter in the Commonwealth.

AGGREGATE OF VOTES

Counties	Yes	No	Blanks	Total Ballots
Barnstable.....	38,104	15,618	6,985	60,707
Berkshire.....	29,988	11,463	9,478	50,929
Bristol.....	78,361	37,751	32,660	148,772
Dukes.....	2,580	962	674	4,216
Essex.....	153,693	57,557	41,818	253,068
Franklin.....	14,260	5,646	3,058	22,964
Hampden.....	84,208	29,637	24,590	138,435
Hampshire.....	26,951	11,499	5,617	44,067
Middlesex.....	320,045	122,001	76,355	518,401
Nantucket.....	1,018	520	301	1,839
Norfolk.....	147,772	71,651	31,624	251,047
Plymouth.....	79,375	35,378	15,071	129,824
Suffolk.....	100,015	33,038	63,583	196,636
Worcester.....	137,043	47,344	38,784	223,171
TOTALS.....	1,213,413	480,065	350,598	2,044,076

BARNSTABLE COUNTY

Barnstable.....	7,763	2,984	1,397	12,144
Bourne.....	2,477	1,191	737	4,405
Brewster.....	1,402	618	180	2,200
Chatham.....	2,086	831	309	3,226
Dennis.....	3,440	1,451	591	5,482

BRISTOL COUNTY

Cities and Towns	Yes	No	Blanks	Total Ballots
Acushnet.....	1,820	1,013	571	3,404
ATTLEBORO.....	5,231	2,404	1,203	8,838
Berkley.....	432	198	109	739
Dartmouth.....	3,335	2,675	1,226	7,236
Dighton.....	990	476	214	1,680
Easton.....	3,516	1,524	497	5,537
Fairhaven.....	2,620	1,623	1,237	5,480
FALL RIVER.....	14,511	5,283	10,861	30,655
Freetown.....	1,132	527	209	1,868
Mansfield.....	2,260	1,119	374	3,753
NEW BEDFORD.....	15,028	8,180	7,435	30,643
North Attleborough.....	3,349	1,666	847	5,862
Norton.....	1,920	919	301	3,140
Raynham.....	1,822	901	324	3,047
Rehoboth.....	1,270	704	247	2,221
Seekonk.....	2,153	951	366	3,470
Somerset.....	4,192	1,982	1,424	7,598
Swansea.....	2,956	1,248	907	5,111
TAUNTON.....	7,403	3,162	3,359	13,924
Westport.....	2,421	1,196	949	4,566
TOTALS.....	78,361	37,751	32,660	148,772

Eastham.....	1,059	465	113	1,637
Falmouth.....	5,739	2,265	1,138	9,142
Harwich.....	2,579	1,007	355	3,941
Mashpee.....	894	313	213	1,420
Orleans.....	1,622	719	266	2,607
Provincetown.....	794	315	202	1,311
Sandwich.....	2,152	842	286	3,280
Truro.....	393	165	62	620
Wellfleet.....	662	307	97	1,066
Yarmouth.....	5,042	2,145	1,039	8,226
TOTALS.....	38,104	15,618	6,985	60,707

BERKSHIRE COUNTY

Adams.....	2,447	1,187	873	4,507
Alford.....	93	45	14	152
Becket.....	179	79	30	288
Cheshire.....	659	336	188	1,183
Clarksburg.....	386	152	79	617
Dalton.....	1,767	623	224	2,614
Egremont.....	257	152	33	442
Florida.....	119	66	19	204
Great Barrington.....	1,072	593	558	2,223
Hancock.....	112	59	34	205
Hinsdale.....	262	140	69	471
Lanesborough.....	583	256	178	1,017
Lee.....	1,027	410	484	1,921
Lenox.....	1,308	477	434	2,219
Monterey.....	164	95	29	288
Mount Washington.....	27	13	9	49
New Ashford.....	42	17	10	69
New Marlborough.....	182	126	44	352
NORTH ADAMS.....	3,452	1,363	1,149	5,964
Otis.....	133	82	53	268
Peru.....	118	59	14	191
PITTSFIELD.....	11,349	3,508	4,210	19,067
Richmond.....	457	142	45	644
Sandisfield.....	94	42	33	169
Savoy.....	84	42	26	152
Sheffield.....	555	277	111	943
Stockbridge.....	668	242	147	1,057
Tyringham.....	91	28	16	135
Washington.....	121	53	19	193
West Stockbridge.....	302	138	82	522
Williamstown.....	1,743	598	239	2,580
Windsor.....	135	63	25	223
TOTALS.....	29,988	11,463	9,478	50,929

DUKES COUNTY

Chilmark.....	208	74	23	305
Edgartown.....	671	256	188	1,115
Gay Head.....	64	21	27	112
Gosnold.....	23	22	3	48
Oak Bluffs.....	573	197	184	954
Tisbury.....	762	272	195	1,229
West Tisbury.....	279	120	54	453
TOTALS.....	2,580	962	674	4,216

ESSEX COUNTY

Amesbury.....	2,190	1,038	982	4,210
Andover.....	7,427	2,735	914	11,076
BEVERLY.....	10,198	3,447	2,256	15,901
Boxford.....	1,518	561	115	2,194
Danvers.....	6,282	2,675	1,180	10,137
Essex.....	755	350	136	1,241
Georgetown.....	1,451	620	281	2,352
GLOUCESTER.....	5,536	2,201	1,763	9,500
Groveland.....	1,387	527	202	2,116
Hamilton.....	1,904	765	298	2,967
HAVERTHILL.....	9,670	3,627	3,504	16,801
Ipswich.....	2,929	1,265	662	4,856
LAWRENCE.....	11,952	3,928	5,545	21,425
LYNN.....	17,254	5,811	5,368	28,433
Lynnfield.....	3,557	1,507	496	5,560
Manchester.....	1,620	743	275	2,638
Marblehead.....	6,801	2,870	1,037	10,708
Merrimac.....	941	410	186	1,537
Methuen.....	8,976	3,185	2,649	14,810
Middleton.....	878	465	181	1,524
Nahant.....	1,268	447	240	1,955
Newbury.....	1,247	479	205	1,931
NEWBURYPORT.....	3,352	1,349	1,197	5,898
North Andover.....	4,844	1,897	950	7,691
PEABODY.....	12,259	4,354	3,813	20,426
Rockport.....	1,942	707	396	3,045
Rowley.....	847	377	148	1,372
SALEM.....	9,544	3,680	3,442	16,666
Salisbury.....	1,027	510	369	1,906
Saugus.....	6,427	2,266	1,364	10,057
Swampscott.....	4,045	1,396	1,226	6,667

Question No. 3

ESSEX COUNTY — Continued

Cities and Towns	Yes	No	Blanks	Total Ballots
Topshfield	1,772	673	176	2,621
Wenham	1,141	413	130	1,684
West Newbury	752	279	132	1,163
TOTALS	153,693	57,557	41,818	253,068

FRANKLIN COUNTY

Ashfield	337	146	51	534
Bernardston	406	175	71	652
Buckland	421	184	98	703
Charlemont	226	99	32	357
Colrain	357	152	90	599
Conway	320	121	56	497
Deerfield	1,107	408	152	1,667
Erving	336	122	60	518
Gill	318	122	47	487
Greenfield	4,028	1,534	1,148	6,710
Hawley	51	18	17	86
Heath	96	47	11	154
Leverett	355	124	40	519
Leyden	118	35	25	178
Monroe	32	22	11	65
Montague	2,067	774	453	3,294
New Salem	177	60	25	262
Northfield	599	247	96	942
Orange	1,134	486	246	1,866
Rowe	88	49	10	147
Shelburne	423	177	91	691
Shutesbury	207	80	37	324
Sunderland	464	193	82	739
Warwick	145	46	35	226
Wendell	142	62	22	226
Whately	306	163	52	521
TOTALS	14,260	5,646	3,058	22,964

HAMPSHIRE COUNTY — Continued

Cities and Towns	Yes	No	Blanks	Total Ballots
Ware	1,943	828	510	3,281
Westhampton	281	94	16	391
Williamsburg	511	257	92	860
Worthington	194	91	27	312
TOTALS	26,951	11,499	5,617	44,067

MIDDLESEX COUNTY

Acton	4,414	1,743	348	6,505
Arlington	12,989	7,344	2,681	23,014
Ashby	511	212	50	773
Ashland	2,007	992	266	3,265
Ayer	1,033	366	229	1,628
Bedford	3,199	1,144	551	4,894
Belmont	8,181	3,469	1,843	13,493
Billerica	7,237	2,861	947	11,045
Boxborough	557	236	56	849
Burlington	5,162	2,481	779	8,422
CAMBRIDGE	20,735	6,019	5,060	31,814
Carlisle	1,025	407	89	1,521
Chelmsford	7,937	3,372	983	12,292
Concord	4,654	1,621	869	7,144
Dracut	5,152	1,928	1,329	8,409
Dunstable	334	176	68	578
EVERETT	8,385	2,551	5,248	16,184
Frammingham	14,273	5,780	2,371	22,424
Groton	1,342	575	175	2,092
Holliston	3,026	1,385	372	4,783
Hopkinton	1,545	791	243	2,579
Hudson	2,943	1,242	586	4,771
Lexington	9,644	2,964	1,872	14,480
Lincoln	1,694	548	192	2,434
Littleton	1,657	658	193	2,508
LOWELL	18,379	5,685	5,726	29,790
MALDEN	11,688	3,933	4,900	20,521
MARLBOROUGH	6,236	2,267	1,421	9,924
Maynard	2,131	912	458	3,501
MEDFORD	15,394	4,549	4,345	24,288

HAMPDEN COUNTY				
Agawam	5,011	1,611	1,130	7,752
Blandford	203	134	26	363
Brimfield	504	213	76	793
Chester	185	80	42	307
CHICOPEE	12,067	4,694	3,334	20,095
East Longmeadow	3,121	1,154	474	4,749
Granville	282	112	42	436
Hampden	1,015	394	82	1,491
Holland	302	105	46	453
HOLYOKE	6,791	3,582	4,161	14,534
Longmeadow	4,653	1,571	575	6,799
Ludlow	4,236	1,464	748	6,448
Monson	1,364	545	211	2,120
Montgomery	155	71	18	244
Palmer	2,533	985	616	4,134
Russell	276	103	67	446
Southwick	1,348	515	132	1,995
SPRINGFIELD	23,145	6,544	9,273	38,962
Tolland	67	29	4	100
Wales	223	93	34	350
West Springfield	5,883	2,037	1,520	9,440
WESTFIELD	7,511	2,564	1,375	11,450
Wilbraham	3,333	1,037	604	4,974
TOTALS	84,208	29,637	24,590	138,435

HAMPSHIRE COUNTY				
Amherst	4,310	1,654	755	6,719
Belchertown	1,287	555	182	2,024
Chesterfield	172	75	31	278
Cummington	178	86	32	296
Easthampton	3,557	1,557	912	6,026
Goshen	111	71	21	203
Granby	919	561	205	1,685
Hadley	1,113	455	299	1,867
Hatfield	744	375	167	1,286
Huntington	332	128	62	522
Middlefield	60	36	13	109
NORTHAMPTON	6,200	2,368	1,334	9,902
Pelham	308	104	35	447
Plainfield	78	39	17	134
South Hadley	3,801	1,771	803	6,375
Southampton	852	394	104	1,350

MELROSE	7,233	3,364	1,792	12,389
Natick	6,555	3,312	1,463	11,330
NEWTON	23,866	7,374	6,051	37,291
North Reading	2,959	1,125	330	4,414
Pepperell	1,415	671	200	2,286
Reading	6,490	2,634	765	9,889
Sherborn	1,226	534	113	1,873
Shirley	701	318	114	1,133
SOMERVILLE	15,371	4,958	5,066	25,395
Stoneham	5,105	2,208	968	8,281
Stow	1,176	562	112	1,850
Sudbury	3,874	1,647	448	5,969
Tewksbury	5,177	2,387	725	8,289
Townsend	1,150	522	166	1,838
Tyngsborough	1,092	477	212	1,781
Wakefield	7,041	2,516	1,275	10,832
WALTHAM	9,478	4,121	4,030	17,629
Watertown	9,178	2,933	2,606	14,717
Wayland	4,069	1,372	368	5,809
Westford	3,356	1,342	468	5,166
Weston	3,554	1,305	416	5,275
Wilmington	3,623	1,650	870	6,143
Winchester	4,809	3,168	1,166	9,143
WOBURN	8,083	3,290	2,381	13,754
TOTALS	320,045	122,001	76,355	518,401

NANTUCKET COUNTY				
Nantucket	1,018	520	301	1,839
TOTALS	1,018	520	301	1,839

NORFOLK COUNTY				
Avon	1,262	529	250	2,041
Bellingham	3,134	1,510	730	5,374
Braintree	9,591	4,082	1,496	15,169
Brookline	3,853	12,915	5,822	22,590
Canton	4,867	2,147	771	7,785
Cohasset	2,198	884	351	3,433
Dedham	6,424	3,685	1,390	11,499
Dover	1,564	625	156	2,345
Foxborough	2,947	1,318	346	4,611
Franklin	3,549	1,573	695	5,817
Holbrook	2,782	1,096	606	4,484
Medfield	2,605	1,221	276	4,102

Question No. 3

NORFOLK COUNTY — Continued

Cities and Towns	Yes	No	Blanks	Total Ballots
Medway	1,897	895	345	3,137
Millis	1,635	695	238	2,568
Milton	9,331	2,858	1,344	13,533
Needham	9,370	3,628	1,163	14,161
Norfolk	1,186	551	149	1,886
Norwood	7,476	3,385	1,272	12,133
Plainville	1,078	565	195	1,838
QUINCY	23,246	7,960	5,564	36,770
Randolph	7,118	2,687	1,637	11,442
Sharon	4,079	1,341	581	6,001
Stoughton	4,960	2,565	1,350	8,875
Walpole	4,669	1,988	678	7,335
Wellesley	8,123	3,220	1,093	12,436
Westwood	4,258	1,724	485	6,467
Weymouth	13,315	5,321	2,402	21,038
Wrentham	1,255	683	239	2,177
TOTALS	147,772	71,651	31,624	251,047

PLYMOUTH COUNTY

Abington	2,848	1,401	606	4,855
Bridgewater	2,815	1,461	553	4,829
BROCKTON	15,961	6,341	3,971	26,273
Carver	1,051	479	157	1,687
Duxbury	3,106	1,209	325	4,640
East Bridgewater	1,630	1,013	343	2,986
Halifax	1,166	581	213	1,960
Hanover	2,694	1,185	290	4,169
Hanson	1,512	729	263	2,504
Hingham	5,874	2,263	775	8,912
Hull	2,208	876	587	3,671
Kingston	1,488	739	307	2,534
Lakeville	1,054	656	162	1,872
Marion	984	433	129	1,546
Marshfield	4,736	1,900	573	7,209
Mattapoisett	1,118	784	206	2,108
Middleborough	2,707	1,404	457	4,568
Norwell	2,180	1,129	288	3,597

WORCESTER COUNTY

Cities and Towns	Yes	No	Blanks	Total Ballots
Ashburnham	817	341	146	1,304
Athol	2,321	817	552	3,690
Auburn	3,999	1,252	725	5,976
Barre	903	337	281	1,521
Berlin	595	215	77	887
Blackstone	1,193	475	400	2,068
Bolton	706	247	78	1,031
Boylston	994	255	105	1,354
Brookfield	486	163	106	755
Charlton	1,161	454	244	1,859
Clinton	3,038	936	1,079	5,053
Douglas	775	265	233	1,273
Dudley	1,869	668	585	3,122
East Brookfield	442	161	103	706
FITCHBURG	6,886	3,074	2,381	12,341
GARDNER	3,536	1,642	1,288	6,466
Grafton	2,584	877	618	4,079
Hardwick	421	236	140	797
Harvard	1,154	489	92	1,735
Holden	3,961	1,244	700	5,905
Hopedale	1,066	405	269	1,740
Hubbardston	364	173	107	644
Lancaster	1,125	441	190	1,756
Leicester	2,150	757	430	3,337
LEOMINSTER	6,247	2,661	1,961	10,869
Lunenburg	1,805	847	264	2,916
Mendon	684	316	150	1,150
Milford	5,134	1,934	2,839	9,907
Millbury	2,806	863	805	4,474
Millville	342	141	125	608
New Braintree	145	58	39	242
North Brookfield	934	379	252	1,565
Northborough	2,598	893	210	3,701
Northbridge	2,446	887	850	4,183
Oakham	265	101	40	406
Oxford	1,865	774	526	3,165
Paxton	1,104	323	127	1,554
Petersham	304	126	45	475

Pembroke.....	2,718	1,078	325	4,121
Plymouth.....	6,093	2,536	1,759	10,388
Plympton.....	391	210	52	653
Rochester.....	497	277	95	869
Rockland.....	2,955	1,302	603	4,860
Scituate.....	4,585	1,860	613	7,058
Wareham.....	2,738	1,421	709	4,868
West Bridgewater.....	1,512	807	216	2,535
Whitman.....	2,754	1,306	494	4,552
TOTALS.....	79,375	35,378	15,071	129,824

SUFFOLK COUNTY

BOSTON.....	80,254	26,335	53,795	160,384
CHELSEA.....	5,001	1,549	3,046	9,596
REVERE.....	10,279	3,056	4,651	17,986
Winthrop.....	4,481	2,098	2,091	8,670
TOTALS.....	100,015	33,038	63,583	196,636

Phillipston.....	191	83	41	315
Princeton.....	625	224	63	912
Royalston.....	183	77	43	303
Rutland.....	962	391	136	1,489
Shrewsbury.....	6,111	1,625	1,028	8,764
Southborough.....	1,589	742	194	2,525
Southbridge.....	2,495	1,108	2,146	5,749
Spencer.....	2,371	767	570	3,708
Sterling.....	1,255	488	132	1,875
Sturbridge.....	1,127	422	471	2,020
Sutton.....	1,228	399	254	1,881
Templeton.....	1,103	477	232	1,812
Upton.....	892	422	273	1,587
Uxbridge.....	1,800	645	531	2,976
Warren.....	695	317	230	1,242
Webster.....	2,828	1,017	1,162	5,007
West Boylston.....	1,852	538	241	2,631
West Brookfield.....	645	224	134	1,003
Westborough.....	3,342	1,329	481	5,152
Westminster.....	1,239	543	188	1,970
Winchendon.....	1,073	474	256	1,803
WORCESTER.....	34,212	8,805	10,816	53,833
TOTALS.....	137,043	47,344	38,784	223,171

Question No. 4 (Article CIX)

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 May 26, 1976, by a vote of 266-0, and on August 10, 1977, by a vote of 258-0?

SUMMARY

The proposed constitutional amendment would require that in the taking of the state census, residence be determined in accordance with the standards used by the United States when taking the federal census. Under the federal standards, residence is based upon where a person spends most of his or her time whereas under present state standards residence is based upon legal domicile. The standards would be subject to any exceptions which the legislature might enact.

AGGREGATE OF VOTES

Counties	Yes	No	Blanks	Total Ballots
Barnstable	37,098	15,672	7,937	60,707
Berkshire	26,759	13,717	10,453	50,929
Bristol	74,570	37,286	36,916	148,772
Dukes	2,361	1,049	806	4,216
Essex	142,951	62,088	48,029	253,068
Franklin	13,343	6,043	3,578	22,964
Hampden	78,887	31,899	27,649	138,435
Hampshire	25,968	11,496	6,603	44,067
Middlesex	298,051	130,475	89,875	518,401
Nantucket	1,045	474	320	1,839
Norfolk	145,729	67,788	37,530	251,047
Plymouth	74,039	37,705	18,080	129,824
Suffolk	92,290	35,125	69,221	196,636
Worcester	128,959	50,260	43,952	223,171
TOTALS	1,142,050	501,077	400,949	2,044,076

BARNSTABLE COUNTY

Barnstable	7,508	2,910	1,726	12,144
Bourne	2,317	1,280	808	4,405
Brewster	1,347	649	204	2,200
Chatham	2,015	870	341	3,226
Dennis	3,429	1,378	675	5,482

BRISTOL COUNTY

Cities and Towns	Yes	No	Blanks	Total Ballots
Acushnet	1,744	979	681	3,404
ATTLEBORO	4,900	2,410	1,528	8,838
Berkley	385	218	136	739
Dartmouth	3,397	2,435	1,404	7,236
Dighton	922	511	247	1,680
Easton	3,278	1,650	609	5,537
Fairhaven	2,643	1,464	1,373	5,480
FALL RIVER	13,352	5,682	11,621	30,655
Freetown	1,099	517	252	1,868
Mansfield	2,116	1,178	459	3,753
NEW BEDFORD	15,311	6,923	8,409	30,643
Fairhaven	3,237	1,662	963	5,862
North Attleborough	1,754	989	397	3,140
Raynham	1,623	1,061	363	3,047
Rehoboth	1,223	699	299	2,221
Seekonk	1,917	1,127	426	3,470
Somerset	3,777	2,210	1,611	7,598
Swansea	2,817	1,236	1,058	5,111
TAUNTON	6,654	3,248	4,022	13,924
Westport	2,421	1,087	1,058	4,566
TOTALS	74,570	37,286	36,916	148,772

Eastham.....	1,007	506	124	1,637
Falmouth.....	5,689	2,173	1,280	9,142
Harwich.....	2,495	1,057	389	3,941
Mashpee.....	854	357	209	1,420
Orleans.....	1,626	700	281	2,607
Provincetown.....	784	302	225	1,311
Sandwich.....	2,015	941	324	3,280
Truro.....	393	154	73	620
Wellfleet.....	641	324	101	1,066
Yarmouth.....	4,978	2,071	1,177	8,226
TOTALS.....	37,098	15,672	7,937	60,707

BERKSHIRE COUNTY

Adams.....	2,321	1,187	999	4,507
Alford.....	88	50	14	152
Becket.....	151	107	30	288
Cheshire.....	594	378	211	1,183
Clarksburg.....	347	168	102	617
Dalton.....	1,499	838	277	2,614
Egremont.....	228	171	43	442
Florida.....	119	70	15	204
Great Barrington.....	944	666	613	2,223
Hancock.....	105	65	35	205
Hinsdale.....	242	157	72	471
Lanesborough.....	519	303	195	1,017
Lee.....	880	530	511	1,921
Lenox.....	1,066	684	467	2,219
Monterey.....	158	94	36	288
Mount Washington.....	22	18	9	49
New Ashford.....	37	17	15	69
New Marlborough.....	194	120	38	352
NORTH ADAMS.....	3,328	1,330	1,306	5,964
Otis.....	125	91	52	268
Peru.....	103	66	22	191
PITTSFIELD.....	9,697	4,848	4,522	19,067
Richmond.....	386	200	58	644
Sandisfield.....	68	69	32	169
Savoy.....	81	44	27	152
Sheffield.....	489	330	124	943
Stockbridge.....	607	270	180	1,057
Tyringham.....	80	37	18	135
Washington.....	109	63	21	193
West Stockbridge.....	264	155	103	522
Williamstown.....	1,785	513	282	2,580
Windsor.....	123	78	22	223
TOTALS.....	26,759	13,717	10,453	50,929

DUKES COUNTY

Chilmark.....	160	87	58	305
Edgartown.....	624	268	223	1,115
Gay Head.....	63	19	30	112
Gosnold.....	25	20	3	48
Oak Bluffs.....	509	239	206	954
Tisbury.....	710	293	226	1,229
West Tisbury.....	270	123	60	453
TOTALS.....	2,361	1,049	806	4,216

ESSEX COUNTY

Amesbury.....	1,945	1,199	1,066	4,210
Andover.....	7,074	2,843	1,159	11,076
BEVERLY.....	9,554	3,700	2,647	15,901
Boxford.....	1,459	579	156	2,194
Danvers.....	5,907	2,769	1,461	10,137
Essex.....	695	375	171	1,241
Georgetown.....	1,358	658	336	2,352
GLOUCESTER.....	5,042	2,473	1,985	9,500
Groveland.....	1,317	551	248	2,116
Hamilton.....	1,787	827	353	2,967
HAVERTHILL.....	8,865	4,036	3,900	16,801
Ipswich.....	2,809	1,259	788	4,856
LAWRENCE.....	10,715	4,618	6,092	21,425
LYNN.....	16,233	6,165	6,035	28,433
Lynnfield.....	3,342	1,607	611	5,560
Manchester.....	1,629	679	330	2,638
Marblehead.....	6,637	2,741	1,330	10,708
Merrimac.....	875	459	203	1,537
Methuen.....	8,039	3,714	3,037	14,810
Middleton.....	827	494	203	1,524
Nahant.....	1,131	529	295	1,955
Newbury.....	1,088	580	263	1,931
NEWBURYPORT.....	3,257	1,418	1,223	5,898
North Andover.....	4,521	2,038	1,132	7,691
PEABODY.....	11,358	4,846	4,222	20,426
Rockport.....	1,788	788	469	3,045
Rowley.....	769	421	182	1,372
SALEM.....	8,750	3,794	4,122	16,666
Salisbury.....	967	517	422	1,906
Saugus.....	5,846	2,530	1,681	10,057
Swampscott.....	3,855	1,430	1,382	6,667

Question No. 4

1072

ESSEX COUNTY — Continued

Cities and Towns	Yes	No	Blanks	Total Ballots
Topsfield	1,713	694	214	2,621
Wenham	1,097	425	162	1,684
West Newbury	682	332	149	1,163
TOTALS	142,951	62,088	48,029	253,068

FRANKLIN COUNTY

Ashfield	332	147	55	534
Bernardston	383	189	80	652
Buckland	402	182	119	703
Charlemont	213	106	38	357
Colrain	334	165	100	599
Conway	292	137	68	497
Deerfield	1,056	428	183	1,667
Erving	297	146	75	518
Gill	314	112	61	487
Greenfield	3,765	1,679	1,266	6,710
Hawley	50	15	21	86
Heath	85	45	24	154
Leverett	351	116	52	519
Leyden	113	38	27	178
Monroe	31	21	13	65
Montague	1,875	873	546	3,294
New Salem	153	79	30	262
Northfield	563	271	108	942
Orange	1,033	546	287	1,866
Rowe	69	67	11	147
Shelburne	417	162	112	691
Shutesbury	217	67	40	324
Sunderland	462	176	101	739
Warwick	131	51	44	226
Wendell	129	58	39	226
Whately	276	167	78	521
TOTALS	13,343	6,043	3,578	22,964

HAMPSHIRE COUNTY — Continued

Cities and Towns	Yes	No	Blanks	Total Ballots
Ware	1,849	854	578	3,281
Westhampton	228	133	30	391
Williamsburg	501	247	112	860
Worthington	191	90	31	312
TOTALS	25,968	11,496	6,603	44,067

MIDDLESEX COUNTY

Acton	4,462	1,568	475	6,505
Arlington	12,029	7,920	3,065	23,014
Ashby	459	241	73	773
Ashland	1,991	933	341	3,265
Ayer	972	402	254	1,628
Bedford	3,107	1,163	624	4,894
Belmont	7,692	3,559	2,242	13,493
Billerica	6,649	3,127	1,269	11,045
Boxborough	544	227	78	849
Burlington	4,623	2,828	971	8,422
CAMBRIDGE	20,050	5,635	6,129	31,814
Carlisle	973	420	128	1,521
Chelmsford	7,654	3,455	1,183	12,292
Concord	4,472	1,672	1,000	7,144
Dracut	4,693	2,212	1,504	8,409
Dunstable	314	183	81	578
EVERETT	7,377	3,094	5,713	16,184
Frammingham	14,402	5,092	2,930	22,424
Groton	1,306	564	222	2,092
Holliston	3,072	1,213	498	4,783
Hopkinton	1,541	732	306	2,579
Hudson	2,808	1,269	694	4,771
Lexington	9,088	3,151	2,241	14,480
Lincoln	1,688	480	266	2,434
Littleton	1,575	693	240	2,508
LOWELL	16,852	6,295	6,643	29,790
MALDEN	9,647	5,334	5,540	20,521
MARLBOROUGH	5,934	2,280	1,710	9,924
Maynard	2,045	899	557	3,501
MEDFORD	13,053	6,029	5,206	24,288

HAMPDEN COUNTY

Agawam	4,705	1,750	1,297	7,752
Blandford	202	131	30	363
Brimfield	459	241	93	793
Chester	163	97	47	307
CHICOPEE	11,053	5,253	3,789	20,095
East Longmeadow	2,814	1,363	572	4,749
Granville	270	112	54	436
Hampden	952	445	94	1,491
Holland	264	134	55	453
HOLYOKE	6,419	3,654	4,461	14,534
Longmeadow	4,678	1,405	716	6,799
Ludlow	3,870	1,669	909	6,448
Monson	1,219	650	251	2,120
Montgomery	143	79	22	244
Palmer	2,376	1,064	694	4,134
Russell	257	112	77	446
Southwick	1,238	606	151	1,995
SPRINGFIELD	21,927	6,839	10,196	38,962
Tolland	66	27	7	100
Wales	194	113	43	350
West Springfield	5,368	2,345	1,727	9,440
WESTFIELD	7,039	2,692	1,719	11,450
Wilbraham	3,211	1,118	645	4,974
TOTALS	78,887	31,899	27,649	138,435

HAMPSHIRE COUNTY

Amherst	4,587	1,285	847	6,719
Belchertown	1,235	556	233	2,024
Chesterfield	170	72	36	278
Cummington	176	77	43	296
Easthampton	3,276	1,727	1,023	6,026
Goshen	112	65	26	203
Granby	798	657	230	1,685
Hadley	1,053	460	354	1,867
Hatfield	707	371	208	1,286
Huntington	300	147	75	522
Middlefield	55	34	20	109
NORTHAMPTON	5,969	2,375	1,558	9,902
Pelham	321	81	45	447
Plainfield	75	37	22	134
South Hadley	3,568	1,811	996	6,375
Southampton	797	417	136	1,350

MELROSE	6,424	3,871	2,094	12,389
Natick	6,295	3,313	1,722	11,330
NEWTON	21,677	8,420	7,194	37,291
North Reading	2,723	1,265	426	4,414
Pepperell	1,304	718	264	2,286
Reading	6,167	2,733	989	9,889
Sherborn	1,216	498	159	1,873
Shirley	616	354	163	1,133
SOMERVILLE	14,162	5,495	5,738	25,395
Stoneham	4,901	2,208	1,172	8,281
Stow	1,134	554	162	1,850
Sudbury	3,834	1,566	569	5,969
Tewksbury	4,667	2,673	949	8,289
Townsend	1,087	547	204	1,838
Tyngsborough	979	537	265	1,781
Wakefield	6,441	2,773	1,618	10,832
WALTHAM	8,881	4,291	4,457	17,629
Watertown	8,668	3,117	2,932	14,717
Wayland	3,879	1,398	532	5,809
Westford	3,174	1,394	598	5,166
Weston	3,492	1,259	524	5,275
Wilmington	3,244	1,894	1,005	6,143
Winchester	4,374	3,476	1,293	9,143
WOBURN	7,640	3,451	2,663	13,754
TOTALS	298,051	130,475	89,875	518,401

NANTUCKET COUNTY

Nantucket	1,045	474	320	1,839
TOTALS	1,045	474	320	1,839

NORFOLK COUNTY

Avon	1,156	561	324	2,041
Bellingham	2,866	1,685	823	5,374
Braintree	8,917	4,359	1,893	15,169
Brookline	12,582	4,204	5,804	22,590
Canton	4,463	2,312	1,010	7,785
Cohasset	2,144	868	421	3,433
Dedham	5,557	4,249	1,693	11,499
Dover	1,476	664	205	2,345
Foxborough	2,681	1,454	476	4,611
Franklin	3,256	1,734	827	5,817
Holbrook	2,505	1,257	722	4,484
Medfield	2,458	1,257	387	4,102

Question No. 4

1074

NORFOLK COUNTY — Continued

Cities and Towns	Yes	No	Blanks	Total Ballots
Medway.....	1,695	1,031	411	3,137
Millis.....	1,560	705	303	2,568
Milton.....	8,860	3,073	1,600	13,533
Needham.....	8,849	3,765	1,547	14,161
Norfolk.....	874	845	167	1,886
Norwood.....	6,867	3,664	1,602	12,133
Plainville.....	932	648	258	1,838
QUINCY.....	21,324	8,857	6,589	36,770
Randolph.....	6,634	2,804	2,004	11,442
Sharon.....	3,735	1,483	783	6,001
Stoughton.....	4,453	2,836	1,586	8,875
Walpole.....	4,344	2,164	827	7,335
Wellesley.....	7,996	3,024	1,416	12,436
Westwood.....	4,034	1,807	626	6,467
Weymouth.....	12,356	5,712	2,970	21,038
Wrentham.....	1,155	766	256	2,177
TOTALS.....	145,729	67,788	37,530	251,047

PLYMOUTH COUNTY

Abington.....	2,667	1,453	735	4,855
Bridgewater.....	2,637	1,556	636	4,829
BROCKTON.....	14,392	7,130	4,751	26,273
Carver.....	975	519	193	1,687
Duxbury.....	3,005	1,202	433	4,640
East Bridgewater.....	1,377	1,206	403	2,986
Halifax.....	1,076	646	238	1,960
Hanover.....	2,454	1,324	391	4,169
Hanson.....	1,393	798	313	2,504
Hingham.....	5,625	2,337	950	8,912
Hull.....	2,076	923	672	3,671
Kingston.....	1,394	766	374	2,534
Lakeville.....	1,010	658	204	1,872
Marion.....	961	427	158	1,546
Marshfield.....	4,547	1,890	772	7,209
Mattapoisett.....	1,202	663	243	2,108
Middleborough.....	2,503	1,491	574	4,568
Norwell.....	2,052	1,185	360	3,597

WORCESTER COUNTY

Cities and Towns	Yes	No	Blanks	Total Ballots
Ashburnham.....	780	354	170	1,304
Athol.....	2,079	981	630	3,690
Auburn.....	3,903	1,209	864	5,976
Barre.....	851	354	316	1,521
Berlin.....	564	233	90	887
Blackstone.....	1,090	525	453	2,068
Bolton.....	679	256	96	1,031
Boylston.....	924	309	121	1,354
Brookfield.....	462	179	114	755
Charlton.....	1,118	476	265	1,859
Clinton.....	2,754	1,059	1,240	5,053
Douglas.....	699	316	258	1,273
Dudley.....	1,751	727	644	3,122
East Brookfield.....	404	181	121	706
FITCHBURG.....	6,217	3,330	2,794	12,341
GARDNER.....	3,312	1,709	1,445	6,466
Grafton.....	2,474	932	673	4,079
Hardwick.....	410	231	156	797
Harvard.....	1,122	483	130	1,735
Holden.....	3,819	1,289	797	5,905
Hopedale.....	988	432	320	1,740
Hubbardston.....	255	363	26	644
Lancaster.....	1,007	500	249	1,756
Leicester.....	2,024	797	516	3,337
LEOMINSTER.....	5,719	2,796	2,354	10,869
Lunenburg.....	1,695	883	338	2,916
Mendon.....	604	354	192	1,150
Milford.....	4,694	2,138	3,075	9,907
Millbury.....	2,715	850	909	4,474
Millville.....	310	156	142	608
New Braintree.....	144	58	40	242
North Brookfield.....	875	398	292	1,565
Northborough.....	2,550	891	260	3,701
Northbridge.....	2,263	979	941	4,183
Oakham.....	254	112	40	406
Oxford.....	1,717	863	585	3,165
Paxton.....	1,060	334	160	1,554
Petersham.....	327	104	44	475

Pembroke.....	2,442	1,280	399	4,121
Plymouth.....	5,804	2,623	1,961	10,388
Plympton.....	348	228	77	653
Rochester.....	505	253	111	869
Rockland.....	2,692	1,448	720	4,860
Scituate.....	4,431	1,897	730	7,058
Wareham.....	2,656	1,421	791	4,868
West Bridgewater.....	1,324	915	296	2,535
Whitman.....	2,491	1,466	595	4,552
TOTALS.....	74,039	37,705	18,080	129,824

SUFFOLK COUNTY

BOSTON.....	74,621	27,538	58,225	160,384
CHELSEA.....	4,569	1,760	3,267	9,596
REVERE.....	9,023	3,514	5,449	17,986
Winthrop.....	4,077	2,313	2,280	8,670
TOTALS.....	92,290	35,125	69,221	196,636

Phillipston.....	168	103	44	315
Princeton.....	636	197	79	912
Royalston.....	177	73	53	303
Rutland.....	933	405	151	1,489
Shrewsbury.....	5,793	1,741	1,230	8,764
Southborough.....	1,597	669	259	2,525
Southbridge.....	2,266	1,204	2,279	5,749
Spencer.....	2,220	813	675	3,708
Sterling.....	1,198	513	164	1,875
Sturbridge.....	1,031	496	493	2,020
Sutton.....	1,128	442	311	1,881
Templeton.....	989	547	276	1,812
Upton.....	858	429	300	1,587
Uxbridge.....	1,674	723	579	2,976
Warren.....	596	389	257	1,242
Webster.....	2,621	1,065	1,321	5,007
West Boylston.....	1,794	547	290	2,631
West Brookfield.....	608	251	144	1,003
Westborough.....	3,296	1,278	578	5,152
Westminster.....	1,154	573	243	1,970
Winchendon.....	967	549	287	1,803
WORCESTER.....	32,642	9,112	12,079	53,833
TOTALS.....	128,959	50,260	43,952	223,171

Question No. 5 (Article CXIII)

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 May 26, 1976, by a vote of 260-1, and on August 10, 1977, by a vote of 255-0?

SUMMARY

The proposed constitutional amendment would allow a local charter commission 18 months after its election to prepare a charter or charter revision for submission to the voters of a city or town. Presently, the constitution provides that the charter or charter revision be prepared within 10 months of the election of the charter commission.

AGGREGATE OF VOTES

Counties	Yes	No	Blanks	Total Ballots
Barnstable.....	27,002	23,997	9,708	60,707
Berkshire.....	21,372	17,588	11,969	50,929
Bristol.....	53,100	54,289	41,383	148,772
Dukes.....	1,707	1,524	985	4,216
Essex.....	103,837	92,461	56,770	253,068
Franklin.....	9,668	8,980	4,316	22,964
Hampden.....	43,696	63,912	30,827	138,435
Hampshire.....	16,989	18,836	8,242	44,067
Middlesex.....	216,508	196,242	105,651	518,401
Nantucket.....	843	592	404	1,839
Norfolk.....	101,938	102,167	46,942	251,047
Plymouth.....	49,922	57,546	22,356	129,824
Suffolk.....	68,808	50,930	76,898	196,636
Worcester.....	96,873	75,736	50,562	223,171
TOTALS.....	812,263	764,800	467,013	2,044,076

BARNSTABLE COUNTY

Barnstable.....	5,517	4,640	1,987	12,144
Bourne.....	1,723	1,780	902	4,405
Brewster.....	872	1,068	260	2,200
Chatham.....	1,463	1,302	461	3,226
Dennis.....	2,498	2,131	853	5,482
Eastham.....	690	754	193	1,637
Falmouth.....	3,933	3,561	1,648	9,142

BRISTOL COUNTY

Cities and Towns	Yes	No	Blanks	Total Ballots
Acushnet.....	1,233	1,422	749	3,404
ATTLEBORO.....	3,612	3,534	1,692	8,838
Berkley.....	264	320	155	739
Dartmouth.....	2,307	3,409	1,520	7,236
Dighton.....	581	800	299	1,680
Easton.....	2,159	2,616	762	5,537
Fairhaven.....	1,857	2,127	1,496	5,480
FALL RIVER.....	10,249	7,870	12,536	30,655
Freetown.....	744	825	299	1,868
Mansfield.....	1,510	1,693	550	3,753
NEW BEDFORD.....	11,324	9,925	9,394	30,643
North Attleborough.....	2,248	2,474	1,140	5,862
Norton.....	1,258	1,413	469	3,140
Raynham.....	1,026	1,506	515	3,047
Rehoboth.....	804	1,047	370	2,221
Seekonk.....	1,443	1,538	489	3,470
Somerset.....	2,746	3,057	1,795	7,598
Swansea.....	2,046	1,852	1,213	5,111
TAUNTON.....	3,942	5,247	4,735	13,924
Westport.....	1,747	1,614	1,205	4,566
TOTALS.....	53,100	54,289	41,383	148,772

DUKES COUNTY

Chilmark.....	146	109	50	305
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Harwich.....	1,796	1,655	490	3,941
Mashpee.....	869	339	212	1,420
Orleans.....	1,118	1,119	370	2,607
Provincetown.....	618	455	238	1,311
Sandwich.....	1,450	1,390	440	3,280
Truro.....	275	264	81	620
Wellfleet.....	492	437	137	1,066
Yarmouth.....	3,688	3,102	1,436	8,226
TOTALS.....	27,002	23,997	9,708	60,707

BERKSHIRE COUNTY

Adams.....	1,840	1,548	1,119	4,507
Alford.....	77	61	14	152
Becket.....	113	140	35	288
Cheshire.....	462	487	234	1,183
Clarksburg.....	177	219	221	617
Dalton.....	1,111	1,184	319	2,614
Egremont.....	182	205	55	442
Florida.....	83	89	32	204
Great Barrington.....	797	749	677	2,223
Hancock.....	76	86	43	205
Hinsdale.....	181	201	89	471
Lanesborough.....	416	389	212	1,017
Lee.....	677	651	593	1,921
Lenox.....	823	873	523	2,219
Monterey.....	132	112	44	288
Mount Washington.....	15	19	15	49
New Ashford.....	29	21	19	69
New Marlborough.....	152	145	55	352
NORTH ADAMS.....	2,613	1,853	1,498	5,964
Otis.....	83	122	63	268
Peru.....	79	85	27	191
PITTSFIELD.....	8,162	5,926	4,979	19,067
Richmond.....	307	270	67	644
Sandisfield.....	61	74	34	169
Savoy.....	49	70	33	152
Sheffield.....	341	439	163	943
Stockbridge.....	512	346	199	1,057
Tyringham.....	52	56	27	135
Washington.....	75	84	34	193
West Stockbridge.....	216	184	122	522
Williamstown.....	1,383	806	391	2,580
Windsor.....	96	94	33	223
TOTALS.....	21,372	17,588	11,969	50,929

Edgartown.....	443	408	264	1,115
Gay Head.....	31	36	45	112
Gosnold.....	25	18	5	48
Oak Bluffs.....	358	346	250	954
Tisbury.....	510	438	281	1,229
West Tisbury.....	194	169	90	453
TOTALS.....	1,707	1,524	985	4,216

ESSEX COUNTY

Amesbury.....	1,385	1,660	1,165	4,210
Andover.....	4,768	4,723	1,585	11,076
BEVERLY.....	6,910	5,841	3,150	15,901
Boxford.....	970	984	240	2,194
Danvers.....	3,894	4,320	1,923	10,137
Essex.....	513	516	212	1,241
Georgetown.....	920	1,029	403	2,352
GLOUCESTER.....	4,017	3,277	2,206	9,500
Groveland.....	907	890	319	2,116
Hamilton.....	1,283	1,236	448	2,967
HAVERHILL.....	6,449	5,817	4,535	16,801
Ipswich.....	2,071	1,824	961	4,856
LAWRENCE.....	8,721	6,143	6,561	21,425
LYNN.....	12,221	9,099	7,113	28,433
Lynnfield.....	2,344	2,469	747	5,560
Manchester.....	1,224	1,001	413	2,638
Marblehead.....	4,593	4,380	1,735	10,708
Merrimac.....	619	643	275	1,537
Methuen.....	6,040	5,455	3,315	14,810
Middleton.....	614	661	249	1,524
Nahant.....	920	680	355	1,955
Newbury.....	825	755	351	1,931
NEWBURYPORT.....	2,076	2,221	1,601	5,898
North Andover.....	3,271	3,049	1,371	7,691
PEABODY.....	8,186	7,230	5,010	20,426
Rockport.....	1,360	1,080	605	3,045
Rowley.....	531	611	230	1,372
SALEM.....	6,277	5,583	4,806	16,666
Salisbury.....	643	789	474	1,906
Saugus.....	4,014	4,041	2,002	10,057
Swampscott.....	2,876	2,116	1,675	6,667
Topsfield.....	1,173	1,142	306	2,621
Wenham.....	767	698	219	1,684
West Newbury.....	455	498	210	1,163
TOTALS.....	103,837	92,461	56,770	253,068

Question No. 5

1078

FRANKLIN COUNTY

Cities and Towns	Yes	No	Blanks	Total Ballots
Ashfield	202	250	82	534
Bernardston	269	272	111	652
Buckland	293	274	136	703
Charlemont	143	159	55	357
Colrain	240	233	126	599
Conway	221	193	83	497
Deerfield	743	690	234	1,667
Erving	219	206	93	518
Gill	237	169	81	487
Greenfield	2,852	2,455	1,403	6,710
Hawley	32	27	27	86
Heath	66	59	29	154
Leverett	235	204	80	519
Leyden	66	74	38	178
Monroe	21	31	13	65
Montague	1,427	1,217	650	3,294
New Salem	113	110	39	262
Northfield	427	368	147	942
Orange	714	816	336	1,866
Rowe	49	80	18	147
Shelburne	275	272	144	691
Shutesbury	137	127	60	324
Sunderland	310	308	121	739
Warwick	92	72	62	226
Wendell	89	94	43	226
Whately	196	220	105	521
TOTALS	9,668	8,980	4,316	22,964

HAMPDEN COUNTY

Cities and Towns	Yes	No	Blanks	Total Ballots
Agawam	2,356	4,015	1,381	7,752
Blandford	109	223	31	363
Brimfield	289	393	111	793
Chester	111	148	48	307
CHICOPEE	6,800	9,095	4,200	20,095
East Longmeadow	1,265	2,843	641	4,749
Granville	142	221	73	436
Hampden	498	866	127	1,491

MIDDLESEX COUNTY

Cities and Towns	Yes	No	Blanks	Total Ballots
Acton	2,785	3,023	697	6,505
Arlington	8,518	10,585	3,911	23,014
Ashby	319	355	99	773
Ashland	1,275	1,520	470	3,265
Ayer	714	609	305	1,628
Bedford	2,147	1,962	785	4,894
Belmont	5,357	5,187	2,949	13,493
Billerica	4,403	5,128	1,514	11,045
Boxborough	334	403	112	849
Burlington	3,071	4,227	1,124	8,422
CAMBRIDGE	14,420	9,541	7,853	31,814
Carlisle	609	726	186	1,521
Chelmsford	5,129	5,627	1,536	12,292
Concord	3,356	2,520	1,268	7,144
Dracut	3,516	3,188	1,705	8,409
Dunstable	218	262	98	578
EVERETT	5,697	4,298	6,189	16,184
Frammingham	10,556	8,438	3,430	22,424
Groton	888	899	305	2,092
Holliston	2,018	2,072	693	4,783
Hopkinton	1,055	1,130	394	2,579
Hudson	2,027	1,968	776	4,771
Lexington	6,697	5,084	2,699	14,480
Lincoln	1,114	887	433	2,434
Littleton	1,030	1,123	355	2,508
LOWELL	18,649	5,407	5,734	29,790
MALDEN	7,205	7,144	6,172	20,521
MARLBOROUGH	4,081	3,752	2,091	9,924
Maynard	1,399	1,401	701	3,501
MEDFORD	9,703	8,679	5,906	24,288
MELROSE	4,228	5,650	2,511	12,389
Natick	4,524	4,803	2,003	11,330
NEWTON	15,304	13,410	8,577	37,291
North Reading	1,886	1,983	545	4,414
Pepperell	829	1,114	343	2,286
Reading	4,141	4,384	1,364	9,889
Sherborn	813	847	213	1,873
Shirley	425	517	191	1,133

Holland	179	207	67	453
HOLYOKE	4,508	5,270	4,756	14,534
Longmeadow	2,350	3,533	916	6,799
Ludlow	2,212	3,224	1,012	6,448
Monson	705	1,114	301	2,120
Montgomery	68	146	30	244
Palmer	1,410	1,950	774	4,134
Russell	168	195	83	446
Southwick	696	1,093	206	1,995
SPRINGFIELD	11,336	16,450	11,176	38,962
Tolland	42	50	8	100
Wales	110	184	56	350
West Springfield	2,974	4,527	1,939	9,440
WESTFIELD	3,756	5,661	2,033	11,450
Wilbraham	1,612	2,504	858	4,974
TOTALS	43,696	63,912	30,827	138,435

HAMPSHIRE COUNTY

Amherst	2,807	2,499	1,413	6,719
Belchertown	733	1,007	284	2,024
Chesterfield	101	124	53	278
Cummington	116	129	51	296
Easthampton	2,189	2,665	1,172	6,026
Goshen	67	109	27	203
Granby	512	909	264	1,685
Hadley	687	761	419	1,867
Hatfield	506	541	239	1,286
Huntington	179	256	87	522
Middlefield	37	52	20	109
NORTHAMPTON	4,281	3,736	1,885	9,902
Pelham	190	190	67	447
Plainfield	38	70	26	134
South Hadley	2,236	2,962	1,177	6,375
Southampton	498	687	165	1,350
Ware	1,174	1,444	663	3,281
Westhampton	170	180	41	391
Williamsburg	333	374	153	860
Worthington	135	141	36	312
TOTALS	16,989	18,836	8,242	44,067

SOMERVILLE	10,784	7,975	6,636	25,395
Stoneham	3,200	3,523	1,558	8,281
Stow	688	945	217	1,850
Sudbury	2,463	2,805	701	5,969
Tewksbury	3,188	4,014	1,087	8,289
Townsend	700	870	268	1,838
Tyngsborough	700	786	295	1,781
Wakefield	4,309	4,474	2,049	10,832
WALTHAM	5,794	6,921	4,914	17,629
Watertown	6,164	4,940	3,613	14,717
Wayland	2,740	2,365	704	5,809
Westford	2,102	2,280	784	5,166
Weston	2,348	2,111	816	5,275
Wilmington	2,137	2,813	1,193	6,143
Winchester	3,311	4,298	1,534	9,143
WOBURN	5,440	5,269	3,045	13,754
TOTALS	216,508	196,242	105,651	518,401

NANTUCKET COUNTY

Nantucket	843	592	404	1,839
TOTALS	843	592	404	1,839

NORFOLK COUNTY

Avon	815	824	402	2,041
Bellingham	2,024	2,422	928	5,374
Braintree	6,172	6,610	2,387	15,169
Brookline	8,924	6,649	7,017	22,590
Canton	3,085	3,434	1,266	7,785
Cohasset	1,554	1,370	509	3,433
Dedham	3,582	5,939	1,978	11,499
Dover	1,080	1,007	258	2,345
Foxborough	2,015	1,992	604	4,611
Franklin	2,418	2,498	901	5,817
Holbrook	1,704	1,867	913	4,484
Medfield	1,604	2,012	486	4,102
Medway	1,220	1,389	528	3,137
Millis	1,086	1,113	369	2,568
Milton	6,853	4,477	2,203	13,533
Needham	5,936	6,008	2,217	14,161
Norfolk	713	930	243	1,886
Norwood	4,746	5,463	1,924	12,133
Plainville	654	911	273	1,838
QUINCY	15,262	13,561	7,947	36,770

Question No. 5

1080

NORFOLK COUNTY — Continued

Cities and Towns	Yes	No	Blanks	Total Ballots
Randolph.....	4,375	4,395	2,672	11,442
Sharon.....	2,548	2,366	1,087	6,001
Stoughton.....	3,021	4,037	1,817	8,875
Walpole.....	3,061	3,196	1,078	7,335
Wellesley.....	5,718	4,683	2,035	12,436
Westwood.....	2,947	2,728	792	6,467
Weymouth.....	8,028	9,239	3,771	21,038
Wrentham.....	793	1,047	337	2,177
TOTALS.....	101,938	102,167	46,942	251,047

PLYMOUTH COUNTY

Abington.....	1,649	2,289	917	4,855
Bridgewater.....	1,693	2,328	808	4,829
BROCKTON.....	9,452	10,957	5,864	26,273
Carver.....	655	802	230	1,687
Duxbury.....	2,092	1,963	585	4,640
East Bridgewater.....	861	1,654	471	2,986
Halifax.....	717	930	313	1,960
Hanover.....	1,578	2,044	547	4,169
Hanson.....	874	1,223	407	2,504
Hingham.....	3,882	3,781	1,249	8,912
Hull.....	1,537	1,358	776	3,671
Kingston.....	982	1,104	448	2,534
Lakeville.....	639	960	273	1,872
Marion.....	758	596	192	1,546
Marshfield.....	3,120	3,146	943	7,209
Mattapoisett.....	792	1,012	304	2,108
Middleborough.....	1,753	2,123	692	4,568
Nonwell.....	1,351	1,801	445	3,597
Pembroke.....	1,609	1,938	574	4,121
Plymouth.....	3,980	4,186	2,222	10,388
Plympton.....	224	316	113	653
Rochester.....	351	371	147	869
Rockland.....	1,761	2,208	891	4,860
Scituate.....	3,159	3,021	878	7,058
Wareham.....	2,015	1,949	904	4,868

WORCESTER COUNTY

Cities and Towns	Yes	No	Blanks	Total Ballots
Ashburnham.....	525	554	225	1,304
Athol.....	1,698	1,263	729	3,690
Auburn.....	2,923	2,027	1,026	5,976
Barre.....	686	476	359	1,521
Berlin.....	416	355	116	887
Blackstone.....	895	686	487	2,068
Bolton.....	398	486	147	1,031
Boylston.....	697	488	169	1,354
Brookfield.....	356	260	139	755
Charlton.....	825	702	332	1,859
Clinton.....	2,103	1,526	1,424	5,053
Douglas.....	539	445	289	1,273
Dudley.....	1,344	1,042	736	3,122
East Brookfield.....	330	241	135	706
FITCHBURG.....	4,364	4,894	3,083	12,341
GARDNER.....	2,539	2,275	1,652	6,466
Grafton.....	1,853	1,426	800	4,079
Hardwick.....	267	360	170	797
Harvard.....	739	790	206	1,735
Holden.....	2,761	2,197	947	5,905
Hopedale.....	725	628	387	1,740
Hubbardston.....	235	269	140	644
Lancaster.....	703	750	303	1,756
Leicester.....	1,474	1,280	583	3,337
LEOMINSTER.....	4,020	4,153	2,696	10,869
Lunenburg.....	1,136	1,345	435	2,916
Mendon.....	436	481	233	1,150
Milford.....	3,658	2,884	3,365	9,907
Milbury.....	2,135	1,325	1,014	4,474
Milville.....	235	216	157	608
New Braintree.....	110	78	54	242
North Brookfield.....	674	563	328	1,565
Northborough.....	1,854	1,507	340	3,701
Northbridge.....	1,623	1,546	1,014	4,183
Oakham.....	164	175	67	406
Oxford.....	1,273	1,274	618	3,165
Paxton.....	822	545	187	1,554
Petersham.....	219	192	64	475

West Bridgewater.....	885	1,272	378	2,535
Whitman	1,553	2,214	785	4,552
TOTALS.....	49,922	57,546	22,356	129,824

SUFFOLK COUNTY

BOSTON.....	55,671	40,188	64,525	160,384
CHELSEA.....	3,704	2,319	3,573	9,596
REVERE.....	6,610	5,192	6,184	17,986
Winthrop.....	2,823	3,231	2,616	8,670
TOTALS.....	68,808	50,930	76,898	196,636

Phillipston	114	140	61	315
Princeton	455	357	100	912
Royalston	118	124	61	303
Rutland	660	633	196	1,489
Shrewsbury.....	4,351	2,907	1,506	8,764
Southborough.....	1,181	1,011	333	2,525
Southbridge.....	1,794	1,659	2,296	5,749
Spencer.....	1,737	1,195	776	3,708
Sterling	838	822	215	1,875
Sturbridge	762	730	528	2,020
Sutton.....	872	642	367	1,881
Templeton.....	735	763	314	1,812
Upton.....	611	631	345	1,587
Uxbridge.....	1,306	1,027	643	2,976
Warren.....	414	518	310	1,242
Webster.....	2,112	1,480	1,415	5,007
West Boylston.....	1,350	925	356	2,631
West Brookfield	448	382	173	1,003
Westborough.....	2,455	1,980	717	5,152
Westminster.....	816	852	302	1,970
Winchendon	739	718	346	1,803
WORCESTER	25,251	14,536	14,046	53,833
TOTALS.....	96,873	75,736	50,562	223,171

Question No. 6 (Article CXI)

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 June 11, 1975, by a vote of 175-73, and on September 7, 1977, by a vote of 173-90?

SUMMARY

The proposed constitutional amendment would provide that a student could neither be assigned to nor denied admittance to a public school on the basis of race, color, national origin or creed.

AGGREGATE OF VOTES

Counties	Yes	No	Blanks	Total Ballots
Barnstable.....	36,881	17,066	6,760	60,707
Berkshire.....	29,582	12,257	9,090	50,929
Bristol.....	86,426	30,539	31,807	148,772
Dukes.....	2,436	1,173	607	4,216
Essex.....	154,665	58,317	40,086	253,068
Franklin.....	12,389	7,611	2,964	22,964
Hampden.....	79,071	34,954	24,410	138,435
Hampshire.....	25,555	12,988	5,524	44,067
Middlesex.....	303,329	141,521	73,551	518,401
Nantucket.....	1,147	425	267	1,839
Norfolk.....	154,268	67,833	28,946	251,047
Plymouth.....	83,308	32,034	14,482	129,824
Suffolk.....	98,370	42,750	55,516	196,636
Worcester.....	132,429	53,199	37,543	223,171
TOTALS.....	1,199,856	512,667	331,553	2,044,076

BARNSTABLE COUNTY

Barnstable.....	7,452	3,294	1,398	12,144
Bourne.....	2,461	1,225	719	4,405
Brewster.....	1,363	675	162	2,200
Chatham.....	2,015	925	286	3,226
Dennis.....	3,426	1,467	589	5,482
Eastham.....	1,042	487	108	1,637
Falmouth.....	5,752	2,369	1,021	9,142
Harwich.....	2,443	1,158	340	3,941

BRISTOL COUNTY

Cities and Towns	Yes	No	Blanks	Total Ballots
Acushnet.....	2,157	703	544	3,404
ATTLEBORO.....	5,592	2,035	1,211	8,838
Berkley.....	489	138	112	739
Dartmouth.....	3,702	2,272	1,262	7,236
Dighton.....	1,087	376	217	1,680
Easton.....	3,734	1,349	454	5,537
Fairhaven.....	3,060	1,235	1,185	5,480
FALL RIVER.....	15,692	4,374	10,589	30,655
Freetown.....	1,282	387	199	1,868
Mansfield.....	2,462	934	357	3,753
NEW BEDFORD.....	16,982	6,577	7,084	30,643
North Attleborough.....	3,743	1,300	819	5,862
Norton.....	2,012	835	293	3,140
Raynham.....	1,999	734	314	3,047
Rehoboth.....	1,484	525	212	2,221
Seekonk.....	2,452	678	340	3,470
Somerset.....	4,680	1,523	1,395	7,598
Swansea.....	3,447	803	861	5,111
TAUNTON.....	7,585	2,872	3,467	13,924
Westport.....	2,785	889	892	4,566
TOTALS.....	86,426	30,539	31,807	148,772

DUKES COUNTY

Chilmark.....	173	106	26	305
Edgartown.....	666	285	164	1,115

Mashpee	629	500	291	1,420
Orleans	1,500	859	248	2,607
Provincetown	797	351	163	1,311
Sandwich	2,152	851	277	3,280
Truro	369	194	57	620
Wellfleet	629	350	87	1,066
Yarmouth	4,851	2,361	1,014	8,226
TOTALS	36,881	17,066	6,760	60,707

BERKSHIRE COUNTY

Adams	2,710	978	819	4,507
Afford	95	45	12	152
Becket	163	96	29	288
Cheshire	750	248	185	1,183
Clarksburg	382	154	81	617
Dalton	1,785	618	211	2,614
Egremont	287	126	29	442
Florida	147	43	14	204
Great Barrington	1,144	535	544	2,223
Hancock	136	40	29	205
Hinsdale	288	121	62	471
Lanesborough	592	251	174	1,017
Lee	1,026	404	491	1,921
Lenox	1,219	582	418	2,219
Monterey	165	97	26	288
Mount Washington	28	13	8	49
New Ashford	46	15	8	69
New Marlborough	220	96	36	352
NORTH ADAMS	3,618	1,306	1,040	5,964
Otis	137	77	54	268
Peru	142	36	13	191
PITTSFIELD	10,352	4,559	4,156	19,067
Richmond	432	173	39	644
Sandisfield	110	36	23	169
Savoy	92	38	22	152
Sheffield	628	220	95	943
Stockbridge	612	303	142	1,057
Tyringham	86	35	14	135
Washington	143	32	18	193
West Stockbridge	322	122	78	522
Williamstown	1,575	802	203	2,580
Windsor	150	56	17	223
TOTALS	29,582	12,257	9,090	50,929

Gay Head	62	26	24	112
Gosnold	36	7	5	48
Oak Bluffs	530	254	170	954
Tisbury	721	333	175	1,229
West Tisbury	248	162	43	453
TOTALS	2,436	1,173	607	4,216

ESSEX COUNTY

Amesbury	2,121	1,128	961	4,210
Andover	7,010	3,148	918	11,076
BEVERLY	9,456	4,273	2,172	15,901
Boxford	1,540	548	106	2,194
Danvers	6,499	2,506	1,132	10,137
Essex	804	304	133	1,241
Georgetown	1,588	499	265	2,352
GLOUCESTER	5,708	2,144	1,648	9,500
Groveland	1,553	394	169	2,116
Hamilton	1,800	906	261	2,967
HAVERHILL	10,352	3,118	3,331	16,801
Ipswich	2,738	1,483	635	4,856
LAWRENCE	12,358	3,677	5,390	21,425
LYNN	17,577	5,764	5,092	28,433
Lynnfield	3,611	1,479	470	5,560
Manchester	1,615	759	264	2,638
Marblehead	6,448	3,274	986	10,708
Merrimac	1,043	320	174	1,537
Methuen	9,438	2,839	2,533	14,810
Middleton	969	387	168	1,524
Nahant	1,258	459	238	1,955
Newbury	1,219	495	217	1,931
NEWBURYPORT	3,329	1,575	994	5,898
North Andover	5,111	1,666	914	7,691
PEABODY	12,477	4,399	3,550	20,426
Rockport	1,825	857	363	3,045
Rowley	872	358	142	1,372
SALEM	9,717	3,344	3,605	16,666
Salisbury	1,085	461	360	1,906
Saugus	6,494	2,281	1,282	10,057
Swampscott	3,565	1,896	1,206	6,667
Topsfield	1,728	739	154	2,621
Wenham	1,010	541	133	1,684
West Newbury	747	296	120	1,163
TOTALS	154,665	58,317	40,086	253,068

Question No. 6

1084

FRANKLIN COUNTY

Cities and Towns	Yes	No	Blanks	Total Ballots
Ashfield.....	316	166	52	534
Bernardston.....	378	204	70	652
Buckland.....	405	209	89	703
Charlemont.....	203	125	29	357
Colrain.....	330	186	83	599
Conway.....	275	181	41	497
Deerfield.....	963	554	150	1,667
Erving.....	307	158	53	518
Gill.....	239	205	43	487
Greenfield.....	3,114	2,481	1,115	6,710
Hawley.....	48	25	13	86
Heath.....	102	36	16	154
Leverett.....	298	181	40	519
Leyden.....	105	47	26	178
Monroe.....	42	13	10	65
Montague.....	1,748	1,078	468	3,294
New Salem.....	168	68	26	262
Northfield.....	525	337	80	942
Orange.....	1,196	439	231	1,866
Rowe.....	85	53	9	147
Shelburne.....	395	206	90	691
Shutesbury.....	171	120	33	324
Sunderland.....	400	259	80	739
Warwick.....	136	55	35	226
Wendell.....	145	63	18	226
Whately.....	295	162	64	521
TOTALS.....	12,389	7,611	2,964	22,964

HAMPDEN COUNTY

Agawam.....	4,584	2,024	1,144	7,752
Blandford.....	241	99	23	363
Brimfield.....	517	195	81	793
Chester.....	198	72	37	307
CHICOPEE.....	11,697	5,112	3,286	20,095
East Longmeadow.....	2,790	1,463	496	4,749
Granville.....	304	93	39	436
Hampden.....	1,027	386	78	1,491

MIDDLESEX COUNTY

Cities and Towns	Yes	No	Blanks	Total Ballots
Acton.....	4,053	2,103	349	6,505
Arlington.....	13,608	6,859	2,547	23,014
Ashby.....	518	199	56	773
Ashland.....	2,188	814	263	3,265
Ayer.....	1,078	339	211	1,628
Bedford.....	2,688	1,707	499	4,894
Belmont.....	7,151	4,402	1,940	13,493
Billerica.....	7,685	2,405	955	11,045
Boxborough.....	552	240	57	849
Burlington.....	5,064	2,546	812	8,422
CAMBRIDGE.....	14,884	12,344	4,586	31,814
Carlisle.....	853	596	72	1,521
Chelmsford.....	8,030	3,345	917	12,292
Concord.....	3,394	2,957	793	7,144
Dracut.....	5,467	1,648	1,294	8,409
Dunstable.....	384	124	70	578
EVERETT.....	8,546	2,630	5,008	16,184
Framingham.....	14,818	5,350	2,256	22,424
Groton.....	1,372	556	164	2,092
Holliston.....	3,319	1,095	369	4,783
Hopkinton.....	1,733	625	221	2,579
Hudson.....	3,155	1,064	552	4,771
Lexington.....	6,771	6,049	1,660	14,480
Lincoln.....	1,194	1,054	186	2,434
Littleton.....	1,752	593	163	2,508
LOWELL.....	18,649	5,407	5,734	29,790
MALDEN.....	11,197	4,420	4,904	20,521
MARLBOROUGH.....	6,602	1,935	1,387	9,924
Maynard.....	2,218	839	444	3,501
MEDFORD.....	15,672	4,593	4,023	24,288
MELROSE.....	7,239	3,360	1,790	12,389
Natick.....	6,350	3,470	1,510	11,330
NEWTON.....	18,214	13,206	5,871	37,291
North Reading.....	2,906	1,199	309	4,414
Pepperell.....	1,576	519	191	2,286
Reading.....	6,448	2,686	755	9,889
Sherborn.....	1,198	564	111	1,873
Shirley.....	692	313	128	1,133

Holland	290	113	50	453
HOLYOKE	7,026	3,391	4,117	14,534
Longmeadow	4,551	1,699	549	6,799
Ludlow	3,987	1,734	727	6,448
Monson	1,428	495	197	2,120
Montgomery	169	58	17	244
Palmer	2,443	1,077	614	4,134
Russell	304	81	61	446
Southwick	1,419	463	113	1,995
SPRINGFIELD	20,072	9,708	9,182	38,962
Tolland	74	20	6	100
Wales	242	75	33	350
West Springfield	7,291	2,787	1,372	9,440
WESTFIELD	5,374	2,523	1,543	11,450
Wilbraham	3,043	1,286	645	4,974
TOTALS	79,071	34,954	24,410	138,435

HAMPSHIRE COUNTY

Amherst	3,439	2,607	673	6,719
Belchertown	1,279	571	174	2,024
Chesterfield	188	63	27	278
Cummington	198	67	31	296
Easthampton	3,589	1,548	889	6,026
Goshen	124	63	16	203
Granby	903	564	218	1,685
Hadley	1,066	511	290	1,867
Hatfield	736	369	181	1,286
Huntington	333	124	65	522
Middlefield	71	24	14	109
NORTHAMPTON	5,826	2,759	1,317	9,902
Pelham	253	161	33	447
Plainfield	81	41	12	134
South Hadley	3,659	1,885	831	6,375
Southampton	931	321	98	1,350
Ware	1,882	881	518	3,281
Westhampton	287	87	17	391
Williamsburg	509	250	101	860
Worthington	201	92	19	312
TOTALS	25,555	12,988	5,524	44,067

SOMERVILLE	15,289	5,421	4,685	25,395
Stoneham	5,330	2,035	916	8,281
Stow	1,185	543	122	1,850
Sudbury	3,225	2,299	445	5,969
Tewksbury	5,655	1,948	686	8,289
Townsend	1,260	422	156	1,838
Tyngsborough	1,197	374	210	1,781
Wakefield	7,057	2,507	1,268	10,832
WALTHAM	9,182	4,363	4,084	17,629
Watertown	8,625	3,668	2,424	14,717
Wayland	3,195	2,291	323	5,809
Westford	3,589	1,140	437	5,166
Weston	2,795	2,077	403	5,275
Wilmington	3,757	1,555	831	6,143
Winchester	4,797	3,234	1,112	9,143
WOBURN	7,973	3,489	2,292	13,754
TOTALS	303,329	141,521	73,551	518,401

NANTUCKET COUNTY

Nantucket	1,147	425	267	1,839
TOTALS	1,147	425	267	1,839

NORFOLK COUNTY

Avon	1,373	397	271	2,041
Bellingham	3,531	1,174	669	5,374
Braintree	10,246	3,641	1,282	15,169
Brookline	9,564	8,211	4,815	22,590
Canton	5,020	2,071	694	7,785
Cohasset	1,994	1,104	335	3,433
Dedham	6,589	3,630	1,280	11,499
Dover	1,460	728	157	2,345
Foxborough	3,033	1,230	348	4,611
Franklin	3,768	1,395	654	5,817
Holbrook	2,900	991	593	4,484
Medfield	2,667	1,154	281	4,102
Medway	2,082	722	333	3,137
Millis	1,777	570	221	2,568
Milton	8,274	4,035	1,224	13,533
Needham	8,424	4,601	1,136	14,161
Norfolk	1,300	439	147	1,886
Norwood	7,709	3,296	1,128	12,133
Plainville	1,231	426	181	1,838
QUINCY	23,798	7,867	5,105	36,770

Question No. 6

1086

NORFOLK COUNTY — Continued

Cities and Towns	Yes	No	Blanks	Total Ballots
Randolph.....	7,359	2,516	1,567	11,442
Sharon.....	3,846	1,568	587	6,001
Stoughton.....	5,079	2,457	1,339	8,875
Walpole.....	4,933	1,777	625	7,335
Wellesley.....	6,974	4,455	1,007	12,436
Westwood.....	4,195	1,819	453	6,467
Weymouth.....	13,751	4,986	2,301	21,038
Wrentham.....	1,391	573	213	2,177
TOTALS.....	154,268	67,833	28,946	251,047

PLYMOUTH COUNTY

Abington.....	3,163	1,085	607	4,855
Bridgewater.....	3,125	1,210	494	4,829
BROCKTON.....	16,477	5,779	4,017	26,273
Carver.....	1,199	357	131	1,687
Duxbury.....	3,172	1,173	295	4,640
East Bridgewater.....	1,659	976	351	2,986
Halifax.....	1,325	442	193	1,960
Hanover.....	2,874	1,034	261	4,169
Hanson.....	1,657	609	238	2,504
Hingham.....	5,643	2,516	753	8,912
Hull.....	2,367	791	513	3,671
Kingston.....	1,503	714	317	2,534
Lakeville.....	1,270	452	150	1,872
Marion.....	905	530	111	1,546
Marshfield.....	4,947	1,724	538	7,209
Mattapoisett.....	1,340	527	191	2,108
Middleborough.....	3,067	1,075	426	4,568
Norwell.....	2,163	1,154	280	3,597
Pembroke.....	2,827	986	308	4,121
Plymouth.....	6,109	2,607	1,672	10,388
Plympton.....	433	169	51	653
Rochester.....	592	198	79	869
Rockland.....	3,227	1,065	568	4,860
Scituate.....	4,458	2,033	567	7,058
Wareham.....	3,033	1,144	691	4,868

WORCESTER COUNTY

Cities and Towns	Yes	No	Blanks	Total Ballots
Ashburnham.....	834	317	153	1,304
Athol.....	2,385	759	546	3,690
Auburn.....	3,816	1,465	695	5,976
Barre.....	861	395	265	1,521
Berlin.....	552	262	73	887
Blackstone.....	1,248	427	393	2,068
Bolton.....	714	247	70	1,031
Boylston.....	840	397	117	1,354
Brookfield.....	463	193	99	755
Charlton.....	1,214	425	220	1,859
Clinton.....	3,071	932	1,050	5,053
Douglas.....	725	331	217	1,273
Dudley.....	1,826	732	564	3,122
East Brookfield.....	448	153	105	706
FITCHBURG.....	6,949	3,025	2,367	12,341
GARDNER.....	3,690	1,552	1,224	6,466
Grafton.....	2,365	1,127	587	4,079
Hardwick.....	422	240	135	797
Harvard.....	972	684	79	1,735
Holden.....	3,076	2,125	704	5,905
Hopedale.....	1,124	343	273	1,740
Hubbardston.....	427	142	75	644
Lancaster.....	1,128	443	185	1,756
Leicester.....	2,058	853	426	3,337
LEOMINSTER.....	6,358	2,540	1,971	10,869
Lunenburg.....	1,903	769	244	2,916
Mendon.....	712	299	139	1,150
Milford.....	5,588	1,524	2,795	9,907
Milbury.....	2,767	925	782	4,474
Milville.....	369	106	133	608
New Braintree.....	141	60	41	242
North Brookfield.....	916	409	240	1,565
Northborough.....	2,531	963	207	3,701
Northbridge.....	2,009	1,302	872	4,183
Oakham.....	253	117	36	406
Oxford.....	1,697	950	518	3,165
Paxton.....	1,012	417	125	1,554
Petersham.....	293	146	36	475

West Bridgewater.....	1,727	609	199	2,535
Whitman	3,046	1,025	451	4,552
TOTALS	83,308	32,034	14,482	129,824

SUFFOLK COUNTY

BOSTON.....	78,376	36,045	45,963	160,384
CHELSEA.....	5,231	1,476	2,889	9,596
REVERE.....	10,336	3,081	4,569	17,986
Winthrop.....	4,427	2,148	2,095	8,670
TOTALS	98,370	42,750	55,516	196,636

Phillipston.....	209	75	31	315
Princeton	582	270	60	912
Royalston.....	175	91	37	303
Rutland	900	452	137	1,489
Shrewsbury.....	5,690	2,108	966	8,764
Southborough.....	1,712	614	199	2,525
Southbridge.....	2,193	1,439	2,117	5,749
Spencer.....	2,322	846	540	3,708
Sterling	1,276	465	134	1,875
Sturbridge.....	1,070	505	445	2,020
Sutton.....	1,158	480	243	1,881
Templeton.....	1,110	460	242	1,812
Upton.....	973	374	240	1,587
Uxbridge.....	1,765	704	507	2,976
Warren	705	298	239	1,242
Webster.....	2,807	1,053	1,147	5,007
West Boylston.....	1,676	737	218	2,631
West Brookfield	588	284	131	1,003
Westborough.....	3,216	1,476	460	5,152
Westminster.....	1,294	494	182	1,970
Winchendon.....	1,142	445	216	1,803
WORCESTER	32,109	11,433	10,291	53,833
TOTALS	132,429	53,199	37,543	223,171

Question No. 7 (Article XLI)

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 11, 1976, by a vote of 248-5, and on May 24, 1978, by a vote of 257-0?

SUMMARY

The proposed constitutional amendment would give the legislature the power to establish a different method of property taxation for land which is used for recreational purposes and for land preserved in its natural state. It would add these two categories to the existing constitutional provision which allows the legislature to tax wild and forest land differently. The amendment's stated purpose is to develop and conserve natural resources and the environmental benefits of recreational land.

AGGREGATE OF VOTES

Counties	Yes	No	Blanks	Total Ballots
Barnstable.....	32,581	21,161	6,965	60,707
Berkshire.....	24,165	16,928	9,836	50,929
Bristol.....	68,155	45,287	35,330	148,772
Dukes.....	2,587	961	668	4,216
Essex.....	132,461	75,168	45,439	253,068
Franklin.....	10,722	8,978	3,264	22,964
Hampden.....	63,663	47,654	27,118	138,435
Hampshire.....	23,942	14,076	6,049	44,067
Middlesex.....	271,211	164,403	82,787	518,401
Nantucket.....	1,119	426	294	1,839
Norfolk.....	129,920	86,220	34,907	251,047
Plymouth.....	67,164	46,817	15,843	129,824
Suffolk.....	83,372	46,357	66,907	196,636
Worcester.....	120,132	62,035	41,004	223,171
TOTALS.....	1,031,194	636,471	376,411	2,044,076

BARNSTABLE COUNTY

Barnstable.....	6,941	3,817	1,386	12,144
Bourne.....	1,948	1,744	713	4,405
Brewster.....	1,091	942	167	2,200
Chatham.....	1,762	1,151	313	3,226

BERKSHIRE COUNTY — Continued

Cities and Towns	Yes	No	Blanks	Total Ballots
Williamstown.....	1,618	729	233	2,580
Windsor.....	108	97	18	223
TOTALS.....	24,165	16,928	9,836	50,929

BRISTOL COUNTY

Acushnet.....	1,626	1,145	633	3,404
ATTLEBORO.....	4,477	2,993	1,368	8,838
Berkley.....	331	298	110	739
Dartmouth.....	3,100	2,771	1,365	7,236
Dighton.....	743	696	241	1,680
Easton.....	3,068	2,013	456	5,537
Fairhaven.....	2,385	1,824	1,271	5,480
FALL RIVER.....	12,916	5,710	12,029	30,655
Freetown.....	1,044	596	228	1,868
Mansfield.....	1,855	1,450	448	3,753
NEW BEDFORD.....	13,574	8,984	8,085	30,643
North Attleborough.....	2,902	2,040	920	5,862
Norton.....	1,556	1,234	350	3,140
Raynham.....	1,350	1,387	310	3,047
Rehoboth.....	1,102	851	268	2,221
Seekonk.....	1,914	1,154	402	3,470

Dennis.....	2,957	1,871	654	5,482
Eastham.....	767	732	138	1,637
Falmouth.....	5,210	2,855	1,077	9,142
Harwich.....	2,096	1,470	375	3,941
Mashpee.....	789	421	210	1,420
Orleans.....	1,316	1,052	239	2,607
Provincetown.....	751	363	197	1,311
Sandwich.....	1,779	1,243	258	3,280
Truro.....	321	231	68	620
Wellfleet.....	598	371	97	1,066
Yarmouth.....	4,255	2,898	1,073	8,226
TOTALS.....	32,581	21,161	6,965	60,707

BERKSHIRE COUNTY

Adams.....	2,243	1,387	877	4,507
Alford.....	76	62	14	152
Becket.....	124	135	29	288
Cheshire.....	558	443	190	1,183
Clarksburg.....	331	196	90	617
Dalton.....	1,322	1,037	255	2,614
Egremont.....	230	182	30	442
Florida.....	101	76	27	204
Great Barrington.....	849	808	566	2,223
Hancock.....	109	63	33	205
Hinsdale.....	230	176	65	471
Lanesborough.....	456	390	171	1,017
Lee.....	790	613	518	1,921
Lenox.....	1,002	797	420	2,219
Monterey.....	142	124	22	288
Mount Washington.....	17	23	9	49
New Ashford.....	34	21	14	69
New Marlborough.....	162	149	41	352
NORTH ADAMS.....	3,135	1,572	1,257	5,964
Otis.....	113	93	62	268
Peru.....	96	80	15	191
PITTSFIELD.....	8,420	6,272	4,375	19,067
Richmond.....	341	242	61	644
Sandisfield.....	76	69	24	169
Savoy.....	64	59	29	152
Sheffield.....	450	381	112	943
Stockbridge.....	588	323	146	1,057
Tyringham.....	56	62	17	135
Washington.....	90	82	21	193
West Stockbridge.....	242	185	95	522

Somerset.....	3,619	2,386	1,593	7,598
Swansea.....	2,807	1,305	999	5,111
TAUNTON.....	5,383	5,234	3,307	13,924
Westport.....	2,403	1,216	947	4,566
TOTALS.....	68,155	45,287	35,330	148,772

DUKES COUNTY

Chilmark.....	222	55	28	305
Edgartown.....	695	237	183	1,115
Gay Head.....	64	21	27	112
Gosnold.....	30	14	4	48
Oak Bluffs.....	526	237	191	954
Tisbury.....	725	308	196	1,229
West Tisbury.....	325	89	39	453
TOTALS.....	2,587	961	668	4,216

ESSEX COUNTY

Amesbury.....	1,890	1,360	960	4,210
Andover.....	6,244	3,880	952	11,076
BEVERLY.....	8,428	4,897	2,576	15,901
Boxford.....	1,422	643	129	2,194
Danvers.....	5,271	3,592	1,274	10,137
Essex.....	665	420	156	1,241
Georgetown.....	1,230	792	330	2,352
GLOUCESTER.....	4,829	2,804	1,867	9,500
Groveland.....	1,215	650	251	2,116
Hamilton.....	1,700	968	299	2,967
HAVERHILL.....	8,488	4,477	3,836	16,801
Ipswich.....	2,573	1,608	675	4,856
LAWRENCE.....	10,581	5,063	5,781	21,425
LYNN.....	14,474	7,899	6,060	28,433
Lynnfield.....	3,028	1,964	568	5,560
Manchester.....	1,665	703	270	2,638
Marblehead.....	6,356	3,155	1,197	10,708
Merrimac.....	817	533	187	1,537
Methuen.....	7,859	4,102	2,849	14,810
Middleton.....	779	571	174	1,524
Nahant.....	1,129	539	287	1,955
Newbury.....	1,092	609	230	1,931
NEWBURYPORT.....	2,878	1,821	1,199	5,898
North Andover.....	4,360	2,288	1,043	7,691
PEABODY.....	10,092	6,137	4,197	20,426
Rockport.....	1,730	888	427	3,045

Question No. 7

1090

ESSEX COUNTY — Continued

Cities and Towns	Yes	No	Blanks	Total Ballots
Rowley.....	705	509	158	1,372
SALEM.....	8,217	4,571	3,878	16,666
Salisbury.....	858	674	374	1,906
Saugus.....	5,169	3,296	1,592	10,057
Swampscott.....	3,482	1,977	1,208	6,667
Topsfield.....	1,550	877	194	2,621
Wenham.....	1,033	514	137	1,684
West Newbury.....	652	387	124	1,163
TOTALS.....	132,461	75,168	45,439	253,068

FRANKLIN COUNTY

Ashfield.....	262	228	44	534
Bernardston.....	300	266	86	652
Buckland.....	340	269	94	703
Charlemont.....	170	152	35	357
Colrain.....	282	229	88	599
Conway.....	282	167	48	497
Deerfield.....	848	651	168	1,667
Erving.....	234	208	76	518
Gill.....	216	215	56	487
Greenfield.....	2,677	2,819	1,214	6,710
Hawley.....	44	26	16	86
Heath.....	81	56	17	154
Leverett.....	338	148	33	519
Leyden.....	81	69	28	178
Monroe.....	28	27	10	65
Montague.....	1,529	1,296	469	3,294
New Salem.....	137	90	35	262
Northfield.....	476	369	97	942
Orange.....	938	649	279	1,866
Rowe.....	40	91	16	147
Shelburne.....	336	252	103	691
Shutesbury.....	214	70	40	324
Sunderland.....	383	261	95	739
Warwick.....	98	101	27	226
Wendell.....	128	72	26	226

HAMPSHIRE COUNTY — Continued

Cities and Towns	Yes	No	Blanks	Total Ballots
Plainfield.....	70	51	13	134
South Hadley.....	3,249	2,231	895	6,375
Southampton.....	763	485	102	1,350
Ware.....	1,524	1,184	573	3,281
Westhampton.....	231	138	22	391
Williamsburg.....	455	296	109	860
Worthington.....	191	96	25	312
TOTALS.....	23,942	14,076	6,049	44,067

MIDDLESEX COUNTY

Acton.....	3,839	2,278	388	6,505
Arlington.....	12,644	7,302	3,068	23,014
Ashby.....	448	268	57	773
Ashland.....	1,693	1,268	304	3,265
Ayer.....	939	458	231	1,628
Bedford.....	2,604	1,738	552	4,894
Belmont.....	7,161	4,262	2,070	13,493
Billerica.....	5,982	3,973	1,090	11,045
Boxborough.....	505	280	64	849
Burlington.....	4,088	3,436	898	8,422
CAMBRIDGE.....	18,878	7,198	5,738	31,814
Carlisle.....	894	540	87	1,521
Chelmsford.....	6,502	4,688	1,102	12,292
Concord.....	4,080	2,250	814	7,144
Dracut.....	4,241	2,766	1,402	8,409
Dunstable.....	316	204	58	578
EVERETT.....	7,158	3,676	5,350	16,184
Framingham.....	12,267	7,422	2,735	22,424
Groton.....	1,156	761	175	2,092
Holliston.....	2,558	1,822	403	4,783
Hopkinton.....	1,317	973	289	2,579
Hudson.....	2,307	1,802	662	4,771
Lexington.....	8,237	4,398	1,845	14,480
Lincoln.....	1,644	600	190	2,434
Littleton.....	1,374	928	206	2,508
LOWELL.....	15,121	8,369	6,300	29,790
MALDEN.....	8,870	6,314	5,337	20,521

Whately	260	197	64	521
TOTALS	10,722	8,978	3,264	22,964

HAMPDEN COUNTY

Agawam	3,772	2,736	1,244	7,752
Blandford	173	160	30	363
Brimfield	423	282	88	793
Chester	146	117	44	307
CHICOPEE	9,166	7,244	3,685	20,095
East Longmeadow	2,168	2,007	574	4,749
Granville	227	160	49	436
Hampden	778	622	91	1,491
Holland	233	168	52	453
HOLYOKE	5,855	4,369	4,310	14,534
Longmeadow	3,886	2,268	645	6,799
Ludlow	3,101	2,467	880	6,448
Monson	1,104	787	229	2,120
Montgomery	142	87	15	244
Palmer	1,865	1,570	699	4,134
Russell	246	136	64	446
Southwick	1,180	648	167	1,995
SPRINGFIELD	16,333	12,331	10,298	38,962
Tolland	50	44	6	100
Wales	168	137	45	350
West Springfield	4,201	3,585	1,654	9,440
WESTFIELD	5,906	3,875	1,669	11,450
Wilbraham	2,540	1,854	580	4,974
TOTALS	63,663	47,654	27,118	138,435

HAMPSHIRE COUNTY

Amherst	4,272	1,752	695	6,719
Belchertown	1,134	670	220	2,024
Chesterfield	182	66	30	278
Cummington	169	97	30	296
Easthampton	2,868	2,135	1,023	6,026
Goshen	104	79	20	203
Granby	825	662	198	1,685
Hadley	965	584	318	1,867
Hatfield	652	434	200	1,286
Huntington	276	169	77	522
Middlefield	57	36	16	109
NORTHAMPTON	5,684	2,771	1,447	9,902
Pelham	271	140	36	447

MARLBOROUGH	5,207	3,134	1,583	9,924
Maynard	1,696	1,296	509	3,501
MEDFORD	12,200	7,024	5,064	24,288
MELROSE	5,743	4,719	1,927	12,389
Natick	5,608	4,209	1,513	11,330
NEWTON	20,357	10,781	6,153	37,291
North Reading	2,438	1,576	400	4,414
Pepperell	1,233	851	202	2,286
Reading	5,229	3,754	906	9,889
Sherborn	1,146	618	109	1,873
Shirley	528	438	167	1,133
SOMERVILLE	13,303	6,304	5,788	25,395
Stoneham	4,043	3,194	1,044	8,281
Stow	1,027	701	122	1,850
Sudbury	3,285	2,256	428	5,969
Tewksbury	4,150	3,251	888	8,289
Townsend	986	686	166	1,838
Tyngsborough	902	659	220	1,781
Wakefield	5,094	4,386	1,352	10,832
WALTHAM	7,686	5,846	4,097	17,629
Watertown	7,678	4,164	2,875	14,717
Wayland	3,466	1,902	441	5,809
Westford	2,891	1,759	516	5,166
Weston	3,361	1,486	428	5,275
Wilmington	2,817	2,367	959	6,143
Winchester	5,290	2,742	1,111	9,143
WOBURN	7,024	4,326	2,404	13,754
TOTALS	271,211	164,403	82,787	518,401

NANTUCKET COUNTY

Nantucket	1,119	426	294	1,839
TOTALS	1,119	426	294	1,839

NORFOLK COUNTY

Avon	1,069	682	290	2,041
Bellingham	2,464	2,134	776	5,374
Braintree	7,918	5,594	1,657	15,169
Brookline	11,436	5,624	5,530	22,590
Canton	3,823	3,144	818	7,785
Cohasset	1,958	1,091	384	3,433
Dedham	5,328	4,297	1,874	11,499
Dover	1,472	698	175	2,345
Foxborough	2,440	1,734	437	4,611

Question No. 7

1092

NORFOLK COUNTY — Continued

Cities and Towns	Yes	No	Blanks	Total Ballots
Franklin.....	2,862	2,239	716	5,817
Holbrook.....	2,258	1,550	676	4,484
Medfield.....	2,160	1,540	402	4,102
Medway.....	1,524	1,199	414	3,137
Millis.....	1,361	940	267	2,568
Milton.....	6,661	5,198	1,674	13,533
Needham.....	7,809	5,174	1,178	14,161
Norfolk.....	989	720	177	1,886
Norwood.....	5,877	4,850	1,406	12,133
Plainville.....	906	708	224	1,838
QUINCY.....	19,128	11,293	6,349	36,770
Randolph.....	5,790	3,691	1,961	11,442
Sharon.....	3,524	1,798	679	6,001
Stoughton.....	4,098	3,275	1,502	8,875
Walpole.....	3,793	2,820	722	7,335
Wellesley.....	7,605	3,724	1,107	12,436
Westwood.....	3,713	2,199	555	6,467
Weymouth.....	10,874	7,451	2,713	21,038
Wrentham.....	1,080	853	244	2,177
TOTALS.....	129,920	86,220	34,907	251,047

PLYMOUTH COUNTY

Abington.....	2,388	1,800	667	4,855
Bridgewater.....	2,554	1,732	543	4,829
BROCKTON.....	13,148	8,670	4,455	26,273
Carver.....	939	617	131	1,687
Duxbury.....	2,798	1,506	336	4,640
East Bridgewater.....	1,302	1,331	353	2,986
Halifax.....	1,070	744	146	1,960
Hanover.....	2,365	1,519	285	4,169
Hanson.....	1,260	977	267	2,504
Hingham.....	5,129	2,929	854	8,912
Hull.....	1,877	1,156	638	3,671
Kingston.....	1,242	994	298	2,534
Lakeville.....	857	818	197	1,872
Marion.....	880	541	125	1,546
Marshfield.....	4,060	2,511	638	7,209

WORCESTER COUNTY

Cities and Towns	Yes	No	Blanks	Total Ballots
Ashburnham.....	677	463	164	1,304
Athol.....	1,986	1,096	608	3,690
Auburn.....	3,720	1,494	762	5,976
Barre.....	847	410	264	1,521
Berlin.....	521	294	72	887
Blackstone.....	1,024	583	461	2,068
Bolton.....	614	338	79	1,031
Boylston.....	854	388	112	1,354
Brookfield.....	418	219	118	755
Charlton.....	1,050	564	245	1,859
Clinton.....	2,560	1,283	1,210	5,053
Douglas.....	656	386	231	1,273
Dudley.....	1,572	939	611	3,122
East Brookfield.....	402	199	105	706
FITCHBURG.....	5,732	3,900	2,709	12,341
GARDNER.....	3,170	1,970	1,326	6,466
Grafton.....	2,326	1,124	629	4,079
Hardwick.....	351	317	129	797
Harvard.....	1,054	594	87	1,735
Holden.....	3,603	1,610	692	5,905
Hopedale.....	894	562	284	1,740
Hubbardston.....	355	206	83	644
Lancaster.....	982	545	229	1,756
Leicester.....	1,932	939	466	3,337
LEOMINSTER.....	5,104	3,533	2,232	10,869
Lunenburg.....	1,574	1,057	285	2,916
Mendon.....	561	443	146	1,150
Milford.....	4,194	2,698	3,015	9,907
Millbury.....	2,527	1,064	883	4,474
Millville.....	269	208	131	608
New Braintree.....	115	84	43	242
North Brookfield.....	809	494	262	1,565
Northborough.....	2,275	1,149	277	3,701
Northbridge.....	1,902	1,436	845	4,183
Oakham.....	263	115	28	406
Oxford.....	1,686	972	507	3,165
Paxton.....	1,022	401	131	1,554
Petersham.....	265	168	42	475

Mattapoisett	1,051	847	210	2,108
Middleborough	2,445	1,686	437	4,568
Norwell	1,817	1,456	324	3,597
Pembroke	2,276	1,518	327	4,121
Plymouth	4,871	3,876	1,641	10,388
Plympton	348	247	58	653
Rochester	493	292	84	869
Rockland	2,433	1,772	655	4,860
Scituate	3,841	2,563	654	7,058
Wareham	2,169	1,955	744	4,868
West Bridgewater	1,216	1,108	211	2,535
Whitman	2,335	1,652	565	4,552
TOTALS	67,164	46,817	15,843	129,824

SUFFOLK COUNTY

BOSTON	67,151	36,946	56,287	160,384
CHELSEA	4,297	2,132	3,167	9,596
REVERE	8,115	4,522	5,349	17,986
Winthrop	3,809	2,757	2,104	8,670
TOTALS	83,372	46,357	66,907	196,636

Phillipston	174	109	32	315
Princeton	583	273	56	912
Royalston	169	89	45	303
Rutland	895	453	141	1,489
Shrewsbury	5,436	2,166	1,162	8,764
Southborough	1,388	912	225	2,525
Southbridge	1,917	1,727	2,105	5,749
Spencer	2,106	988	614	3,708
Sterling	1,120	611	144	1,875
Sturbridge	915	666	439	2,020
Sutton	1,058	579	244	1,881
Templeton	840	730	242	1,812
Upton	774	543	270	1,587
Uxbridge	1,536	917	523	2,976
Warren	508	467	267	1,242
Webster	2,458	1,359	1,190	5,007
West Boylston	1,663	704	264	2,631
West Brookfield	564	324	115	1,003
Westborough	2,975	1,670	507	5,152
Westminster	1,099	684	187	1,970
Winchendon	926	590	287	1,803
WORCESTER	31,162	11,229	11,442	53,833
TOTALS	120,132	62,035	41,004	223,171

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-EIGHT.*†

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.)

*For table showing changes in legislation made during the years 1921 to 1931, inclusive, see Table of Changes contained in pages 485-597 of the Acts and Resolves of 1932.

†References in this table are to the Tercentenary Edition of the General Laws, as most recently amended, unless otherwise specified.

SECT. 6A added, 1939, 424 § 2 (imposing restrictions on the granting of authority to use the designation of junior college); repealed, 1943, 549 § 2. (See 1939, 424 § 3.)

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, 1960, 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, 405 §§ 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; 1960, 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 § 21 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 upon 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, 1936, 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, 360 §§ 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 § 4.)

SECT. 16 revised, 1949, 806 § 2.

SECTS. 17-19 stricken out and four sections inserted, 1974, 333.

SECT. 18 amended, 1941, 433 § 1; 1943, 104; revised, 1945, 421 § 2; amended, 1962, 686. (See 1941, 43 § 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, 35; 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; paragraph added, 1978, 210 § 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, 1938, 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; 1977, 870 § 1.

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; 1977, 130, § 97; 1978, 12; clause

Eighteenth A added, 1977, 977; clause Twenty-sixth revised, 1958, 626 § 1; 1962, 427 § 1; amended, 1969, 831 § 2; revised, 1973, 1050 § 1; subclause (c) amended, 1977, 691, § 1; subclause (h) revised, 1978, 247; 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; clauses Fifty-second to Fifty-eighth added, 1978, 478 § 2. (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; 1978, 478 § 343.

SECT. 10, first sentence amended, 1954, 180.

SECT. 12 added, 1960, 295 § 1 (relative to the date of establishment, cancellation or 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, 1946, 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; 1956, 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, 464; 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; 1977, 4 § 1; two sentences added, 1976, 462 § 1. (See 1970, 22 § 3; 1976, 462 § 2.)

SECT. 13 revised, 1970, 22 § 2; first sentence revised, 1977, 4 § 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. 12BB added, 1977, 524 (relative to the observance of Tadeusz Kosciuszko Day).

SECT. 12CC added, 1978, 205 (relative to the annual observance of Public Employees' Week).

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).

SECTS. 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 Can 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. 15DD added, 1977, 37 (relative to the annual observance of Independence Day).

SECT. 15DD added, 1977, 82 (relative to the annual observance of Endangered Species Day); stricken out and SECT. 15EE inserted, 1977, 141.

SECT. 15FF added, 1977, 141 (relative to the annual observance of Pro-Life Month).

SECT. 15GG added, 1977, 265 (relative to the annual observance of Employ the Older Worker Week).

SECT. 15HH added, 1977, 428 (relative to the annual observance of John Carvery Day).

SECT. 15II added, 1978, 185 (relative to the annual observance of Armenian Martyrs' Day).

SECT. 15JJ added, 1978, 221 (relative to the annual observance of Fire Fighters Memorial Sunday).

SECT. 15KK added, 1978, 318 (relative to the annual observance of National Family Week).

SECT. 16 amended, 1941, 490 § 1.

SECT. 17 amended, 1932, 305 § 1; 1933, 120 § 1; 336 § 1; 1934, 374 § 1; 1934, 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, 411 § 1; 1952, 604 § 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; 1977, 950 § 1. (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, 491 § 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; 1977, 234 §§ 7-9, 872 §§ 4-6; 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; 1963, 426 § 50; 1974, 422 § 54; 1977, 234, § 198; 872, § 204.)

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; 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.

SECTS. 29-32 repealed, 1977, 927 § 1. (See 1977, 927 § 18.)

SECT. 33 revised, 1977, 108 § 1.

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; repealed, 1977, 940 § 1. (See 1975, 706 § 312.)

SECTS. 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; 1977, 234 §§ 10-12; section revised, 1977, 739 § 1; sixth sentence revised, 1977, 872 §§ 7-9. (See 1969, 766 § 48; 1971, 116 § 45; 1972, 300 § 44; 1973, 426 § 50; 1974, 422 § 54; 1977, 234 § 198; 739 § 2; 872, § 204.)

SECT. 44, first paragraph revised, 1933, 376 § 1.

SECT. 45 revised, 1941, 596 § 2.

SECTS. 46 AND 47 added, 1933, 336 § 2 (relative to the Greylock reservation commission). (See 1933, 336 § 3.)

SECT. 46 repealed and heading preceding said section stricken out, 1966, 444 § 5.

SECT. 47 repealed, 1966, 444 § 5.

SECT. 48 added, under caption, 1934, 374 § 2; third paragraph amended, 1955, 730 § 2; 1963, 801 § 5; first sentence revised, 1969, 766 § 3; amended, 1971, 116 § 5; 1972, 300 § 5; 1973, 426 § 5; 1974, 422 § 5; last paragraph revised, 1941, 596 § 3; section revised, 1974, 506 § 1; third paragraph, first sentence amended, 1977, 234 §§ 13-15; 872 §§ 10-12; fourth paragraph revised, 1975, 328; 1978, 494 § 2; second sentence revised, 1977, 960 § 1. (See 1955, 730 § 43; 1969, 766 § 48; 1971, 116 § 45; 1972, 300 § 44; 1973, 426 § 50; 1974, 422 § 54; 1977, 234 § 198; 872 § 204; 960 § 2.)

SECTS. 49-52 added, under caption, 1935, 475 § 2.

SECT. 49 amended, 1936, 307; 1939, 451 § 1; revised, 1941, 466 § 5; sentence inserted after fourth sentence, 1951, 596. (See 1941, 466 §§ 1-4, 7A, 8.)

SECT. 50A added, 1941, 466 § 7 (relative to the powers and duties of the state planning board formerly exercised by the metropolitan planning division). (See 1941, 466 §§ 1-4, 7A, 8.)

SECTS. 49-52 repealed, 1953, 409 § 2.

SECTS. 53-55 added, 1945, 619 § 2 (establishing a Port of Boston Authority). (See 1945, 619 § 4-11.)

SECT. 53, caption and section revised, 1953, 608 § 2 (establishing the Port of Boston Commission). (See 1953, 608 §§ 13-16.)

SECT. 53A added, 1953, 608 § 2 (establishing an advisory council to the Port of Boston Commission).

SECT. 54 amended, 1953, 608 § 3.

SECT. 55 amended, 1953, 608 § 4.

SECT. 56 added, 1946, 368 § 3 (establishing the Massachusetts Fair Employment Practice Commission); first sentence of third paragraph revised, 1951, 588; caption revised and section amended, 1950, 479 § 2; last paragraph amended, 1948, 411; section revised, 1963, 719 § 1; second paragraph amended, 1967, 844 § 2; third paragraph, first sentence revised, 1969, 766 § 4; amended, 1971, 116 § 6; 1972, 300 § 6; 1973, 426 § 6; 1974, 422 § 6; 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.)

SECTS. 57-59 added, 1946, 583 § 1 (relative to the Massachusetts Aeronautics Commission). (See G.L. 90 §§ 36-38, repealed by 1946, 583 § 2. See also 1946, 583 § 4.)

SECT. 57, first paragraph amended, 1963, 801 § 6; 1967, 844 § 3; third paragraph revised, 1971, 808; paragraph added, 1971, 841.

SECTS. 58A-59C added, 1948, 637 § 2 (establishing the State Airport Management Board). (See 1948, 638 §§ 4-9, 13, 663 § 4.)

SECT. 59B, sentence added at end, 1948, 663 § 1. (See 1948, 663 §§ 4, 5.)

SECT. 60 added, 1946, 612 § 2 (establishing the Outdoor Advertising Authority); last paragraph revised, 1952, 468; section and caption preceding it stricken out, 1955, 584 § 2. (See 1946, 612 §§ 5, 6; 1955, 584, §§ 9, 10.)

SECTS. 61 AND 62 added, 1947, 466 § 2 (establishing the Massachusetts Public Building Commission); caption preceding section 61 stricken out, 1953, 612 § 2; both sections stricken out, 1953, 612 § 3. (See 1947, 46 §§ 4-6; 1953, 612 §§ 10-13.)

SECT. 63 added, 1947, 513 § 2 (establishing a commission on alcoholism); repealed and heading preceding section stricken out, 1954, 581 § 2. (See 1954, 581 §§ 4, 5.)

SECT. 64 added, 1948, 260 § 3 (establishing the State Housing Board); first two sentences revised, 1960, 776 § 11; fifth sentence revised, 1963, 801 § 7; sixth sentence stricken out and two sentences inserted, 1949, 577; sixth sentence, as so appearing, revised, 1963, 801 § 8; second paragraph amended, 1954, 396; caption preceding section stricken out, 1964, 636 § 1B; section repealed, 1964, 636 § 1B. (See 1948, 260 §§ 5, 6; 1964, 636 § 10.)

SECTS. 65-69 added, 1948, 310 § 2 (establishing the Youth Service Board). (See 1948, 310 §§ 30, 31; 542.)

SECT. 65 revised, 1952, 604 § 1; first paragraph revised, 1955, 766 § 1; second sentence revised, 1969, 704 § 2. (See 1952, 605 §§ 19-21; 1969, 704 § 60.)

SECT. 66 revised, 1952, 605 § 2; second sentence revised, 1955, 730 § 2A; 1963, 801 § 9; 1969, 766 § 5. (See 1952, 605 §§ 15, 19-21; 1955, 730 § 43; 1969, 766 § 48.)

SECT. 67, paragraph (2) stricken out, 1952, 605 § 17; section revised, 1955, 766 § 2. (See 1952, 605 §§ 15, 19-21.)

SECT. 68, repealed, 1952, 605 § 18. (See 1952, 605 §§ 15, 19-21.)

SECT. 69 revised, 1955, 766 § 3; second paragraph amended, 1966, 615. (See 1955, 766 § 6.)

SECT. 69A added, 1955, 766 § 4 (relative to the division of the commonwealth into juvenile districts).

SECT. 69B added, 1956, 470 (relative to the expenditure of funds by the division of youth service for delinquency prevention, and the acceptance of federal funds therefor).

SECTS. 65-69B and caption preceding section 65 repealed, 1969, 838 § 2. (See 1969, 838 § 74.)

SECTS. 70 AND 71 added, 1948, 476 § 2 (establishing the Board of Trustees of the Soldiers' Home in Holyoke). (See 1948, 476 §§ 3, 4.)

SECT. 70, first sentence stricken out and two sentences inserted, 1971, 240 § 1.

SECT. 71 revised, 1969, 470 § 1; last sentence amended, 1970, 888 § 14; section revised, 1971, 623 § 1; fifth sentence revised, 1978, 393 § 1. (See 1970, 888 § 31; 1978, 393 § 45.)

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.)

SECTS. 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; 1977, 234 §§ 16-18; 701; third sentence revised, 1963, 801 § 10. (See 1969, 766 § 48; 1971, 116 § 45; 1972, 300 § 44; 1973, 426 § 50; 1974, 422 § 54; 1977, 234 § 198.)

SECT. 76 amended, 1967, 738; 1978, 552 § 1.

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.

SECT. 81 amended, 1978, 552 § 2.

SECTS. 84A-84H added, 1974, 804 § 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, 1947, 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; 1978, 552 § 3. (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, 488. (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, 1974, 161; first sentence amended, 1977, 117; 1978, 478 § 3. (See 1974, 835 § 185; 1978, 478 § 343.)

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; second sentence amended, 1977, 234 §§ 19-21; 872 §§ 13-15; (See 1973, 774 § 7; 1974, 422 § 54; 1977, 234 § 198, 872 § 204.)

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; 1977, 234 §§ 22-24; 872 §§ 16-18; (See 1969, 766 § 48; 1971, 116 § 45; 1972, 300 § 44; 1973, 426 § 50, 1210 § 39; 1974, 422 § 54; 1977, 234 § 198; 872 § 204.)

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, 253 § 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 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; 1978, 166; first sentence amended, 1977, 321; stricken out and three sentences inserted, 1978, 478 § 4; 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, first paragraph amended, 1978, 478 § 5; paragraph added, 1973, 961 § 1.

SECT. 167, definition of "Criminal offender record information" revised, 1977, 691, § 2; definitions of "Evaluative information," and "Intelligence information" added, 1977, 691, § 2.

SECT. 168, paragraph added, 1973, 961 § 1.

SECT. 169, paragraph added, 1973, 961 § 2.

SECT. 170, paragraph added, 1973, 961 § 3.

SECT. 171, paragraph added, 1977, 691, § 3.

SECT. 172, paragraph added, 1977, 365, § 1; section revised, 1977, 691 § 4; first paragraph, clause (b) revised, 1977, 841. (See 1977, 365 § 9.)

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.)

SECTS. 182A AND 182B inserted, 1977, 950 § 2 (establishing the Schooner Ernestina Commission).

SECT. 183 added, 1976, 266 § 1 (establishing a motor vehicle insurance merit rating board); second paragraph, second sentence revised, 1977, 365 § 2. (See 1976, 266 § 23; 1977, 365 § 9.)

SECT. 184 added, 1977, 941 § 1 (establishing the committee on medico-legal investigation).

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, 124 § 1 (providing for the payment of certain expenses of the attorney general and the department of public utilities).

SECT. 14, first paragraph amended, 1977, 565, § 1.

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; section revised, 1978, 552 § 4. (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. 32, second paragraph amended 1977, 234 §§ 25-27; 872 §§ 19-21. (See 1977, 234 § 198; 872 § 204.)

SECT. 33, first paragraph, first sentence revised, 1976, 409 § 2.

SECT. 34 amended, 1978, 552 § 5.

SECT. 34A added, 1976, 409 § 3 (establishing a rate setting commission hospital policy review board).

SECT. 35, first paragraph, clause (2) amended, 1977, 945 § 1.

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); second sentence amended, 1977, 829 § 213.

SECT. 4 revised, 1948, 610 § 4; 1951, 717 § 2; third sentence revised, 1955, 730 § 4. (See 1948, 610 §§ 6, 7; 1955, 730 § 43.)

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, 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; first sentence revised, 1977, 234 §§ 28-30; 872 §§ 22-23; 1978, 514 §§ 1, 1A, 1B; 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; 1977, 234 § 198; 872 § 204; 1978, 514 § 287.)

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; revised, 1978, 514 § 2. (See 1974, 835 § 185; 1978, 514 § 287.)

SECT. 4H added, 1973, 1229 § 3 (establishing a division of hearings officers within the executive office for administration and finance); third sentence amended, 1975, 681; revised, 1977, 829 § 18; 1978, 393 § 2. (See 1973, 1229 § 13; 1978, 393 § 45.)

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, second paragraph, fourth sentence amended 1977, 234 §§ 31-33; 872 §§ 25-27; third paragraph revised, 1975, 358 § 1. (See 1975, 358 § 8; 1977, 234 § 198; 872 § 204.)

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; revised, 1978, 478 § 6. (See 1974, 835 § 185; 1978, 478 § 343.)

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; first paragraph sentence added, 1978, 263; fourth paragraph first sentence revised, 1969, 704 § 10; amended, 1975, 311 § 3; third sentence revised, 1978, 291 § 1; seventh paragraph revised, 1969, 704 § 11; 1975, 311 § 4; 1978, 291 § 2. (See 1969, 704 § 60; 1975, 311 § 15.)

SECT. 30D, third paragraph amended, 1962, 757 § 26.

SECT. 30E amended, 1962, 757 § 27.

SECT. 30F amended, 1962, 757 § 28.

SECT. 30H, sentence inserted after first sentence, 1955, 548; section amended, 1962, 757 § 29; revised, 1963, 473 § 1.

SECT. 30I amended, 1962, 757 § 30.

SECT. 30J amended, 1962, 757 § 31.

SECTS. 30C-30J repealed, 1969, 704 § 12. (See 1969, 704 § 60.)

SECT. 30K added, 1953, 636 § 2 (relative to the annual determination by the director of hospital costs of the all-inclusive per diem cost for care of patients in each hospital, sanatorium and infirmary licensed by the department); second paragraph amended, 1961, 586; 1963, 439 § 1. (See 1953, 636 §§ 7 and 9; 1963, 439 § 2.)

SECT. 30L added, 1956, 696 § 1 (establishing minimum weekly rates for persons in nursing and convalescent homes who are recipients of public aid); first paragraph amended, 1958, 480; section revised, 1958, 600; 1961, 545 § 1. (See 1956, 696 § 2; 1961, 545 § 2.)

SECT. 30L stricken out and new sections 30L and 30M inserted, 1963, 809 § 1 (establishing a board to determine the rates to be paid to convalescent and nursing homes or rest homes and transferring certain powers and duties of the director of hospital costs and finances to said board). (See 1963, 809 §§ 2, 3.)

SECTS. 30K, 30L AND 30M stricken out and new sections 30K to 30P, inclusive, inserted, 1968, 492 § 3 (establishing rate setting commission to set rates to be paid by governmental units under medical assistance programs).

SECT. 30K, paragraph (c) revised, 1971, 1076 § 16. (See 1971, 1076 § 22.)

SECT. 30L, paragraph inserted after fourth paragraph, 1970, 714.

SECTS. 30K-30P repealed, 1973, 1229 § 4. (See 1973, 1229 § 13.)

SECTS. 30Q-30T added, 1971, 943 § 2 (establishing a fraudulent claims commission and a bureau of welfare auditing in the executive office for administration and finance.)

SECT. 30R revised, 1977, 830 § 1.

SECT. 30T, clause (3) amended, 1978, 514 § 3. (See 1978, 514 § 287.)

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. 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; first sentence revised, 1977, 797.

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 1949, 789 § 5; 1944, 730 § 43; 1963, 744 § 8; 1969, 835 § 7; See 1976, 480 § 27.)

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 compact on the minimum wage). (See 1937, 404 §§ 2, 3.)

SECT. 21 amended, 1941, 394 § 1; 1953, 409 § 5.

SECT. 23 amended, 1941, 394 § 2; third sentence revised, 1977, 470.

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; first sentence revised, 1978, 216 § 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. 27D added, 1978, 216 § 2 (providing for the registration of certain homesteads or tracts of land).

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. 6 amended, 1978, 514 § 4. (See 1978, 514 § 287.)

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; 1977, 185. (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; amended 1977, 845. (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; 1977, 219 § 1. (See 1973, 1165 § 5; 1974, 492 § 24; 1976, 415 § 116; 1977, 219 § 7.)

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.)

SECT. 46 added, 1977, 957, § 1A (establishing the Anthracite Coal Mining Reclamation Fund).

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; 1965, 669; 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 unusual reports).

SECT. 12 revised, 1962, 733; amended, 1971, 943 § 5; 1975, 270; second sentence stricken out, 1978, 201.

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. 3A repealed, 1978, 512 § 1. (See 1978, 512 § 16.)

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; section repealed, 1978, 512 § 1. (See 1933, 318 § 9; 1934, 291 § 6; 1978, 512 § 16.)

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; section repealed, 1978, 512 § 1. (See 1978, 512 § 16.)

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; repealed, 1978, 512 § 1. (See 1978, 512 § 16.)

SECT. 6, paragraph added, 1978, 512 § 2. (See 1978, 512 § 16.)

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; first sentence revised, 1978, 154.

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. 11G added, 1977, 363A § 51 (establishing a local consumer aid fund). (See 1977, 363A § 76.)

SECT. 12, paragraph added, 1978, 512 § 3. (See 1978, 512 § 16.)

SECT. 13 revised, 1948, 423 § 1; amended, 1972, 744 § 1; revised, 1977, 659 § 1; first sentence amended, 1978, 512 § 4. (See 1948, 423 § 7; 1972, 744 § 5; 1977, 659 § 5; 1978, 512 § 16.)

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; third paragraph revised, 1977, 995 § 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; section revised, 1977, 659 § 1; amended, 1977,

995 § 3; revised, 1978, 367 § 60. (See 1948, 423, § 7; 1972, 744 § 5; 1975, 835 § 4; 1976, 542 § 4; 1977, 659 § 5; 1978, 367 § 72.)

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; 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; 1974, 659 § 2; 1977, 995 § 2; 1978, 367 § 61, 61A. (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; 1977, 659 § 4; 1978, 367 § 72.)

SECT. 18 amended, 1948, 423 § 5; revised, 1977, 659 § 3; second sentence revised, 1978, 478 § 7. (See 1948, 423 § 7; 1977, 659 § 5; 1978, 478 § 343.)

SECT. 19 revised, 1978, 478 § 8. (See 1978, 478 § 343.)

SECT. 20 revised, 1957, 694 § 1; 1969, 145; 1973, 1006; 1978, 478 § 9. (See 1978, 478 § 343.)

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; 1978, 478 § 10. (See 1948, 423 § 7; 1978, 478 § 343.)

SECT. 23, sentence added at end, 1970, 811; 1978, 478 § 10. (See 1978, 478 § 343.)

SECT. 24 amended, 1948, 111; 1978, 478 § 10. (See 1978, 478 § 343.)

SECT. 25 amended, 1937, 64 § 1; 1978, 478 § 10. (See 1978, 478 § 343.)

SECT. 25A amended, 1977, 86; 1978, 478 § 10. (See 1978, 478 § 343.)

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, 239 § 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; 1977, 234 §§ 34-36; 872 §§ 28-30; 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; 1977, 234 § 198; 872 § 204.)

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; fifth sentence revised, 1977, 111. (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; 1977, 757 § 1. (See 1977, 757 §§ 15-16.)

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; section revised, 1978, 207. (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; 1977, 843 § 1; 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; second sentence amended, 1977, 234 §§ 37-39; 812 §§ 31-33; third sentence revised, 1977, 234 §§ 40-42; 872 §§ 34-36; 1978, 568. (See 1938, 337 § 2; 1969, 766 § 48; 1971, 116 § 45; 1972, 300 § 44; 1973, 426 § 50; 1974, 422 § 54; 1977, 234 § 98; 872 § 204.)

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; first sentence amended, 1977, 234 §§ 43-45, 872 §§ 37-39. (See 1955, 730 § 43; 1969, 766 § 48; 1971, 116 § 45; 1972, 300 § 44; 1973, 426 § 50; 1974, 422 § 54; 1977, 234 § 198; 872 § 204.)

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).

SECTS. 80-84 added, 1977, 818 § 1 (relative to the licensing of social workers).

Chapter 14. — Department of Corporations and Taxation.

Chapter stricken out and new chapter 14 inserted, 1953, 654 § 1; 1978, 514 § 5. (See 1953, 654 §§ 103-109; 1978, 514 § 287.)

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; second paragraph revised, 1978, 514 §§ 5A, 5B; 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; 1977, 234 §§ 46-48; 872 §§ 40-42. (See 1969, 766 § 48; 1971, 116 § 45; 1972, 300 § 44; 1973, 426 § 50; 1974, 422 § 54; 1977, 234 § 198; 872 § 204; 1978, 514 § 287.)

SECT. 3, second paragraph amended, 1964, 460 § 1; fifth paragraph, second sentence revised, 1978, 393 § 3. (See 1978, 393 § 45.)

SECT. 4, second paragraph amended, 1954, 681 § 3; 1975, 684 § 28. (See 1954, 681 §§ 20, 22; 1975, 684 § 97.)

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.

SECTS. 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. 1A, first paragraph amended, 1978, 354 § 1; second paragraph revised, 1978, 354 § 2.

SECT. 1B revised, 1952, 585 § 1; second sentence revised, 1955, 730 § 22; 1960, 585; 1963, 801 § 33; section revised, 1978, 354 § 3. (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; first paragraph revised, 1977, 864 § 1.

SECT. 1B amended, 1969, 396 § 3; 684 § 1; 1973, 1175 § 2.

SECT. 1C amended, 1973, 779 § 1; 1974, 855 § 3; third sentence revised, 1977, 234 §§ 49-51; 872 §§ 43-45. (See 1974, 855 § 8; 1977, 234 § 198; 872 § 204.)

SECT. 1D, paragraph inserted after the ninth paragraph, 1973, 820; twentieth paragraph amended, 1967, 789 § 1; 1971, 1053; 1972, 611 § 1; revised, 1978, 354 § 4; 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; twenty-fourth and twenty-fifth paragraphs revised, 1978, 354 § 5; 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; first paragraph, first sentence revised, 1977, 864 § 2; third sentence revised, 1978, 354 § 6; 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; third sentence revised, 1977, 234 §§ 52-54; 872 §§ 46-48; second paragraph revised, 1971, 964; 1973, 847 § 2; third paragraph amended, 1973, 847 § 3; sixth paragraph, clause (8) added, 1971, 842 § 2; eighth paragraph revised, 1978, 19 § 1; tenth paragraph amended, 1978, 19 § 2; eleventh paragraph revised, 1978, 19 § 3. (See 1974, 855 § 8; 1977, 234 § 198; 872 § 204.)

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; amended, 1978, 367 § 2 item 7010-0005; nineteenth paragraph amended, 1967, 759 § 2; paragraph inserted after twenty-first paragraph, 1978, 151. (See 1972, 802 § 77.)

SECT. 1H, first paragraph revised, 1966, 251 § 2; second paragraph, first sentence revised, 1978, 354 § 7; seventh paragraph revised, 1966, 428;

amended, 1974, 855 § 5; paragraph added, 1973, 404. (See 1974, 855 § 8.)

SECTS. 1I, 1J AND 1K added, 1965, 641 § 2 (requiring the board of education to furnish assistance for the elimination of racial imbalance in the public schools).

SECT. 1I, second paragraph amended, 1966, 14 § 41; section revised, 1974, 636 § 1; second paragraph amended, 1978, 514 § 6. (See 1978, 514 § 287.)

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; 1978, 354 § 8. (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. 1M, clause 8 revised, 1978, 354 § 9.

SECT. 1R added, 1977, 565 § 2 (relative to school library and nonprint media services).

SECT. 1S added, 1977, 826 § 1 (relative to the advisory committee on private trade, business and correspondence schools).

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; repealed, 1977, 565 § 3. (See 1952, 585 §§ 25, 26.)

SECT. 10 revised, 1960, 429 § 3; repealed, 1977, 565 § 3.

SECT. 11 revised, 1952, 585 § 7; 1960, 429 § 4; repealed, 1977, 565 § 3. (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; first sentence revised, 1978, 354 § 10. (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; revised, 1977, 864 § 3; 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); revised, 1978, 354 § 11.

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; third sentence revised, 1977, 25 § 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; first paragraph, first sentence revised, 1977, 864 § 4.

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, 1978, 354 § 12; 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; first sentence revised, 1977, 864 § 5.

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. 38 revised, 1977, 95.

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).

SECT. 46, first paragraph amended, 1978, 20 § 1; 354 § 13; second paragraph, sentence added, 1978, 20 § 2; third paragraph, 1978, 20 § 3; 354 § 14; fifth paragraph, sentence added, 1978, 20 § 4.

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; 1977, 234 §§ 55-57; 872 §§ 49-51. (See 1969, 766 § 48; 1971, 116 § 45; 1972, 300 § 44; 1973, 426 § 50; 1974, 422 § 54; 1977, 234 § 198; 872 § 204.)

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; section revised, 1977, 969 § 1. (See 1975, 706 § 312; 1977, 969 § 2.)

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; section repealed, 1977, 954 § 1. (See 1977, 954 § 3.)

SECTS. 7-8 repealed, 1977, 954 § 1. (See 1977, 954 § 3.)

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; 1977, 234 §§ 58-60; 872 §§ 52-54. (See 1969, 704 § 60; 766 § 48; 1971, 116 § 45; 1972, 300 § 44; 1973, 426 § 50; 1974, 422 § 54; 1977, 234 § 198; 872 § 204.)

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; 1977, 234 §§ 61-63; 872 §§ 55-57; 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; 1977, 234 § 198; 872 § 204.)

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; 1978, 197 § 1. (See 1975, 500 § 5; 1975, 706 § 312.)

SECT. 19 amended, 1973, 1217 § 1; first sentence revised, 1975, 706 § 21; sentence inserted after second sentence, 1978, 197 § 2; 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.)

SECT. 24B added, 1978, 197 § 3 (providing for a fee in lieu of taxes).

Chapter 17. — Department of Public Health.

SECT. 1 second paragraph two sentences added, 1978, 118 § 1.

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; third sentence amended, 1977, 234 §§ 64-66; 872 §§ 58-60. (See 1955, 730 § 43; 1969, 766 § 48; 1971, 116 § 45; 1972, 300 § 44; 1973, 426 § 50; 1974, 422 § 54; 1977, 234 § 198; 872 § 204.)

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; section revised, 1977, 829 § 1; repealed, 1978, 3 § 1. (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 § 1 (establishing a drug formulary commission); revised, 1976, 470 § 1.

SECT. 14 added, under caption, 1971, 1076 § 1B (establishing an advisory council on alcoholism); first paragraph, first sentence revised, 1977, 864 § 6.

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 (A), clause (14) added, 1977, 647; subsection revised, 1978, 552 § 6; subsection (B) amended, 1969, 885 § 1; revised, 1978, 552 § 6; 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; fifth sentence revised, 1977, 234 §§ 67-69; 872 §§ 61-63. (See 1969, 766 § 48; 1971, 116 § 45; 1972, 300 § 44; 1973, 426 § 50; 1974, 422 § 54; 1977, 234 § 198, 872 § 204.)

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; first sentence revised, 1978, 552 § 7; fourth sentence amended, 1977, 234 §§ 70, 71, 72; 872 §§ 64-66; fifth sentence amended, 1977, 234 §§ 70A, 71A, 72A, 872 §§ 67-69. (See 1969, 766 § 48; 1971, 116 § 45; 1972, 300 § 44; 1973, 426 § 50; 1974, 422 § 54; 1977, 234 § 198, 872 § 204.)

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; revised, 1977, 736; 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. 5G added, 1977, 363A § 52. (See 1977, 363A § 76.)

SECT. 6 revised, 1969, 885 § 7; amended, 1973, 1210 § 11; first paragraph revised, 1977, 953 § 1; 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; second paragraph, first sentence revised, 1978, 393 § 4. (See 1974, 835 § 185; 1978, 393 § 45.)

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; section repealed, 1978, 552 § 8.

SECT. 13 repealed, 1978, 552 § 8.

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. 21 revised, 1977, 925.

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); amended, 1978, 552 § 9. (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; 1977, 234 §§ 73-75, 872 §§ 70-72. (See 1972, 300 § 44; 1973, 426 § 50; 1974, 855 § 8; 1977, 234 § 198, 872 § 204.)

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; first paragraph, first sentence revised, 1977, 162.

Chapter 18B. — Department of Social Services.

New chapter inserted, 1978, 552 § 10.

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, second paragraph, two sentences added, 1978, 118 § 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; 1977, 998 § 1; fourth paragraph stricken out, 1977, 998 § 2; fifth paragraph revised, 1971, 193; sixth paragraph revised, 1969, 766 § 25; amended, 1971, 116 § 23; 1972, 300 § 21A; 1973, 426 § 24; 1974, 422 § 29; 1977, 234 §§ 76-78, 872 §§ 73-75. (See 1969, 766 § 48; 1971, 116 § 45; 1972, 300 § 44; 1973, 426 § 50; 1974, 422 § 54; 1977, 234 § 198, 872 § 204.)

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; section amended, 1978, 552 § 11.

SECT. 12, fourth sentence revised, 1968, 189 § 2; section amended, 1978, 552 § 12.

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; revised, 1978, 367 § 71. (See 1973, 1210 § 39; 1978, 367 § 72.)

SECT. 14C, first two sentences revised, 1975, 749; seventh sentence revised, 1978, 393 § 5. (See 1978, 393 § 45.)

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. 15, first sentence revised, 1977, 864 § 7.

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; revised, 1977, 998 § 3; sixth sentence stricken out and two sentences inserted, 1971, 838; sixth sentence amended, 1974, 835 § 31; sixth and seventh sentences stricken out, 1977, 998 § 3. (See 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; paragraph added, 1978, 118 § 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.)

SECT. 4, third paragraph, clause (c) revised, 1977, 538.

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; 1977, 234 §§ 79-81, 872 §§ 76-68. (See 1955, 730 § 43; 1969, 766 § 48; 1971, 116 § 45; 1972, 300 § 44; 1973, 426 § 50; 1974, 422 § 54; 1975, 706 § 312; 1977, 234, § 198, 872 § 204.)

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; 1977, 234 §§ 82-84; 872 §§ 79-81. (See 1969, 766 § 48; 1971, 116 § 45; 1971, 300 § 44; 1973, 426 § 50; 1974, 422 § 54; 1977, 234 § 198, 872 § 204.)

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; second sentence revised, 1977, 234 §§ 85-87; 872. (See 1969, 766 § 48; 1971, 116 § 45; 1972, 300 § 44; 1973, 426 § 50; 1974, 422 § 54; 1975, 706 § 312; 1977, 234 § 198; 872 § 204.)

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.)

SECTS. 6F-6G added, 1978, 387 (providing for non-criminal disposition of certain fish and game and marine fishery violations).

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; amended, 1977, 120 § 1; revised, 1977, 201 § 1; second sentence revised, 1977, 120 § 2. (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. 11, second sentence revised, 1977, 201 § 2.

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); revised, 1977, 201 § 3.

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; section repealed, 1977, 363A § 61. (See 1974, 806 § 41; 1975, 706 § 312; 1977, 363A § 76.)

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. 30, amended, 1967, 873 § 4; revised 1972, 601 § 2.

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; sixth sentence revised, 1977, 872 § 84A; sentence added, 1977, 872 § 84B; tenth sentence revised, 1977, 872 §§ 84C-84G. (See 1975, 706 § 312; 1977, 872 § 204.)

SECT. 7A added, 1977, 969 § 1A (further regulating the appointment and removal of certain employees in the department of public works). (See 1977, 969, § 2.)

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); first paragraph, two sentences inserted after third sentence, 1977, 374. (See 1975, 706 § 312.)

SECT. 14 added, 1977, 625 § 1 (relative to certain dredging projects).

Chapter 21B. — Mining Regulation and Reclamation

New Chapter inserted, 1977, 957 § 1.

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; 1977, 234 §§ 88-90; 872 §§ 85-87. (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; 1977, 234 § 198, 872 § 204.)

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; first paragraph, second sentence revised, 1977, 872 §§ 87A-87C; second paragraph amended, 1974, 541 § 1. (See 1948, 634 § 3; 1972, 802 § 77; 1974, 541 § 24; 1977, 872 § 204.)

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. 9S added, 1977, 797 § 1 (relative to state police detective lieutenant-inspectors).

SECT. 10, third sentence revised, 1955, 730 § 28; 1963, 801 § 47. (See 1955, 730 § 43.)

SECT. 10A added, 1977, 990 § 1 (establishing a bureau of pipe-fitters and refrigeration technicians); second sentence revised, 1978, 34 § 1.

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. 1 revised, 1977, 864 § 8.

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; second sentence revised, 1977, 234 §§ 91-93; 872 §§ 88-90. (See 1955, 730 § 43; 1969, 766 § 48; 1971, 116 § 45; 1972, 300 § 44; 1973, 426 § 50, 768 § 1; 1974, 422 § 54; 1977, 234 § 198; 872 § 204.)

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; amended, 1977, 234 §§ 94-96; 872 §§ 91-93. (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; 1977, 234 § 198; 872 § 204.)

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.)

SECTS. 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; first sentence amended, 1977, 234 §§ 97-99; 872 §§ 94-96; 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; 1977, 234 § 198; 872 § 204.)

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. 11I, clause (1) amended, 1978, 262.

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. 11P-11S added, under caption, 1978, 483 § 1 (establishing programs for displaced homemakers). (See 1978, 483 § 4.)

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; first sentence revised, 1977, 864 § 9; second sentence amended, 1977, 234 §§ 100-102; 872 §§ 97-99; 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; 1977, 234 § 198; 872 § 204.)

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; clause (c) amended, 1977, 998 § 4.

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; 1977, 234 §§ 103-105; 872 §§ 100-102. (See 1969, 766 § 48; 1971, 116 § 45; 1972, 300 § 44; 1973, 426 § 50; 1974, 422 § 54; 1977, 234 § 198; 872 § 204.)

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; 1978, 521 § 1.

SECT. 4 amended, 1968, 761 § 4; 1971, 679; first sentence revised, 1977, 864 § 10.

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; 1977, 864 § 11.

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).

SECTS. 11-12 repealed, 1978, 496 § 1.

SECT. 13 amended, 1978, 496 § 2.

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); stricken out, 1978, 496 § 3.

SECTS. 29-38 added, 1978, 496 § 3 (establishing the Massachusetts Industrial Finance Agency).

SECT. 30, definition of "Industrial Enterprise" revised, 1977, 688 § 1; definition of "Industrial development facilities" amended, 1977, 688 § 2; definition of "Primary employment" revised, 1977, 688 § 3.

SECT. 31, first paragraph, second sentence revised, 1977, 688 § 4.

SECT. 33, third paragraph, clause (3) revised, 1978, 526 § 4.

SECT. 34, definition of "Industrial Enterprise" inserted, 1978, 526 § 1; definition of "Designated Buildings" inserted, 1978, 526 § 2; first paragraph, clause (1) revised, 1978, 526 § 3; third paragraph, clause (5) revised, 1978, 526 § 5.

SECTS. 36-41 added, 1978, 521 § 2.

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; first paragraph stricken out and two paragraphs inserted, 1977, 100.

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. 11, clause (b) amended, 1977, 939 § 1; clause (c) revised, 1978, 499 § 1; clause (e) revised, 1977, 939 § 2; clause (f) added, 1978, 499 § 2.

SECT. 12, first paragraph, first sentence revised, 1975, 163 § 8.

SECT. 13, clause (1) revised, 1978, 499 § 3; clause (4) revised, 1977, 939 § 3; 1978, 499 § 4.

SECT. 15, clause (a) amended, 1978, 499 § 5; clause (e) amended, 1978, 514 § 7; clause (f) amended, 1978, 514 § 8. (See 1978, 514 § 287.)

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; sixth sentence revised, 1977, 234 §§ 106-108; 872 §§ 103-105. (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; 1977, 234 § 198; 872 § 204.)

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; fifth paragraph revised, 1977, 621. (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 fittings 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; section repealed, 1977, 843 § 2. (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; section repealed, 1977, 843 § 2. (See 1965, 635 § 1.) (See 1965, 635 § 5.)

SECT. 12J revised, 1963, 557 § 3; 1965, 635 § 2; repealed, 1977, 843 § 2.

SECT. 12K, sentence added at end, 1963, 557 § 4; 1965, 635 § 3; section repealed, 1977, 843 § 2.

SECT. 12L, first sentence amended, 1963, 557 § 5; section revised, 1965, 635 § 4; repealed, 1977, 843 § 2.

SECTS. 17-17A added, 1971, 1093 (authorizing the imposition and collection of assessments from public utility companies).

SECT. 17A amended, 1978, 514 § 9. (See 1978, 514 § 287.)

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; 1977, 234 §§ 109-111; 872 §§ 106-108. (See 1955, 730 § 43; 1969, 766 § 48; 1971, 116 § 45; 1972, 300 § 44; 1973, 426 § 50; 1974, 422 § 54; 1977, 234 § 198; 872 § 204.)

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. 5 amended, 1978, 514 § 10. (See 1978, 514 § 287.)

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; 1977, 234 §§ 112-114; 872 §§ 109-111. (See 1955, 730 § 43; 1969, 766 § 48; 1971, 116 § 45; 1972, 300 § 44; 1973, 426 § 50; 1974, 422 § 54; 1977, 234 § 198, 872 § 204.)

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; third paragraph amended, 1978, 393 § 6. (See 1978, 393 § 45.)

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; 1977, 234 §§ 115-117; 872 §§ 112-114; fourth sentence revised, 1967, 844 § 21. (See 1969, 766 § 48; 1971, 116 § 45; 1972, 300 § 44; 1973, 426 § 50; 1974, 422 § 54; 1977, 234 § 198, 872 § 204.)

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; 1977, 234 §§ 118-120; 872 §§ 115-177; 1972, 300 § 44; 1973, 426 § 50; 1974, 422 § 54; 1977, 234 § 198; 872 § 204.)

SECT. 2A added, 1965, 1, 286 (establishing certain educational qualifications for applicants for certain positions in the department); amended, 1974, 835 § 27; introductory paragraph revised, 1978, 393 § 7. (See 1974, 835 § 185; 1978, 393 § 45.)

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; second paragraph amended, 1978, 478 § 11; fourth paragraph amended, 1972, 300 § 38; 1973, 426 § 41; 1974, 422 § 46; first sentence amended, 1977, 234 §§ 121-123; revised, 1977, 721A § 12. (See 1960, 765 §§ 8, 9; 1969, 766 § 48; 1971, 116 § 45; 1972, 300 § 44; 1973, 426 § 50; 1974, 422 § 54; 1977, 234 § 198; 1978, 478 § 343.)

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; 1977, 234 §§ 124-126; 872 §§ 118-120. (See 1969, 766 § 48; 1971, 116 § 45; 1972, 300 § 44; 1973, 426 § 50; 1974, 422 § 54; 1977, 234 § 198; 872 § 204.)

SECT. 3 revised, 1936, 244 § 1; 1941, 596 § 23; 1961, 562 § 1. (See 1936, 244 § 4.)

SECT. 4 amended, 1936, 244 § 2; revised, 1961, 562 § 2. (See 1936, 244 § 4.)

SECT. 4A added, 1960, 574 (providing for the furnishing of work clothes to certain employees of the sewerage division of the metropolitan district commission); section revised, 1967, 740.

SECTS. 4B-4C added, 1967, 533 (establishing within the metropolitan district commission a civil engineering intern program and an engineering student program).

SECT. 4B amended, 1974, 835 § 28. (See 1974, 835 § 185).

SECTS. 5 AND 6 repealed, 1941, 466 § 6.

Chapter 28A. — Office for Children.

New chapter inserted, 1972, 785 § 1. (See 1972, 785 § 20.)

SECT. 9, definition of "Family foster care" amended, 1975, 125; definition of "Placement agency" revised, 1975, 858 § 1; definition of "Temporary shelter facility" added, 1974, 682 § 1.

SECT. 10, paragraphs (a), (b) and (c) revised, 1974, 682 § 2; paragraph (a) amended, 1975, 858 §§ 2, 3.

SECT. 11 revised, 1974, 682 § 3; subsection (c) added, 1975, 858 § 4.

SECT. 11A added, 1975, 858 § 5 (authorizing certain requests for information on prospective adoptive families).

Chapter 29. — State Finance.

For temporary legislation as to emergency state financing, see 1933, 49, 104, 307, 341, 365, 367, 368; 1934, 41, 66, 313, 335; 1935, 221, 300, 380, 392, 456; 1936, 309, 1937, 338; 1938, 20, 57, 481, 501 § 3; 1939, 288, 417, 418, 496; 1941, 129; 1943, 413; 1945, 324; 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); revised, 1978, 367 § 58. (See 1978, 367 § 72.)

SECT. 2E added, 1977, 356 § 21 (Establishing Federal Highway Construction Program Fund).

SECT. 3 revised, 1939, 502 § 2; amended, 1945, 242 § 3; 1962, 757 § 40; first sentence revised, 1969, 704 § 29; stricken out and two sentences inserted, 1973, 1230 § 3; section revised, 1974, 844 § 2. (See 1969, 704 § 60.)

SECT. 3A added, 1963, 161 (requiring certain officers of the commonwealth to furnish estimates of the cost of certain proposed legislation); revised, 1969, 704 § 30; amended, 1971, 272 § 2. (See 1969, 704 § 60.)

SECT. 4 amended, 1939, 502 § 3; 1945, 242 § 4; 1962, 757 § 41; revised, 1969, 704 § 31; 1973, 1230 § 4; 1974, 844 § 3. (See 1969, 704 § 60.)

SECT. 5 revised, 1939, 502 § 4; 1941, 656 § 2; 1945, 242 § 5, 637 § 2; subdivision (1) amended, 1962, 757 § 42. (See 1941, 656 § 17; 1945, 279.)

SECT. 5A amended, 1939, 502 § 5; 1945, 242 § 6; last sentence amended, 1962, 757 § 43; section repealed, 1963, 473 § 2.

SECT. 5B added, 1974, 844 § 3A (providing for the preparation and transmittal of estimates of state revenue by the commissioner of administration); 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; paragraph added, 1977, 794. (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; 1977, 336 § 1. (See 1976, 4 § 33.)

SECT. 48, sentence added, 1976, 4 § 28; section revised, 1977, 336 § 2. (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; two sentences added, 1977, 336 § 3.

SECT. 49, paragraph added, 1965, 633; 1977, 336 § 4; two paragraphs added, 1978, 513 § 21.

SECT. 49A added, 1978, 513 § 17 (providing for the issuance of minibonds).

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. 53 amended, 1977, 336 § 5.

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. 60A added, 1977, 336 § 6.

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; fifth sentence amended, 1977, 955.

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 29A. — Financing the Judicial System.

New chapter inserted, 1978, 478 § 12. (See 1978, 478 § 343.)

Chapter 30. — General Provisions Relative to State Departments, Commissions, Officers and Employees.

Provisions relative to expenses incurred for certain meals by state employees, 1933, 174 § 8; 1934, 162 § 6; 1935, 249 § 7; 1936, 304 § 7; 1937, 234 § 6; 1938, 356 § 5; 1939, 309 § 4; 1941, 419 § 4; 1943, 68 § 4; 370 § 4.

Provisions relative to the purchase of passenger automobiles, 1939, 309 § 4; 1941, 419 § 4; 1943, 68 § 4; 370 § 4.

Provisions relative to expenses incurred by state employees in the operation of motor vehicles, 1939, 309 § 5; 1941, 419 § 5; 1943, 68 § 5, 370 § 5; 1945, 404 § 5; 682 § 4; 1946, 309 § 5; 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; repealed, 1978, 349 § 1. (See 1974, 835 § 185.)

SECT. 7B revised, 1978, 349 § 2.

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; first sentence revised, 1978, 393 § 8. (See 1978, 393 § 45.)

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; revised, 1978, 393 § 9. (See 1955, 643 § 12; 1969, 838 § 74; 1978, 393 § 45.)

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; 1978, 393 § 10. (See 1969, 838 § 74; 1978, 393 § 45.)

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); repealed, 1978, 210 § 2.

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 § 1; 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; sixth paragraph, sentence added, 1978, 460. (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; first sentence revised, 1977, 970 § 1; 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; 1977, 234 §§ 1-3; 872 §§ 1-3; paragraph inserted after salary schedule, 1971, 66 § 1; sentence added, 1973, 428 § 1; paragraph amended, 1974, 835 § 38; stricken out, 1977, 773; 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; 1977, 234 § 198; 872 § 204.)

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; paragraph added, 1977, 658 § 1. (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; paragraph added, 1977, 658 § 2. (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; section revised, 1977, 947 § 1. (See 1974, 257 § 4; 1977, 947 §§ 4-5.)

SECTS. 62A-62H inserted, 1977, 947 § 1. (See 1977, 947 §§ 4-5.)

SECT. 63 added, 1975, 776 § 2 (requiring the filling of certain notices relative to personal data system information); amended, 1977, 691 § 5. (See 1975, 776 § 5.)

SECT. 64 added, 1977, 920 § 20 (providing that no mental health hospital or public health hospital shall be converted to use by the department of correction without express approval of the general court).

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; 1978, 552 § 13; 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. 9 revised, 1978, 60 § 1. (See 1978, 60 § 2.)

SECT. 10 revised, 1977, 965; 1978, 60 § 1. (See 1978, 60 § 2.)

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; amended, 1978, 514 § 11; definition of "made public" added, 1978, 372 § 1. (See 1976, 397 § 8; 1978, 514 § 287.)

SECT. 11A ½, fourth paragraph, clauses (1)-(5) revised, 1978, 372 § 2; seventh paragraph revised, 1978, 372 § 3; eleventh, twelfth and thirteenth paragraphs stricken out and four paragraphs inserted, 1978, 372 § 4.

SECT. 11B, fourth paragraph, clause (3) revised, 1976, 397 § 2; eleventh, twelfth and thirteenth paragraphs revised, 1976, 397 § 3; section stricken out and section 11A ½ added, 1977, 829 § 2. (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. 11C added, 1977, 895 (requiring certain hearings to be held in certain 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.

Chapter stricken out and new chapter 31 inserted, 1978, 393 § 11. (See 1978, 393 § 45.)

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; revised, 1978, 203; 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; twenty-fifth clause revised, 1977, 155. (See 1948, 387 § 1; 1963, § 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; first paragraph revised, 1977, 728; 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; fourth paragraph revised, 1977, 184. (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; first paragraph amended, 1977, 91 § 1; fourth sentence revised, 1978, 344. (See 1974, 835 § 185; 1977, 92 § 2.)

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; revised, 1978, 272 § 1; second paragraph amended, 1974, 304; revised, 1974, 835 § 81; 1975, 250; 639 § 1; 1978, 190; 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; first sentence revised, 1977, 326. (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; tenth paragraph, sentence added, 1977, 139. (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; first two sentences stricken out, sentence inserted, 1977, 797 § 2; 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; 1977, 438; 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. 20E added, 1977, 822 (relative to the employment of women as police officers).

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; revised, 1977, 815 § 1. (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; second and third paragraphs revised, 1977, 815 § 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. 31C added, 1977, 853 (relative to notification of temporary employment).

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; 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; paragraph added, 1977, 624; 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; third sentence revised, 1977, 230; 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; fifth sentence revised, 1977, 507; 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, 569 § 3; seventh sentence stricken out, 1965, 33 § 2; paragraph revised, 1965, 281; amended, 1974, 835 § 125; paragraph (h) added, 1957, 569; revised, 1959, 569 § 4; 1962, 776; amended, 1968, 637 § 6; first sentence revised, 1970, 72 § 5; paragraph (i) added, 1965, 33 § 3; paragraph (j) added, 1971, 179 § 4. (See 1955, 407 § 3; 1956, 629 § 3; 1969, 766 § 48; 1974, 835 § 185.)

SECT. 45 amended, 1934, 249 § 2; revised, 1945, 667 § 2; amended, 1955, 407 § 2; 1970, 72 § 6; revised, 1970, 711. (See 1955, 407 § 3.)

SECT. 45A added, 1934, 190 (providing a method of avoiding multiplicity of petitions for judicial review to determine seniority rights in the classified labor service); amended, 1941, 166.

SECT. 45B added, 1941, 135 (requiring clerks of district courts to furnish certain information to the director of civil service); amended, 1945, 667 § 3; repealed, 1973, 171.

SECT. 46 amended, 1932, 282 § 2; revised, 1934, 249 § 1; amended, 1941, 257; repealed, 1945, 667 § 4.

SECT. 46A revised, 1959, 569 § 5; second paragraph, first sentence revised, 1975, 557 § 2.

SECT. 46B amended, 1939, 238 § 45; repealed, 1945, 667 § 4.

SECTS. 46C AND 46D added, 1933, 320 (providing for the reinstatement of certain municipal officers and employees).

SECT. 46C amended, 1934, 84; 1936, 66; revised, 1938, 297 § 1; amended, 1939, 238 § 46; revised, 1945, 704 § 8; amended, 1947, 373 § 2; first sentence revised, 1964, 482; amended, 1969, 3 § 2; revised, 1974, 835 § 126; last two sentences stricken out and one sentence inserted, 1969, 3 § 3; fifth and sixth sentences revised, 1974, 835 § 127. (See 1974, 835 § 185.)

SECT. 46D repealed, 1945, 704 § 7.

SECT. 46E added, 1934, 207 (providing that a leave of absence of less than six months shall not be deemed a separation from the classified civil service in certain cases); first paragraph revised, 1945, 703 § 7; amended, 1951, 37; revised, 1967, 143; first sentence amended, 1969, 3 § 4; third sentence stricken out and two sentences inserted, 1968, 12; third, fourth and fifth sentences revised, 1974, 835 § 128; paragraph added, 1936, 297; amended, 1939, 238 § 47; 1941, 136; stricken out, 1969, 45 § 6; paragraph added, 1965, 703 § 1; paragraph inserted, 1974, 676 § 1; paragraph added, 1969, 3 § 5; amended, 1974, 835 § 129. (See 1965, 703 § 2; 1974, 835 § 185.)

SECT. 46F added, 1935, 337 (providing for the reinstatement of members of the police force of the metropolitan district commission in certain cases); amended, 1939, 238 § 48; repealed, 1945, 704 § 7.

SECT. 46G added, 1935, 408 (relative to seniority rights in respect to the suspension and re-employment of persons in the classified civil service in certain cases); revised, 1938, 297 § 2; 1945, 704 § 9; amended, 1949, 170 § 2; first sentence revised, 1967, 96.

SECT. 46H added, 1936, 287 § 1 (providing for the reinstatement in the classified civil service of retired municipal officers and employees in certain cases of invalid retirement); amended, 1939, 238 § 49; revised, 1974, 835 § 130. (See 1974, 835 § 185.)

SECT. 46I added, 1945, 703 § 8 (providing for the establishment of 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 preceding 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; second sentence revised, 1978, 409 § 1. (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; sentence added, 1978, 487 § 1; 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 § 2; 1973, 1003 § 2; 1978, 487 § 2; definition of "Political subdivision" revised, 1948, 507 § 1; 1967, 597 § 4; amended, 1967, 814 § 1; 1969, 751 § 8; revised, 1971, 1012 § 3; 1972, 436 § 2; revised, 1973, 633 § 1, 767 § 2, 1003 § 3; 1975, 708 § 13; 1978, 487 § 3; 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; 1978, 487 § 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; clause (b) revised, 1978, 393 § 12. (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; 1978, 393 § 45.)

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; revised, 1978, 487 § 5; paragraph added, 1964, 532 § 2. (See 1973, 767 § 6.)

SECT. 3, subdivision (1), paragraph (a), clause (i) amended, 1970, 751; 1971, 94; clause (ii), last sentence revised, 1978, 523 § 1; 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 (xiii) added, 1973, 1003 § 6;

clause (xix) 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; 1978, 442 § 14; 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; 1978, 442 § 15.)

SECT. 4, subdivision (1), paragraph (a) amended, 1947, 600 § 3; paragraph (h) revised, 1954, 627 § 8; third subparagraph of paragraph (h) revised, 1959, 576 § 1A; 1960, 618 § 2; amended, 1961, 597 § 4; revised, 1962, 544 § 2; first sentence revised, 1964, 580 § 2; amended, 1965, 726 § 2; revised, 1966, 671 § 2; amended, 1969, 625 § 1; second sentence revised, 1963, 239 § 1; paragraph (i) added, 1946, 493 § 1; paragraph (j) added, 1946, 538 § 2; paragraph (k) added, 1959, 548 § 1; paragraph (l) added, 1961, 433; paragraph (m) added, 1962, 584; paragraph (n) added,

1969, 778; paragraph (*o*) added, 1971, 894; amended, 1975, 49; paragraph (*p*) added, 1973, 760; subdivision (2), paragraph (*b*) revised, 1946, 403 § 4; amended, 1964, 125; revised, 1964, 738; 1965, 73; 1966, 509 § 1; paragraph (*c*) revised, 1946, 403 § 5; amended, 1952, 524 § 4; 1954, 684 § 6; revised, 1955, 695 § 6; 1961, 494. (See 1946, 493 § 2; 1954, 627 §§ 65, 67; 1954, 684 § 8; 1955, 695 § 7; 1959, 548 §§ 2, 3, 576 § 2; 1962, 544 § 4; 1963, 239 § 2; 1964, 580 § 4; 1966, 509 § 2, 671 § 4.)

SECT. 5, subdivision (1), first sentence of paragraph (*a*) amended, 1947, 388 § 4; 1958, 321 § 4; 1967, 826 § 4; paragraph (*c*) revised, 1958, 321 § 5; paragraph (*d*), first two sentences stricken out, 1947, 660 § 5; same paragraph amended, 1948, 15 § 1; revised, 1953, 486; 1959, 574 § 1; paragraph (*f*) added, 1954, 348; paragraph (*g*) added, 1961, 410 § 1; revised, 1966, 256 § 1; paragraphs (*h*) and (*i*) added, 1967, 597 § 8; paragraph (*j*) added, 1967, 889, amended, 1973, 1183; paragraphs (*k*) and (*l*) added, 1973, 1003 § 7; paragraph (*m*) added, 1977, 744; subdivision (2), paragraph (*a*), first paragraph amended, 1947, 388 § 5; 1949, 656; revised, 1950, 809 § 1; clause (*i*) revised, 1949, 679; clause (*ii*) revised, 1946, 403 § 6; amended, 1947, 388 § 6; clause (*iv*) added, 1946, 538 § 3; paragraph (*b*) amended, 1950, 809 § 1A; paragraph (*f*) amended, 1950, 809 § 2; paragraph (*g*) added, 1954, 492; stricken out, 1955, 590 § 2; subdivision (2) revised, 1957, 661 § 1; paragraph (*a*) amended, 1958, 321 § 6; 1960, 215; table in paragraph (*a*) revised, 1958, 321 § 7; paragraph (*d*) amended, 1958, 321 § 8; paragraph (*d*) amended, 1958, 321 § 9; subdivision (2) revised, 1961, 190 § 1; paragraph (*a*) revised, 1966, 274 § 1; amended, 1967, 826 § 5; table in paragraph (*a*) revised, 1967, 826 § 6; paragraph (*b*) amended, 1967, 826 § 7; paragraph (*c*) amended, 1966, 274 § 2; 1967, 826 § 8; subdivision (3), paragraph (*a*) amended, 1966, 274 § 3; paragraph (*b*) amended, 1966, 274 § 4. (See 1950, 809 § 3; 1951, 783 §§ 2, 3; 1957, 661 § 4; 1959, 574 § 2; 1961, 190 § 3, 410 § 2, 444 §§ 1, 2; 1966, 256 § 2, 274 § 5.)

SECT. 6, subdivision (1) amended, 1947, 667 § 5; 1949, 618 § 2, 657; 1958, 321 § 10; 1964, 514 § 2; 1967, 826 § 9; subdivision (2) amended, 1958, 321 § 11; 1964, 514 § 3; paragraph (*a*) amended, 1967, 826 § 10; paragraph (*b*) amended, 1967, 826 § 11; paragraph (*c*) added, 1964, 514 § 4; subdivision (3), first sentence of paragraph (*a*) amended, 1946, 603 § 2; 1947, 388 § 7; second sentence amended, 1949, 618 § 3; stricken out and two sentences inserted, 1961, 473; paragraph (*c*) revised, 1952, 181; amended, 1973, 543; paragraph (*d*) added, 1956, 289.

SECT. 7 subdivision (1), first sentence amended, 1958, 321 § 12; 1967, 826 § 12; three sentences added at end, 1949, 618 § 4; subdivision (2), paragraph (*a*) amended, 1958, 321 § 13; first sentence amended, 1967, 826 § 13; clause (*ii*) amended, 1948, 446 § 1; 1970, 644 § 1; clause (*iii*) amended, 1950, 712; 1951, 545 § 1; 1974, 459 § 1; paragraph (*b*) amended, 1958, 321 § 14; 1962, 81; 1967, 826 § 14; revised, 1968, 208; amended, 1973, 155; subdivision (3), paragraph (*a*) amended, 1958, 321 § 15; 1967, 826 § 15; paragraph (*b*) amended, 1958, 321 § 16; 1967, 826 § 16; subdivision (4), paragraph (*b*) sentence added, 1967, 597 § 9;

revised, 1973, 1003 § 8; 1978, 487 § 6; subdivision (5) added, 1949, 618 § 5. (See 1948, 446 § 5; 1974, 459 § 4.)

SECT. 8, subdivision (1), paragraph (b) amended, 1947, 667 § 6.

SECT. 9, subdivision (2), first paragraph amended, 1948, 446 § 2; second sentence amended, 1968, 600 § 1; revised, 1971, 960 § 1; paragraph (d) revised, 1951, 545 § 2; 1974, 459 § 2. (See 1974, 459 § 4.)

SECT. 10, see 1949, 491 § 1; subdivisions (1) and (2) revised, 1950, 813 § 1; 1951, 784 § 1; subdivision (1) revised, 1957, 661 § 2; amended, 1958, 321 § 17; revised, 1961, 190 § 2; amended, 1967, 826 § 17; second and third sentences revised, 1967, 826 § 18; subdivision (2), paragraph (a) revised, 1957, 661 § 3; amended, 1962, 516 § 1; second sentence amended, 1967, 826 § 19; paragraph (b) amended, 1951, 809; 1958, 321 § 18; first sentence amended, 1967, 826 § 20; revised, 1973, 1041, paragraph (b ½) added, 1973, 928 § 1. (See 1949, 491 § 2; 1951, 784 § 3; 1957, 661 § 4; 1962, 516 §§ 2, 3; 1973, 928 § 2.)

SECT. 11, subdivision (2), paragraph (a) amended, 1950, 670 § 1; 1965, 857 § 1; paragraph (c), first sentence revised, 1947, 667 § 7; sentence added at end, 1949, 618 § 6; amended, 1965, 857 § 2; revised, 1966, 556; subdivision (3) added, 1957, 531 § 1; second paragraph revised, 1967, 597 § 10; 1973, 1003 § 9; 1978, 487 § 7. (See 1950, 670 § 3; 1978, 566 § 6.)

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; first paragraph revised, 1978, 487 § 8; 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; 1978, 487 § 9.

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; first sentence revised, 1978, 514 § 12; third and fourth sentence revised, 1977, 363A § 53; sentence added, 1949, 618 § 8; paragraph added, 1956, 422 § 1; subdivision (5) amended, 1958, 321 § 22. (See 1951, 784 § 3; 1977, 363A § 76; 1978, 514 § 287.)

SECT. 18, subdivision (1) revised, 1947, 467; 667 § 8; fourth sentence revised, 1978, 393 § 13. (See 1978, 393 § 45.)

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; paragraphs (b) to (e) revised, 1977, 890 § 1; paragraphs (g) and (h) added, 1977, 890 § 2; paragraph (h), second sentence revised, 1978, 523 § 2; subdivision (4), paragraph (b) amended, 1971, 481 § 3; 1978, 523 § 3; paragraph (c) amended, 1950, 163; 1966, 266 § 1; paragraph (c ½) added, 1978, 364 § 1; paragraph (e) amended, 1973, 94; paragraph (f) added, 1960, 240; amended, 1966, 266 § 2; paragraph (f ½) added, 1978, 364 § 2; subdivision (4 ¼) added, 1971, 1012 § 6; amended, 1978, 523 § 4; subdivision (4 ½) added, 1967, 597 § 14; paragraph (b) amended, 1978, 523 § 5; subdivision (4 ¾) added, 1973, 1003 § 11; paragraph (b) amended, 1978, 523 § 6; subdivision (4 ⅞) added, 1978, 487 § 10; 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; sentence inserted after eighth sentence, 1978, 487 § 11; paragraph (j) added, 1948, 488 § 1. (See 1948, 488 § 2, 508 § 2; 1954, 642 § 2; 1978, 566 § 6.)

SECT. 21, subdivision (1), paragraph (c), last sentence revised, 1967, 597 § 16; amended, 1971, 1012 § 8; revised, 1973, 1003 § 13; 1978, 487 § 12; subdivision (2) amended, 1946, 432 § 3; sentence added, 1967, 597 § 17; 1971, 1012 § 9; 1973, 1003 § 14; 1978, 487 § 13. (See 1978, 566 § 6.)

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; paragraph (h) added, 1978, 487 § 14. (See 1949, 560 § 3; 1954, 656 § 2; 1956, 409; 1957, 516 § 4; 1969, 849 § 79; 1978, 566 § 6.)

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; 1978, 487 § 15; 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; three sentences inserted after third sentence, 1977, 369; paragraph (f) added, 1960, 744 § 2; subdivision (3) added, 1976, 269 § 2. (See 1978, 566 § 6.)

SECT. 24, subdivision (1), first sentence revised, 1967, 597 § 20; 1978, 487 § 16; amended, 1971, 1012 § 12; revised, 1973, 1003 § 17. (See 1978, 566 § 6.)

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; 1978, 487 § 17; subdivision (5) revised, 1956, 525. (See 1950, 783 § 2; 1962, 682 § 20; 1978, 566 § 6.)

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; amended, 1978, 393 § 14. (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; 1978, 393 § 45.)

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. 65A revised, 1978, 478 § 13. (See 1978, 478 §§ 341, 343.)

SECT. 65C, sixth paragraph amended, 1978, 393 § 15. (See 1978, 393 § 45.)

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; 1977, 433 § 1; paragraph (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); stricken out and Sect. 65F added, 1977, 433 § 2. (See 1975, 861 § 4.)

SECTS. 65D-65F stricken out and new sections 65D-65G inserted, 1978, 478 § 14. (See 1978, 478, §§ 341, 343.)

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; 1978, 393 § 16. (See 1978, 393 § 45.)

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. 90F added, 1977, 735 (relative to the employment of certain persons after mandatory retirement age).

SECT. 90G added, 1978, 557.

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; revised, 1978, 478 § 15; 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; 1978, 478 § 343.)

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; stricken out and three sentences inserted, 1977, 766. (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; third paragraph revised, 1978, 487 § 18.

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; paragraph (2), second and third sentences revised, 1978, 487 § 19. (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. 1 amended, 1977, 958 § 1.

SECT. 2, paragraph (a) revised, 1962, 193 § 1; paragraph (b) revised, 1956, 582 § 1; 1958, 301; 1958, 558 § 1; 1960, 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; stricken out and three sentences inserted, 1977, 914 § 1; four sentences added, 1963, 513; fifth and sixth sentences revised, 1977, 958 § 2; 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; first two sentences revised, 1977, 371.

SECT. 3A added, 1975, 503 (establishing an employee advisory committee to the group insurance commission).

SECT. 4, first sentence amended, 1977, 958 § 3; second sentence amended, 1960, 389 § 1.

SECT. 5 revised, 1956, 582 § 3; 1960, 389 § 2; 1965, 840 § 2; first paragraph amended, 1977, 958 § 4; second paragraph amended, 1977, 958 § 4A. (See 1960, 389 § 6.)

SECT. 6 amended, 1960, 389 § 3; second sentence revised, 1965, 840 § 3; second sentence amended, 1977, 958 § 5; 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; paragraph added, 1977, 695. (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; amended, 1977, 958 § 6; 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; 1977, 958 § 7; amended, 1965, 840 § 6; paragraphs (b) and (c) revised, 1964, 461 § 2; paragraph (c) amended, 1977, 958, § 8; paragraph (e) amended, 1965, 840 § 6A; first sentence amended, 1977, 958 § 9; paragraph (f) revised, 1977, 958 § 1D.

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; first sentence amended, 1977, 958, § 11. (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; first paragraph amended, 1977, 958, § 12.

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. 2A added, 1977, 342 (relative to traffic supervisors).

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. 3A added, 1977, 900 (relative to self-insurers).

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. 9D ½ added, 1978, 260 (relative to insurance coverage of the surviving spouse of an employee or retired employee of certain governmental units).

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; section amended, 1977, 870 § 2.

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; second paragraph, fourth sentence revised, 1978, 393 § 17. (See 1978, 393 § 45.)

SECT. 26, third sentence revised, 1962, 226.

SECT. 31, second paragraph amended, 1962, 458.

SECT. 38 revised, 1968, 181.

SECT. 53 amended, 1978, 512 § 5. (See 1978, 512 § 16.)

SECT. 58 repealed, 1977, 415 § 7. (See 1977, 415 § 14.)

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. 83 revised, 1977, 811.

SECT. 88 revised, 1958, 629 § 1; first paragraph amended, 1974, 742; second paragraph revised, 1977, 68; 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. 91 repealed, 1978, 512 § 6. (See 1978, 512 § 16.)

SECT. 92 repealed, 1978, 512 § 6. (See 1978, 512 § 16.)

SECT. 93, first sentence amended, 1978, 512 § 6A. (See 1978, 512 § 16.)

SECT. 95 repealed, 1978, 512 § 6B. (See 1978, 512 § 16.)

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.

SECT. 137 added, 1977, 972 § 1 (providing for a Massachusetts national guard education assistance program). (See 1977, 972 § 2.)

Chapter 34. — Counties and County Commissioners.

SECT. 1 revised, 1933, 278 § 2.

SECT. 3, first sentence revised, 1978, 478 § 17; sentence added at end, 1963, 655; revised, 1965, 513. (See 1978, 478 § 343.)

SECT. 3A repealed, 1978, 349 § 3.

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. 5A added, 1977, 233 § 1 (relative to the salary of county employees). (See 1977, 233 § 9.)

SECT. 7 amended, 1935, 257 § 2; last sentence stricken out, 1939, 31 § 2. (See 1935, 257 § 12.)

SECT. 8 revised, 1978, 22.

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); definition of "made public" added, 1978, 372 § 5. (See 1975, 303 § 5.)

SECT. 9G, fourth paragraph, clauses (1)-(5) revised, 1978, 372 § 6; seventh paragraph revised, 1978, 372 § 7; tenth to thirteenth paragraphs revised, 1976, 397 § 4; twelfth and thirteenth paragraphs revised, 1978, 372 § 8. (See 1976, 397 § 8.)

SECT. 12 revised, 1935, 257 § 3. (See 1935, 257 § 12.)

SECT. 14, first sentence amended, 1978, 478 § 18; 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; paragraph added, 1977, 75. (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; sentence added, 1977, 350. (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. 7 revised, 1978, 478 § 19. (See 1978, 478 § 343.)

SECT. 10, third sentence revised, 1977, 50.

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; revised, 1978, 478 § 20. (See 1974, 694 § 6; 1978, 478 § 343.)

SECT. 12 amended, 1974, 694 § 2; revised, 1978, 478 § 21. (See 1974, 694 § 6; 1978, 478 § 343.)

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, first paragraph revised, 1978, 478 § 22; two paragraphs added, 1966, 207; paragraph added, 1974, 81, 829 § 2. (See 1978, 478 § 343.)

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; first sentence amended, 1977, 25. (See 1953, 436 § 7.)

SECT. 19C added, 1977, 77 § 1 (relative to deductions for credit unions).

SECT. 20 revised, 1950, 659 § 2.

SECT. 21 amended, 1937, 64 § 2.

SECT. 22 revised, 1948, 153; 1952, 87; third sentence revised, 1978, 478 § 23. (See 1978, 478 § 343.)

SECT. 22A added, 1975, 27 (further regulating the depositing of funds by county officers and employees); revised, 1978, 478 § 24. (See 1978, 478 § 343.)

SECT. 23, second sentence revised, 1969, 849 § 6; section revised, 1978, 478 § 25. (See 1969, 849 § 79; 1978, 478 § 343.)

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; last sentence revised, 1978, 478 § 26. (See 1969, 849 § 79; 1978, 478 § 343.)

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); first sentence revised, second sentence stricken out, 1977, 959; second paragraph revised, 1974, 179; last sentence revised, 1978, 55. (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; second sentence revised, 1978, 15. (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; sentence added, 1978, 211. (See 1969, 849 § 79.)

SECT. 31, first sentence revised, 1974, 492 § 4; section revised, 1975, 160; amended, 1978, 514 § 13. (See 1974, 492 § 24; 1978, 514 § 287.)

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; last sentence revised, 1978, 478 § 27; paragraph added, 1959, 51; first two sentences stricken out, 1969, 849 § 15. (See 1948, 591 §§ 4-7; 1969, 849 § 79; 1978, 478 § 343.)

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; 1977, 48. (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; revised, 1978, 514 § 14. (See 1969, 849 § 79; 1978, 514 § 287.)

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; 1978, 478 § 28. (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; 1978, 343.)

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; 1977, 854; 1978, 478 § 29. (See 1978, 478 § 343.)

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), introductory paragraph revised, 1978, 478 § 30; 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; 1978, 375 § 1; paragraph (1A) added, 1977, 233 § 2; three salary schedules revised, 1978, 375 § 2; 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; 1977, 233 § 9; 1978, 375 § 7, 478 § 343.)

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. 31A amended, 1978, 514 § 15. (See 1978, 514 § 287.)

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. 16 revised, 1978, 478 § 31. (See 1978, 478 § 343.)

SECT. 17 amended, 1945, 63; 1946, 121; first paragraph, second sentence revised, 1978, 39; paragraph added, 1966, 463 § 2; revised, 1970, 789 § 1; 1972, 797 § 1; paragraph added, 1977, 254 § 1. (See 1966, 463 § 5; 1970, 789 § 2; 1972, 797 § 2; 1977, 254 § 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; first paragraph revised, 1977, 941 § 2; paragraph added, 1952, 44; revised, 1977, 941 § 3. (See 1966, 278 § 2.)

SECT. 1A added, 1975, 829 (creating the office of forensic dental examiner).

SECTS. 1B AND 1C added, 1977, 941 § 4 (relative to the office of medicolegal investigation).

SECT. 2, last sentence stricken out and two sentences inserted, 1945, 632 § 1; last sentence stricken out and paragraph added, 1977, 941 § 5.

SECT. 2A added, 1943, 153 § 1 (authorizing associate medical examiners in Barnstable County to perform the duties of medical examiner thereof in certain cases); repealed, 1945, 632 § 2. (See 1943, 153 § 2.)

SECT. 3 revised, 1939, 214 § 4.

SECT. 5, first three sentences revised, 1947, 579; first sentence revised, 1955, 422; 1970, 783 § 1; 1977, 941 § 6; third sentence amended, 1949, 510; 1970, 783 § 2; last sentence revised, 1945, 632 § 3; 1959, 301 § 1; 1967, 670 § 1; 1977, 941 § 7. (See 1970, 783 § 3.)

SECT. 6 amended, 1939, 475; revised, 1945, 632 § 4; amended, 1973, 1076 § 1; sixth and seventh sentences stricken out, three sentences inserted, 1978, 237; ninth and tenth sentences revised, 1977, 941 § 8; paragraph added, 1977, 941 § 9.

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); repealed, 1977, 941 § 10.

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; 1977, 941 § 11.

SECT. 18 revised, 1953, 320; 1955, 162.

SECT. 19 revised, 1945, 632 § 6.

SECTS. 20-22 repealed, 1962, 413.

SECT. 20 added, 1977, 941 § 12 (relative to autopsies on certain children).

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.)

SECTS. 23A AND 23B added, 1958, 626 § 4 (providing that meetings of certain local boards, commissions, committees and authorities shall be open to the public).

SECT. 23A, first paragraph revised, 1960, 274; section revised, 1960, 437 § 3; first paragraph, sentence added, 1970, 571; third paragraph amended, 1964, 195; section revised, 1975, 303 § 3; definition of "Governmental body" revised, 1976, 397 § 5; definition of "made public" added, 1978, 372 § 9. (See 1975, 303 § 5; 1976, 397 § 8.)

SECT. 23B revised, 1960, 437 § 4; 1975, 303 § 3; 1976, 397 § 6; fourth paragraph, clauses (1)-(5) revised, 1978, 372 § 10; sixth paragraph, second sentence revised, 1977, 527; seventh paragraph revised, 1978, 372 § 11; eleventh paragraph, fourth sentence amended, 1977, 829 § 3; twelfth and thirteenth paragraphs stricken out, three paragraphs inserted, 1978, 372 § 12. (See 1975, 303 § 5; 1976, 397 § 8.)

SECT. 23C added, 1960, 437 § 5 (relative to the remedy in case on non-compliance 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. 1B added, 1978, 512 § 7 (permitting a district to sue and be sued upon the same conditions as a city or town). (See 1978, 512 § 16.)

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; first sentence amended, 1978, 119 § 1; 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; 1977, 421; 1978, 575. (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); second paragraph revised, 1978, 199.

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; second sentence revised, 1978, 481 § 1; sixth paragraph, third sentence revised, 1975, 323 § 2; third and fourth sentences stricken out and one sentence inserted,

1978, 481 § 2; two paragraphs added, 1978, 481 § 3; paragraph added, 1978, 481 § 4.

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; 1978, 512 § 8 (See 1978, 512 § 16); 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); revised, 1978, 514 § 16 (See 1978, 514 § 287); 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; 1978, 77; 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; clause (70) added, 1977, 232 § 1 (authorizing the purchase of development rights of farmlands); clause (71) added, 1977, 425 (authorizing the reimbursement for certain property loss or damage); clause (72) added, 1978, 581 § 1 (authorizing a municipal waterways improvement and maintenance fund). (See 1938, 142 § 2; 1954, 627 §§ 65, 67; 1969, 849 § 79; 1973, 1210 § 39; 1975, 706 § 312; 1978, 581 § 8.)

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. 5D added, 1977, 559 (authorizing special funds for retirement purposes).

SECT. 5E added, 1978, 412 (authorizing municipal employers to establish special unemployment compensation funds).

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).

SECTS. 6E-6I repealed, 1977, 693 § 1. (See 1977, 693 § 3.)

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); repealed, 1977, 693 § 1. (See 1977, 693 § 3.)

SECT. 6N added, 1975, 551 (authorizing cities and towns to make certain temporary repairs on private ways); revised, 1977, 693 § 2.

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. 12B, second paragraph amended, 1978, 514 § 17. (See 1978, 514 § 287.)

SECT. 12E amended, 1978, 514 § 18. (See 1978, 514 § 287.)

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; first and second sentences stricken out, three sentences inserted, 1977, 401 § 1; 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. 21D added, 1977, 401 § 2 (relative to the noncriminal disposition of certain violations).

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; paragraph added, 1977, 648.

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; paragraph added, 1977, 689.

SECT. 22C added, 1951, 326 (relative to parking meters in off-street parking lots); revised, 1960, 449; 1967, 38; amended, 1973, 183 § 3.

SECT. 22D added, 1961, 322 (authorizing the towing of vehicles from city and town ways where such vehicles are parked or standing in violation of the law); fourth sentence revised, 1968, 369; amended, 1971, 438.

SECT. 22E added, 1962, 796 (authorizing cities and towns to lease the space above municipal parking lots); first sentence revised, 1969, 815 § 1; second paragraph revised, 1963, 147; amended, 1969, 815 § 2.

SECTS. 25-33. For special zoning provisions for Boston, see 1924, 488 and amendments prior to 1932; 1932, 143; 1933, 204; 1934, 210; 1936, 240; 1941, 373; 1946, 198.

SECTS. 25-30A stricken out, and new sections 25-30A (municipal zoning laws) inserted, 1933, 269 § 1. (See 1933, 269 § 4.)

SECT. 25, first paragraph amended, 1950, 325 § 1.

SECT. 26 amended, 1952, 438.

SECT. 27 revised, 1941, 320.

SECT. 27A added, 1938, 133 § 1 (to prevent multiplicity of proposals for the same change in zoning ordinances or by-laws).

SECT. 28 revised, 1941, 176.

SECT. 30, first paragraph (as appearing in 1933, 269 § 1) amended, 1945, 167; second paragraph (as so appearing) amended, 1951, 205; paragraph in lines 54-60 (as appearing in 1933, 269 § 1) stricken out and two paragraphs added, 1941, 198 § 1; paragraph in lines 61-70 (as so appearing) amended, 1935, 388 § 1; clause (1) in lines 72-76 (as so appearing) revised, 1941, 198 § 2; paragraph in lines 80-90 (as so appearing)

amended, 1935, 388 § 2; next to last paragraph amended, 1953, 102. (See 1941, 198 § 3.)

SECTS. 25-30. Temporarily affected, 1951, 307.

SECT. 30A stricken out and reinserted as section 30B and new section 30A inserted, 1938, 133 § 2 (to prevent multiplicity of proposals for the same change in the application of zoning ordinances or by-laws).

SECT. 30B, sentence added, 1950, 325 § 2.

SECTS. 25-30B stricken out, 1954, 368 § 1. (See 1954, 368 § 3.)

SECT. 32 revised, 1933, 185 § 1; amended, 1941, 520 § 1; revised, 1952, 337; sentence inserted after first sentence, 1967, 97; fifth sentence amended, 1967, 308; section revised, 1975, 808 § 1. (See 1933, 185 § 2; 1941, 520 § 2; 1975, 808 § 7.)

SECT. 32A revised, 1975, 808 § 2. (See 1975, 808 § 7.)

SECT. 32B added, 1973, 602 § 1 (authorizing cities and towns to publish zoning ordinances and by-laws).

SECT. 36 amended, 1956, 176; second sentence revised, 1971, 81.

SECT. 37A added, 1968, 563 (authorizing cities and towns to impose curfews).

SECT. 38 revised, 1938, 172 § 2; second paragraph amended, 1975, 706 § 90; paragraph added, 1941, 465 § 1. (See 1975, 706 § 312.)

SECTS. 39A-39G added, 1938, 172 § 3 (authorizing the establishment and maintenance of water supply and distributing systems).

SECT. 39A revised, 1941, 465 § 2.

SECT. 39B amended, 1975, 706 § 91. (See 1975, 706 § 312.)

SECT. 39C amended, 1975, 706 § 92. (See 1975, 706 § 312.)

SECT. 39H added, 1943, 125 (authorizing cities, towns and districts through their water departments, and water companies, to aid similar municipal and other corporations relative to their water supply).

SECT. 39I added, 1958, 527 § 1 (further regulating the testing of water meters).

SECT. 40 revised, 1933, 314; 1945, 606; first sentence, amended, 1966, 331; section revised, 1975, 706 § 93. (See 1965, 582; 1975, 706 § 312.)

SECT. 41, first sentence amended, 1975, 706 § 94. (See 1975, 706 § 312.)

SECT. 41A added, 1949, 793 (authorizing certain governmental agencies to restrain the use of water during an emergency); amended, 1975, 706 § 95. (See 1975, 706 § 312.)

SECT. 41B added, 1958, 254 (requiring that the will of the voters be ascertained before any public water supply system is fluoridated); revised, 1962, 485 § 1; repealed, 1968, 548 § 2. (See 1962, 485 § 2.)

SECT. 41C added, 1962, 485 § 1 (relative to the discontinuance of the fluoridation of a public water supply system); revised, 1964, 60; repealed, 1968, 548 § 2.

SECT. 42A revised, 1932, 197 § 2; amended, 1935, 42 § 1; revised, 1938, 415 § 1; amended, 1941, 380 § 1; first three sentences stricken out and two sentences inserted, 1954, 487 § 1. (See 1932, 197 § 3; 1938, 415 § 7; 1941, 380 § 7; 1954, 487 § 3.)

SECT. 42B amended, 1935, 56 § 1; revised, 1936, 42 § 2; 1938, 415 § 2; revised, 1941, 380 § 2; sentence inserted after fourth sentence, 1947, 132; section revised, 1954, 487 § 2. (See 1935, 56 § 2; 1938, 415 § 7; 1941, 380 § 7; 1954, 487 § 3.)

SECT. 42C amended, 1935, 248 § 1; revised, 1938, 415 § 3; 1941, 380 § 3; 1954, 487 § 2; first sentence revised, 1965, 250. (See 1938, 415 § 7; 1941, 380 § 7; 1954, 487 § 3.)

SECT. 42D, last sentence revised, 1935, 248 § 2; section revised, 1938, 415 § 4; 1941, 380 § 4; second paragraph amended, 1950, 80; section revised, 1954, 487 § 2. (See 1938, 415 § 7; 1941, 380 § 7; 1954, 487 § 3.)

SECT. 42E, last sentence amended, 1932, 180 § 6; same sentence revised, 1939, 451 § 7; section amended, 1941, 380 § 5. Affected, 1938, 415 § 7. (See 1941, 380 § 7.)

SECT. 42F affected, 1938, 415 § 7; 1941, 380 § 7.

SECTS. 42G-42I added, 1955, 332 (to authorize the levy of special assessments to meet the cost of laying water pipes in public and private ways).

SECT. 42G, first sentence amended, 1957, 268 § 1. (See 1957, 268 § 2.)

SECT. 42I, first sentence revised, 1955, 639.

SECT. 43A added, under caption, 1941, 678 § 2 (relative to pipe lines for conveying petroleum and its products and by-products).

SECTS. 44A-44I added, 1961, 609 (authorizing the formation of regional incinerator districts).

SECT. 44C amended, 1964, 502 § 1.

SECT. 44E, first paragraph revised, 1964, 502 § 2.

SECT. 44F, clauses (a) to (e), inclusive, revised, 1964, 502 § 3.

SECT. 44H, last sentence stricken out and two sentences inserted, 1964, 502 § 4.

SECTS. 44J AND 44K added, 1964, 502 § 5 (relative to agreements made in forming regional incinerator districts).

SECTS. 44A-44K revised, 1965, 748 § 1.

SECT. 44A revised, 1967, 149.

SECT. 44B revised, 1967, 149; amended, 1969, 199; sixth sentence amended, 1975, 706 § 96. (See 1975, 706 § 312.)

SECT. 44C, second sentence amended, 1975, 706 § 97. (See 1975, 706 § 312.)

SECT. 44H amended, 1969, 849 § 34. (See 1969, 849 § 79.)

SECT. 49 amended, 1971, 766 § 8; revised, 1975, 219.

SECT. 50 amended, 1974, 268.

SECT. 51 revised, 1937, 196; two sentences added, 1945, 340; section revised, 1946, 584 § 3; amended, 1974, 260 § 2. (See 1946, 584 § 22.)

SECT. 53 revised, 1969, 507.

SECT. 54 added, under caption, 1965, 385 § 1 (prohibiting the issuance of building permits for the construction of buildings which would necessitate the use of water therein under certain conditions).

SECT. 54A added, 1973, 963 (regulating the use of certain railroad right-of-way land); paragraph added, 1975, 859 § 18A.

SECT. 55 added, 1970, 337 (authorizing cities and towns to contract for certain annuities for employees of municipal hospitals).

Chapter 40A. — Zoning Regulations.

New chapter inserted, 1954, 368 § 2. (See 1954, 368 § 3.)

SECT. 2, first paragraph revised, 1956, 586; 1957, 145; amended, 1959, 607 § 1.

SECT. 4, last sentence stricken and two sentences inserted, 1965, 63; sentence added, 1966, 26; revised, 1966, 199.

SECT. 5, last sentence revised, 1962, 340; amended, 1969, 572.

SECT. 5A added, 1958, 492 (exempting certain lots from the application of certain zoning ordinances or by-laws); first paragraph revised, 1961, 435 § 1; paragraph added, 1960, 789 § 1. (See 1960, 789 § 2; 1961, 435 § 3.)

SECT. 6, third and fourth sentences revised, 1957, 137; section revised, 1959, 317 § 1; sentence added, 1961, 151; section revised, 1962, 201 § 1; sentence inserted after second sentence, 1968, 194; sentence inserted after fourth sentence, 1973, 296 § 1; sentence added, 1962, 327.

SECT. 7A added, 1957, 297 (relative to the effect of the adoption or amendment of zoning laws on a recorded subdivision plan); revised, 1959, 221; sentence added, 1960, 291; section revised, 1961, 435 § 2; two sentences added, 1963, 591; first paragraph revised, 1964, 688; paragraph added, 1963, 578; section revised, 1965, 65; first sentence revised, 1965, 366 § 1. (See 1961, 435 § 3; 1965, 366 § 2.)

SECT. 13 revised, 1955, 325 § 1; second paragraph stricken out, 1963, 207 § 1.

SECT. 14, second sentence stricken out and two sentences inserted, 1957, 124; second paragraph, last sentence revised, 1954, 551 § 1; 1958, 202; sentence added, 1961, 276 § 1. (See 1954, 551 § 2.)

SECT. 15, paragraph 1 revised, 1955, 325 § 2; paragraph 3 revised, 1958, 381; last paragraph amended, 1957, 123.

SECT. 16 revised, 1963, 207 § 2.

SECT. 17 revised, 1959, 317 § 2; 1962, 201 § 2; first sentence revised, 1971, 569; sentence inserted after first sentence, 1968, 336; sentence inserted after second sentence, 1973, 296 § 2.

SECT. 18, first sentence revised, 1962, 203; fifth sentence revised, 1962, 387; 1969, 870 § 1; sixth sentence revised, 1970, 271; stricken out and two sentences inserted, 1971, 1018; two sentences added, 1960, 326; same two sentences stricken out and three sentences inserted, 1962, 212.

SECT. 19, second paragraph revised, 1955, 349.

SECT. 20 revised, 1969, 610; amended, 1969, 870 § 2.

SECT. 21 revised, 1957, 199 § 1; first paragraph, first sentence stricken out and two sentences inserted, 1958, 175; paragraph stricken out and two paragraphs inserted, 1960, 365; 1969, 706; second paragraph amended, 1970, 80; first sentence revised, 1972, 334; section revised, 1973, 1114 § 4; second paragraph amended, 1974, 78 § 1. (See 1973, 1114 § 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.)

For prior changes see Table of Changes contained in Acts and Resolves of 1975.

The following references are to Chapter 40A as so inserted:

SECT. 1 stricken out and sections 1, 1A inserted, 1977, 829 § 3A.

SECT. 3, paragraph added, 1977, 860.

SECT. 5, third paragraph amended, 1977, 829 § 3B; seventh paragraph amended, 1977, 829 § 3C.

SECT. 6, second paragraph amended, 1977, 829 § 3D.

SECT. 9, third paragraph amended, 1977, 829 § 3E; fifth paragraph amended, 1977, 829 § 4A; seventh paragraph, third sentence stricken out, 1977, 829 § 3F.

SECT. 10, third paragraph amended, 1977, 829 § 4B.

SECT. 11, first paragraph amended, 1977, 829 § 4C; second paragraph amended, 1977, 829 § 4D; third paragraph amended, 1977, 829 § 4E; fourth paragraph amended, 1977, 829 § 4F.

SECT. 17, first paragraph, first sentence stricken out and two sentences inserted, 1978, 478 § 32. (See 1978, 478 § 343.)

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; third 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, clause (*h*) stricken out, 1978, 496 § 4; clauses (*k*) and (*l*) revised, 1970, 326; clause (*m*) and (*n*) revised, 1977, 206 § 1; clause (*o* ½) added, 1972, 775 § 1; revised, 1977, 206 § 2; clause (*p* ½) added, 1971, 1017 § 1; two sentences added, 1972, 373 § 1; stricken out, 1973, 1160 § 1; clause (*r*) added, 1977, 206 § 3; section revised, 1978, 495 § 1.

SECT. 2, two paragraphs added, 1978, 495 § 2.

SECT. 3, second paragraph revised, 1978, 495 § 3.

SECT. 4, second paragraph revised, 1978, 495 § 4.

SECT. 6, second paragraph revised, 1975, 887; 1978, 495 § 5.

SECT. 7, paragraph (a), clause (viii) added, 1977, 206 § 4; section revised, 1978, 495 § 6.

SECT. 8, clause (i) revised, 1973, 245; section revised, 1978, 495 § 7.

SECT. 9, fourth and fifth sentences revised, 1978, 495 § 8.

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; section revised, 1978, 495 § 9.

SECT. 12, subsection (2), first paragraph amended, 1978, 496 § 5; second paragraph, clause (e) revised, 1974, 76 § 1; clause (i) revised, 1974, 76 § 2; subsections (2) and (3) revised, 1978, 495 § 10.

SECT. 14, first sentence revised, 1978, 495 § 11.

SECT. 18 revised, 1978, 495 § 12.

SECT. 19 revised, 1978, 495 § 13.

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; paragraph (a) revised, 1978, 495 § 14; paragraphs (g) and (h) revised, 1978, 495 § 15.

SECT. 22 added, 1972, 775 § 2 (providing for the financing of municipal pollution control facilities); paragraph (b) second sentence amended, 1975, 706 § 100; paragraph (b) revised, 1977, 206 § 4A; paragraph (c) added, 1977, 206 § 5; section revised, 1978, 495 § 16. (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.

The following references are to Chapter 40F, as so inserted:

SECT. 4, fifth paragraph, clause (11), subclause (e) revised, 1977, 522.

Chapter 40G. — Massachusetts Technology Development Corporation.

New chapter inserted, 1978, 497 § 1.

Chapter 40H. — Community Economic Development Assistance Corporation.

New chapter inserted, 1978, 498.

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; section revised, 1977, 690 § 1; eighteenth clause stricken out, 1978, 394 § 4.

SECT. 1A added, 1967, 45 § 1 (relative to definition of "district"); revised, 1969, 505 § 4.

SECT. 3, last sentence stricken out, 1978, 349 § 5.

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; 1978, 514 § 19. (See 1978, 514 § 287.)

SECT. 13A added, 1932, 289 § 5 (provisions relative to bonds of city clerks); revised, 1962, 233 § 2; amended, 1978, 514 § 20. (See 1978, 514 § 287.) [For prior legislation, see G.L. chapter 140 § 148, repealed by 1932, 289 § 6.]

SECT. 13B added, 1954, 139 (relative to the renewal of licenses and permits in certain cities).

SECT. 15A revised, 1949, 136; amended, 1967, 45 § 2.

SECT. 17 revised, 1954, 83.

SECTS. 18A AND 18B added, 1948, 56 (providing that the records of city clerks may be attested by the volume and that a facsimile of the signature of the city clerk shall be valid in certain cases).

SECT. 19, second sentence stricken out and two sentences inserted, 1960, 47; last sentence revised, 1938, 66; same sentence amended, 1945, 245; sentence added, 1947, 391; last two sentences revised, 1971, 8.

SECT. 19A added, 1933, 70 § 1 (requiring the filing with the state secretary of certificates of appointment or election of clerks or assistant or temporary clerks of cities or towns, and granting authority to said secretary to authenticate attestations of any such 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; 1977, 157; last paragraph revised, 1934, 155 § 2; section revised, 1977, 690 § 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; amended, 1978, 514 § 21. (See 1936, 118 § 3; 1978, 514 § 287.)

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; amended, 1978, 514 § 22; second sentence amended, 1972, 766 § 3; revised, 1978, 367 § 70; third sentence revised, 1967, 255; sentence added, 1939, 109 § 1. (See 1972, 766 § 23; 1978, 367 § 72, 514 § 287.)

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); amended, 1978, 514 § 23; last sentence revised, 1953, 55. (See 1978, 514 § 287.)

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; amended, 1978, 514 § 24. (See 1978, 514 § 287.)

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. 41C, added, 1977, 77 § 2 (authorizing city, town and county treasurers to deduct from pensions and retirement allowances for deposits in credit unions).

SECT. 41 revised, 1968, 168; first sentence revised, 1974, 441 § 3.

SECT. 41A added, 1971, 441 (authorizing the city or town treasurer to deliver payroll checks to department heads for the employees of such departments).

SECT. 41B added, 1975, 586 § 1 (authorizing the payment of public employees by direct bank credits).

SECT. 42 revised, 1959, 299; amended, 1974, 835 § 139. (See 1974, 835 § 185.)

SECT. 43A added, 1939, 88 (requiring municipalities to indemnify and protect collectors of taxes in the performance of their duties in certain cases); revised, 1941, 99.

SECT. 45A added, 1952, 79 (providing that the selectmen shall be the commissioners of trust funds in certain small towns).

SECT. 46 revised, 1957, 203.

SECT. 49A added, 1948, 211 (providing for the appointment of assistant by auditors, accountants, and officers having similar duties, of cities and towns); last sentence revised, 1964, 70.

SECT. 53, last sentence revised, 1948, 84.

SECT. 54A amended, 1936, 62; 1969, 849 § 40; 1973, 52 § 1. (See 1969, 849 § 79.)

SECT. 56 revised, 1950, 55; second sentence amended, 1967, 890; sentence inserted after second sentence, 1975, 168; sentence stricken out, 1977, 348 § 1; 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; first two paragraphs revised, 1978, 422 § 1; third paragraph, sentence added, 1978, 422 § 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; revised, 1977, 473.

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.

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, second sentence revised, 1978, 478 § 33; last sentence revised, 1965, 228; 1968, 74; amended, 1971, 1061; revised, 1972, 237. (See 1978, 478 § 343.)

SECT. 96 revised, 1977, 246 § 1.

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; 1977, 932. (See 1964, 564 § 5.)

SECT. 97 revised, 1977, 246 § 2.

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. 98E added, 1977, 587 (providing that populations using the words "police" or "firefighter" shall identify sponsoring organization).

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; 1978, 373 § 1.

SECTS. 99B-99K added, under caption, 1969, 878 (authorizing the establishment of regional police districts).

SECT. 99H amended, 1978, 514 § 25. (See 1978, 514 § 287.)

SECT. 99I, second paragraph amended, 1978, 514 § 26. (See 1978, 514 § 287.)

SECT. 99J, fifth sentence revised, 1978, 393 § 18. (See 1978, 393 § 45.)

SECT. 99K, second paragraph revised, 1978, 393 § 19. (See 1978, 393 § 45.)

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; second paragraph stricken out, 1978, 512 § 9; paragraph inserted after second paragraph, 1977, 880 § 1; paragraph added, 1957, 342; 1966, 322; two paragraphs added, 1977, 646 § 1; (See 1950, 412 § 2; 1978, 512 § 16.)

SECT. 100A amended, 1933, 318 § 4; 1934, 291 § 3; 1945, 391 § 1; 1949, 128; revised, 1965, 108; repealed, 1978, 512 § 10. (See 1933, 318 §§ 8, 9; 1934, 291 § 6; 1945, 391 § 3; 1978, 512 § 16.)

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; section repealed, 1978, 512 § 10. (See 1978, 512 § 16.)

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); repealed, 1978, 512 § 10. (See 1978, 512 § 16.)

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; section repealed, 1978, 512 § 10. (See 1978, 512 § 16.)

SECT. 100F added, 1970, 613 (authorizing indemnification of harbor masters against certain actions and claims); repealed, 1978, 512 § 10. (See 1978, 512 § 16.)

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; 1978, 192.

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); repealed, 1978, 512 § 10. (See 1978, 512 § 16.)

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. 106 revised, 1977, 690 § 3.

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; first sentence revised, 1978, 393 § 20. (See 1969, 849 § 79; 1978, 393 § 45.)

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; third sentence revised, 1978, 514 § 27. (See 1978, 514 § 287.)

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); amended, 1978, 393 § 21. (See 1978, 393 § 45.)

SECT. 108D added, 1958, 621 (establishing a minimum annual compensation for fire fighters in certain cities and towns); revised, 1960, 260; first sentence revised, 1978, 393 § 22. (See 1978, 393 § 45.)

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); first sentence revised, 1978, 393 § 23. (See 1978, 393 § 45.)

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; revised, 1978, 393 § 24. (See 1978, 393 § 45.)

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; two paragraphs added, 1977, 646 § 2.

SECT. 111G added, 1952, 488 (relative to annual vacations for certain employees of certain cities and towns).

SECT. 111G ½ 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); first sentence revised, 1978, 393 § 25. (See 1978, 393 § 45.)

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); amended, 1978, 514 § 28. (See 1978, 514 § 287.)

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).

SECT. 127, fifth sentence amended, 1978, 393 § 26. (See 1978, 393 § 45.)

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; definition inserted after definition of “Plan F”, 1977, 549, § 2. (See 1977, 549 § 5.)

SECT. 2 revised, 1977, 549 § 1. (See 1977, 549 § 5.)

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, 1958, 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. 44F amended, 1977, 622 § 1.

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.

SECTS. 93-116 added, under caption, 1938, 378 § 15 (providing an additional optional standard form of city charter under which substantial control of the city government is vested in a city council elected at large by proportional representation, with a city manager appointed and removable at pleasure by the city council).

SECTS. 93-116 repealed in so far as they provide for election by proportional representation of city councils and school committees, 1949, 661 § 1; 1952, 281 § 1. (See 1949, 661 §§ 1A-3; 1952, 281 § 2; 1953, 118.)

SECT. 98, fourth sentence revised, 1958, 626 § 9.

SECT. 100 amended, 1941, 722 § 5.

SECT. 101 repealed, 1952, 259 § 3.

SECT. 102 amended, 1941, 722 § 6.

SECT. 103, first paragraph amended, 1950, 353; first sentence revised, 1967, 36; third sentence revised, 1973, 128.

SECT. 110, first paragraph amended, 1949, 181; form of petition amended, 1941, 722 § 7.

SECT. 114, last sentence revised, 1952, 78.

SECT. 115 repealed, 1972, 596 § 1.

SECTS. 117-127 added, under caption, 1959, 448 § 14 (establishing an additional optional standard form of city charter under which the city government is vested in a mayor and a city council elected partly at large and partly by wards, said mayor and city councillors being nominated in party primaries).

SECTS. 128-134 added, 1977, 549 § 3. (See 1977, 549 § 5.)

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; section amended, 1977, 814.

Chapter 43B. — Home Rule Procedures.

New chapter inserted, 1966, 734 § 1. (See 1966, 734 §§ 3, 4.)

SECT. 7, first and second sentences revised, 1978, 52.

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 "Director" revised, 1978, 514 § 29; definition of "District" added, 1967, 46 § 1; revised, 1969, 505 § 5; definition of "Equalized valuation" added, 1968, 23 § 1; revised, 1978, 514 § 30; definition of "Revenue" revised, 1946, 358 § 10; definitions of "Sewage" and "Sewage treatment and disposal facilities" added, 1969, 597 § 1. (See 1978, 514 § 287.)

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; revised, 1978, 537 § 1. 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 (3) revised, 1977, 232 § 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 (4B) amended, 1978, 119 § 2; clause (23) added, 1976, 11 § 1; clause (24) added, 1976, 189; revised, 1976, 404; amended, 1978, 119 § 3; clause (25) added, 1977, 121. (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; amended, 1978, 119 § 4; 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).

SECTS. 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. 44 amended, 1978, 514 § 31. (See 1978, 514 § 287.)

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); second sentence amended, 1978, 514

§ 32. (See 1978, 514 § 287.) [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; 1978, 367 § 70A; sentence revised, 1968, 598 § 2; amended, 1970, 525; revised, 1972, 88. (See 1972, 766 § 23; 1978, 367 § 72.)

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. 53D added, 1977, 665 (permitting cities and towns to establish recreation and park funds).

SECT. 54 amended, 1933, 200; 1946, 358 § 24; revised, 1948, 194 § 1; 1949, 243; amended, 1953, 83; 1954, 47; first sentence amended, 1971, 299; revised, 1977, 51; sentence inserted after first sentence, 1962, 257; revised, 1970, 53.

SECT. 55, sentence added, 1948, 143 § 1; 1951, 59; section revised, 1953, 103; amended, 1960, 592 § 4; first sentence revised, 1967, 46 § 9; sentence inserted after first sentence, 1975, 248; sentence added, 1960, 253; revised, 1967, 91; last two sentences revised, 1971, 545; third sentence amended, 1974, 548; fourth sentence revised, 1973, 224; 1974, 90; 1976, 128.

SECT. 55A revised, 1948, 143 § 2, 194 § 2; 1950, 224; amended, 1954, 48; revised, 1978, 83.

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; 1978, 341.

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. 24 amended, 1977, 211.

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; 1977, 161; third paragraph amended, 1971, 254; revised, 1977, 869 § 1; fourth paragraph amended, 1941, 51; revised, 1954, 627 § 23. (See 1954, 627 §§ 65, 67; 1968, 358 § 5; 1977, 869 § 5.)

SECT. 1A added, 1939, 61 § 1 (further regulating the making and recording of certificates of birth of certain abandoned children and foundlings); amended, 1978, 552 § 14.

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 are 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; second sentence revised, 1978, 552 § 15.

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; repealed, 1977, 598 § 1; (See 1976, 486 § 31; 1977, 598 § 6.)

SECT. 9B amended, 1977, 598 § 2. (See 1977, 598 § 6.)

SECT. 10 revised, 1954, 627 § 24; 1976, 54. (See 1954, 627 §§ 65, 67.)

SECT. 11, first sentence amended, 1960, 48 § 5; 1977, 598 § 3; second sentence stricken out, 1955, 95 § 2. (See 1960, 48 § 8; 1977, 598 § 6.)

SECT. 12 amended, 1937, 78 § 2; revised, 1945, 439; first sentence amended, 1972, 401; 1976, 486 § 9; second sentence amended, 1960, 48 § 6; revised, 1977, 598 § 4. (See 1960, 48 § 8; 1976, 486 § 31; 1977, 598 § 6.)

SECT. 13, paragraph in first to sixth lines amended, 1939, 61 § 3; revised, 1960, 342 § 1; amended, 1978, 552 § 16; 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; revised, 1978, 552 § 17; 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; 1977, 598 § 4A. (See 1960, 48 § 8; 1977, 598 § 6.)

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. — Infirmaries.

SECT. 2 amended, 1967, 658 § 6.

SECT. 11 amended, 1961, 396 § 2.

Chapter 48. — Fires, Fire Departments and Fire Districts.

SECT. 8 amended, 1941, 490 § 10; revised, 1954, 104; first sentence amended, 1975, 706 § 104. (See 1975, 706 § 312.)

SECT. 10 amended, 1973, 62.

SECT. 11 amended, 1973, 45.

SECT. 13 amended, 1938, 204; revised, 1941, 581; 1945, 269; amended, 1951, 274; revised, 1964, 303; amended, 1973, 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. 25 amended, 1977, 277.

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; 1977, 307.

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); revised, 1977, 36.

SECT. 57C added, 1962, 291 (permitting time off without loss of pay for delegates to certain conventions of fire fighters).

SECT. 57D added, 1962, 517 (providing that fire fighters and others in certain cities and towns be granted an additional day off duty or an additional day's pay when required to work on certain legal holidays); revised, 1967, 522; amended, 1970, 547 § 2. (See 1970, 547 § 6.)

SECT. 57F added, 1965, 141 (providing that certain fire chiefs who are on duty on certain holidays shall be granted an additional day's pay); revised, 1967, 799; amended, 1970, 547 § 3. (See 1970, 547 § 6.)

SECT. 57F added, 1965, 786 (providing that certain police chiefs who are on duty on certain holidays shall be granted an additional day's pay); repealed, 1969, 435 § 2.

SECT. 57G added, 1971, 1082 (increasing the annual rate of compensation of certain heads of fire and police departments); first paragraph amended, 1975, 333; paragraph added, 1974, 415 § 1; revised, 1974, 610 § 1. (See 1974, 415 § 1; 610 § 2.)

SECT. 58A added, 1941, 638 (further regulating the hours of duty of permanent members of fire departments in certain cities and towns); first sentence amended, 1964, 329 § 1.

SECT. 58B added, 1945, 413 § 1 (further regulating the hours of duty of permanent members of fire departments in certain cities and towns); second paragraph amended, 1955, 151; section revised, 1957, 713 § 1; first paragraph amended, 1964, 329 § 2; second paragraph revised, 1958, 279. (See 1945, 413 § 2; 1946, 114, 371, 436, 597; 1947, 64, 200; 1964, 329 § 3.)

SECT. 58C added, 1955, 195 (authorizing compensation for overtime service by fire fighters of cities and towns); revised, 1956, 206; 1968, 368; 1969, 62; amended, 1969, 544 § 2; revised, 1972, 234.

SECT. 58D added, 1965, 452 (providing for a forty-two hour work week for fire fighters); second paragraph stricken out and two paragraphs inserted, 1967, 177; third paragraph revised, 1968, 245.

SECT. 58E added, 1966, 272 (allowing certain municipal fire fighters to live outside the city or town in which they are employed); revised, 1972, 370.

SECT. 59, fifth paragraph revised, 1955, 150.

SECT. 59A amended, 1949, 77; first sentence revised, 1960, 14; second paragraph revised, 1975, 754.

SECT. 59E added, under caption, 1939, 419 § 1 (providing for the ultimate abolition of reserve fire forces in certain cities and towns).

SECT. 63 amended, 1978, 514 § 33. (See 1978, 514 § 287.)

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; first sentence amended, 1977, 829 § 5.

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; amended, 1977, 829 § 6; 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; section revised, 1977, 226; sentence inserted after fourth sentence, 1978, 135. (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; paragraph added, 1977, 267; section revised, 1977, 367 § 1; paragraph added, 1977, 829 § 24. (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; first sentence revised, 1978, 189; 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. Sect. 10A revised, 1955, 176; amended, 1971, 382 § 4; sentence added, 1972, 30; section revised, 1977, 263; first sentence revised, 1977, 676 § 1.

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; 1977, 367 § 2. (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; section revised, 1977, 299 § 1; 1978, 195.

SECT. 29A amended, 1943, 109 § 2; revised, 1947, 34 § 5; second sentence revised, 1977, 299 § 2.

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, 1946, 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; 1973, 1137 § 5; second paragraph revised, 1975, 367 § 2; paragraph added, 1974, 776. (See 1933, 254 § 66; 1973, 1137 § 11.)

SECT. 37 amended, 1933, 254 § 13; revised, 1938, 440 § 14; fourth sentence amended, 1939, 369 § 2; 1943, 320 § 2; last sentence stricken out, 1941, 328 § 2; section revised, 1943, 453 § 25; third sentence revised, 1969, 205 § 2; fifth sentence revised, 1973, 1137 § 6; sixth sentence stricken out and three sentences inserted, 1974, 632; sentence added, 1962, 437 § 15. (See 1933, 254 § 66; 1938, 440 § 23; 1973, 1137 § 11.)

SECT. 38 revised, 1943, 453 § 26; sentence inserted after first sentence, 1966, 308; third sentence revised, 1962, 437 § 16; 1975, 128; fourth sentence amended, 1975, 391 § 3.

SECT. 39 amended, 1938, 440 § 15; repealed, 1969, 205 § 3. (See 1938, 440 § 23.)

SECT. 40, sentence inserted after second sentence, 1962, 437 § 17; revised, 1973, 1137 § 7. (See 1973, 1137 § 11.)

SECT. 41 revised, 1943, 453 § 27; 1974, 133.

SECT. 41A added, 1941, 328 § 1 (ensuring that certain laws relative to registration of persons residing at inns and lodging houses are of general application); revised, 1943, 320 § 3.

SECT. 42 revised, 1945, 715 § 4; 1962, 437 § 18; paragraph added, 1965, 477; first sentence revised, 1971, 382 § 7; 1972, 28 § 2; section revised, 1973, 1137 § 8. (See 1973, 1137 § 11.)

SECT. 42A added, 1945, 715 § 5 (relative to registration as voters of persons who are physically unable to apply in person); revised, 1946, 196 § 2; first paragraph amended, 1961, 130; 1962, 265; section revised, 1973, 1137 § 8A. (See 1973, 1137 § 11.)

SECT. 42B added, 1959, 332 (providing for registration sessions in certain factories and mills); sentence added, 1962, 437 § 19; section revised, 1963, 308; 1972, 113; 1973, 655; amended, 1974, 172.

SECT. 42C added, 1973, 492 (authorizing voter registration sessions in high schools and vocational schools).

SECT. 43 amended, 1933, 254 § 14; revised, 1938, 440 § 16; repealed, 1969, 205 § 4. (See 1933, 254 § 66; 1938, 440 § 23.)

SECT. 42D added, 1977, 622 § 2 (authorizing voter registration sessions in regional high schools, colleges or universities).

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; sentence stricken out and two sentences inserted, 1977, 546 § 1; 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; first sentence stricken out and two sentences inserted, 1977, 546 § 2; paragraph added, 1974, 621.

SECT. 4 amended, 1955, 138 § 3; first sentence revised, 1975, 600 § 5; third sentence revised, 1977, 628.

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; revised, 1977, 546 § 3.

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; section revised, 1977, 927 § 2. (See 1933, 254 § 66; 1974, 200 § 2; 1977, 927 § 18.)

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; sentence inserted after first sentence, 1977,

329 § 1; 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; sentence added, 1978, 210 § 3.

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; 1977, 927 § 3; 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; 1977, 927 § 18.)

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; section revised, 1977, 927 § 4. (See 1977, 927 § 18.)

SECT. 12 revised, 1937, 212 § 2; first paragraph amended, 1943, 334 § 7; paragraph added, 1939, 166; section repealed, 1977, 927 § 5.

SECT. 12A added, 1933, 305 (to prevent certain fraudulent nominations); repealed, 1977, 927 § 5. (See 1977, 927 § 18.)

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; revised, 1977, 927 § 6. (See 1977, 927 § 18.)

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; revised, 1977, 927 § 7. (See 1977, 927 § 18.)

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; section repealed, 1977, 927 § 18.

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; fourth sentence stricken out and two sentences inserted, 1977, 927 § 9; fifth sentence revised, 1978, 393 § 27. (See 1937, 384, 435; 1977, 927 § 18; 1978, 393 § 45.)

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; 1977, 829 § 7; 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; second sentence revised, 1977, 879 § 3. (See 1971, 920 § 11; 1973, 1137 § 11; 1977, 879 § 7.)

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; 1977, 546 § 4; second paragraph revised, 1977, 546 § 5. (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); revised, 1977, 546 § 6; 879 § 4. (See 1977, 879 § 7.)

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; sentence inserted after first sentence, 1977, 329 § 2; first paragraph revised, 1977, 927 § 10; third sentence revised, 1978, 393 § 28; third paragraph revised, 1966, 176 § 2; 1972, 8; paragraph added, 1946, 537 § 2. (See 1937, 384, 435; 1946, 537 § 12; 1977, 927 § 18; 1978, 393 § 45.)

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; paragraph inserted after second paragraph, 1977, 329 § 3; section revised, 1977, 927 § 11. (See 1977, 927 § 18.)

SECT. 47 amended, 1932, 310 § 14; 1938, 473 § 14; sentence added, 1975, 352 § 3; last sentence revised, 1977, 927 § 12. (See 1937, 384, 435; 1977, 927 § 18.)

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; third paragraph revised, 1977, 927 § 12A; fourth and fifth paragraphs revised, 1977, 546 § 7; fourth paragraph, third and fourth sentences revised, 1977, 879 § 5; paragraph added, 1976, 234 § 2; revised, 1977, 546 § 8. (See 1937, 384, 435; 1971, 920 § 11; 1977, 879 § 7; 927 § 18.)

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; 1977, 927 § 13. (See 1937, 384, 435; 1977, 927 § 18.)

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; paragraph added, 1977, 329 § 4. (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; second paragraph amended, 1978, 393 § 29. (See 1948, 614 §§ 8, 9; 1956, 74 § 2; 1978, 393 § 45.)

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.

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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; first paragraph, sentence inserted, 1978, 150 § 1.

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; second paragraph, sentence inserted, 1978, 150 § 2.

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; 1977, 930 § 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; section revised, 1977, 930 § 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; first paragraph revised, 1977, 930 § 3.

SECT. 33F, second paragraph stricken out, 1969, 551 § 1; sentence inserted after first sentence, 1977, 668 § 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; amended, 1977, 930 § 4.

SECT. 35 revised, 1943, 310 § 5; amended, 1971, 65; 1973, 150; thirteenth sentence revised, 1977, 930 § 5.

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; revised, 1977, 930 § 6.

SECT. 37 revised, 1967, 564 § 7; 1977, 930 § 7.

SECT. 38 revised, 1936, 205 § 2; repealed, 1977, 930 § 8.

SECT. 40, sentence inserted after first sentence, 1967, 564 § 8; section revised, 1977, 756.

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; 1978, 136; 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; third paragraph revised, 1977, 709.

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. 52 revised, 1977, 667.

SECT. 53 amended, 1945, 64; first paragraph, first sentence revised, 1962, 437 § 40; second sentence revised, 1969, 575; 1976, 195; paragraph added, 1973, 1014; revised, 1977, 898.

SECT. 54 revised, 1977, 898.

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; paragraph inserted after second paragraph, 1977, 297. (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; first sentence revised, 1977, 426. (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 (b ½) 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); sixth paragraph amended, 1977, 668 § 2; fourth and fifth sentences stricken out and six sentences inserted, 1977, 668 § 3; paragraph inserted after sixth paragraph, 1977, 668 § 4.

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; first sentence revised, 1977, 879 § 6. (See 1977, 879 § 7.)

SECT. 109 amended, 1943, 411 § 23; 1962, 343.

SECT. 110A added, 1964, 719 § 2 (relative to central tabulation facilities for state elections and the returns transmitted thereto).

SECT. 112 amended, 1935, 257 § 6; 1939, 31 § 3; first sentence revised, 1946, 130 § 2. (See 1935, 237 § 12.)

SECT. 115, second sentence revised, 1952, 207.

SECT. 116, first sentence revised, 1946, 130 § 3.

SECT. 122 amended, 1935, 257 § 7. (See 1935, 257 § 12.)

SECTS. 124-128 repealed, 1946, 130 § 4.

SECT. 132 amended, 1932, 33; first sentence stricken out and three sentences inserted, 1963, 374 § 14; first sentence revised, 1966, 123 § 13; sentence added, 1962, 437 § 46.

SECT. 133 amended, 1937, 21 § 2.

SECT. 134 amended, 1943, 411 § 24.

SECT. 135, first paragraph amended, 1933, 254 § 17; section revised, 1933, 270; first paragraph revised, 1935, 59 § 1; 1938, 250 § 1; 1941, 236; third paragraph revised, 1937, 303; amended, 1941, 350; last paragraph revised, 1938, 250 § 2; paragraph inserted after first paragraph, 1938, 281 § 4; section revised, 1943, 417; paragraph inserted after first paragraph, 1945, 149; first paragraph stricken out and three paragraphs inserted,

1945, 315; first paragraph revised, 1961, 263; 1962, 264; first sentence revised, 1971, 178; sentence added, 1971, 208; second paragraph amended, 1957, 45; revised, 1963, 234; amended, 1966, 123 § 14; revised, 1967, 321; amended, 1973, 722; third paragraph amended, 1963, 627 § 1; third paragraph (as appearing in 1943, 417) revised, 1947, 353 § 1; amended, 1974, 62; fourth paragraph (as so appearing) amended, 1963, 627 § 2; fifth paragraph (as so appearing) amended, 1959, 155 § 2; revised, 1966, 123 § 15; seventh paragraph (as so appearing) revised, 1947, 353 § 2; section revised, 1977, 879 § 1. (See 1933, 254 § 66; 1977, 879 § 7.)

SECT. 135A added, 1938, 281 § 5 (relative to the recounting of votes where voting machines are used); amended, 1943, 411 § 25; first sentence revised, 1977, 879 § 2; sentence inserted after first sentence, 1945, 142; sentence inserted after first sentence, 1949, 188; third sentence revised, 1969, 79; sentence added, 1975, 600 § 21. (See 1977, 879 § 7.)

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, 1943, 49; 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, 1941, 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 § 1, 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. 3, fourth paragraph first sentence revised, 1977, 234 §§ 126A-126C; 872 §§ 121-123; fifth paragraph revised, 1978, 204. (See 1977, 234 § 198; 872 § 204.)

SECT. 6 revised, 1975, 774 § 2. (See 1975, 774 § 5.)

SECT. 9, first paragraph revised, 1975, 373.

SECT. 19, subsection (c), third sentence amended, 1977, 829 § 16; subsection (f), second paragraph revised, 1977, 829 § 17.

SECT. 20, second, third, fourth and fifth paragraphs stricken out and two paragraphs inserted, 1977, 294 § 1.

SECT. 22 revised, 1975, 491.

SECT. 22A added, 1978, 572 (requiring reporting by governmental agencies of certain expenditures).

SECT. 32, third clause stricken out, 1977, 294 § 2.

SECT. 33, subsection (c) amended, 1978, 478 § 34. (See 478 § 343.)

**Chapter 55A. — Limited Public Financing of Campaigns for
Statewide Elective Office.**

New chapter inserted, 1975, 774 § 3. (See 1975, 774 § 5.)

Chapter 55B. — The State Ballot Law Commission.

New Chapter inserted, 1977, 927 § 14. (See 1977, 927 § 18.)

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; section revised, 1977, 676 § 2.

SECT. 5 revised, 1974, 132 § 3.

SECT. 11A added, 1971, 301 (imposing a penalty for altering the district designation of a nomination paper); revised, 1977, 329 § 5.

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); amended, 1978, 393 § 30. (See 1978, 393 § 45.)

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; 1977, 180 § 1. (See 1948, 250 §§ 3, 4; 1960, 432 §§ 3, 4; 1973, 663 § 3; 1977, 180 § 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; 1977, 180 § 1. (See 1948, 250 §§ 3, 4; 1960, 432 §§ 3, 4; 1973, 663 § 3; 1977, 180 § 3.)

SECT. 4 revised, 1939, 467 § 1; 1947, 182 § 1; 1963, 666 § 1; 1967, 877 § 3; 1973, 326 § 1; 1977, 277 § 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; revised, 1978, 514 § 34; two sentences inserted after the second sentence, 1971, 895 § 1; fifth sentence amended, 1932, 180 § 9; revised, 1937, 108 § 2; section revised, 1978, 580 § 1. (See 1975, 684 § 97; 1978, 514 § 287, 580 § 1.)

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; second and third paragraphs revised, 1978, 514 § 35. (See 1933, 254 § 66; 1958, 490 § 3; 1965, 696 § 2; 1969, 537 § 2; 1975, 684 § 97; 1978, 514 § 287.)

SECT. 3 amended, 1933, 254 § 19; first paragraph amended, 1971, 926; first sentence revised, 1975, 684 § 32; first paragraph revised, 1977, 992 § 1; first two sentences revised, 1978, 580 § 2; paragraph added, 1963, 660 § 5; 1974, 740; third paragraph, first sentence revised, 1978, 580 § 3. (See 1933, 254 § 66; 1963, 660 § 9; 1975, 684 § 97; 1977, 992 § 5; 1978, 580 § 40.)

SECT. 4, first sentence revised, 1978, 580 § 4. (See 1978, 580 § 40.)

SECT. 6, first sentence revised, 1978, 580 § 5. (See 1978, 580 § 40.)

SECTS. 7A-7E added, under caption, 1955, 649 (relative to assessment systems in cities and towns).

SECT. 7A, first sentence revised, 1961, 165.

SECTS. 7A-7D revised, 1978, 514 § 36. (See 1978, 514 § 287.)

SECT. 7C, first sentence revised, 1978, 580 § 6. (See 1978, 580 § 40.)

SECT. 8 revised, 1935, 322 § 1; 1945, 351 § 2; amended, 1953, 654 § 6; 1978, 514 § 37. (See 1978, 514 § 287.)

SECT. 8A added, 1951, 500 (relative to reimbursement of municipalities for loss of taxes through abatements to paraplegic veterans); revised, 1957, 687; amended, 1977, 727; revised, 1977, 889 § 1; 1978, 514 § 38. (See 1978, 514 § 287.)

SECT. 8B added, 1974, 487 § 1 (imposing a time limitation for filing certain reimbursement claims by cities and towns); amended, 1978, 514 § 39. (See 1978, 514 § 287.)

SECT. 9 revised, 1939, 346; 1941, 112; amended, 1953, 654 § 7; amended, 1978, 514 § 40. (See 1978, 514 § 287.)

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; section revised, 1978, 514 § 41; first sentence revised, 1978, 580 § 7. (See 1968, 256 § 2; 1978, 514 § 287, 580 § 40.)

SECT. 10C, second sentence stricken out and two sentences inserted, 1974, 492 § 5. (See 1974, 592 § 24.)

SECTS. 10A-10C revised, 1978, 514 § 42. (See 1978, 514 § 287.)

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; 1978, 514 § 43; third paragraph, fourth sentence amended, 1975, 706 § 109; paragraph

amended, 1978, 514 § 44. (See 1933, 254 § 66; 1956, 701 § 2; 1960, 593 § 2; 1969, 838 § 74; 1974, 492 § 24; 1975, 706 § 312; 1978, 514 § 287.)

SECT. 14 amended, 1939, 451 § 15; 1953, 654 § 10; revised, 1974, 492 § 6; amended, 1978, 514 § 45. (See 1974, 492 § 24; 1978, 514 § 287.)

SECT. 15 amended, 1933, 254 § 21; revised, 1941, 490 § 14; amended, 1953, 654 § 11; 1975, 706 § 110; 1978, 514 § 46. (See 1933, 254 § 66; 1975, 706 § 312; 1978, 514 § 287.)

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; 1978, 514 § 47. (See 1978, 514 § 287.)

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; amended, 1978, 514 § 48; second sentence revised, 1978, 580 § 8. (See 1945, 592 § 2; 1959, 412 § 2; 1961, 468 § 2; 1978, 514 § 287, 580 § 40.)

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; 1977, 363A § 54; 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; section revised, 1978, 367 § 70B; subsection (a) amended, 1978, 514 § 49; subsection (b), paragraph (2) amended, 1978, 514 § 50; paragraph (3) amended, 1978, 514 § 51. (See 1968, 566 § 3; 1969, 546 §§ 16, 34; 1969, 849 § 79; 1970, 601 § 11; 1972, 766 § 23; 1974, 492 § 24; 1975, 684 § 97; 1977, 363A § 76; 1978, 367 § 72, 514 § 287.)

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; 1978, 514 § 52; second paragraph amended, 1978, 514 § 53. (See 1971, 497 § 15; 1974, 492 § 24; 1978, 514 § 287.)

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); first paragraph amended, 1978, 514 § 54; paragraph (a) revised, 1974, 492 § 10; second paragraph amended, 1978, 514 § 55. (See 1974, 492 § 24; 1978, 514 § 287.)

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; amended, 1978, 514 § 56. (See 1934, 323 § 11; 1941, 729 § 15; 1951, 641 §§ 18, 19; 1978, 514 § 287.)

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; amended, 1978, 514 § 57. (See 1934, 323 § 11; 1951, 641 §§ 18, 19; 1968, 566 § 3; 1969, 546 § 34; 849 § 79; 1978, 514 § 287.)

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; first sentence amended, 1978, 514 § 58; clause (c), first paragraph amended, 1978, 514 § 59; second paragraph amended, 1978, 514 § 60. (See 1978, 514 § 287.)

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. 28B amended, 1978, 514 § 61. (See 1978, 514 § 287.)

SECT. 28C added, 1964, 500 (providing that the reciprocal enforcement of tax liabilities between the commonwealth and other states); amended, 1978, 514 § 62; second paragraph amended, 1978, 514 § 63. (See 1978, 514 § 287.)

SECT. 29, first sentence revised, 1953, 654 § 20; introductory paragraph amended, 1978, 514 § 64; paragraph (1) amended, 1956, 129; 1978, 514 § 65; paragraph (4) stricken out, 1945, 161 § 1. (See 1978, 514 § 287.)

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; 1978, 514 § 66. (See 1975, 684 § 97; 1978, 514 § 287.)

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).

SECTS. 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; first sentence amended, 1978, 514 § 67; 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; 1977, 234 §§ 127-129; 872 §§ 124-126; second paragraph revised, 1977, 987; first sentence revised, 1978, 514 § 68; third sentence revised, 1978, 580 § 9. (See 1937, 400 §§ 1, 2, 4, 5, 7; 1955, 730 § 43; 1969, 766 § 48; 1971, 116 § 45; 1972, 300 § 44; 1973, 426 § 50; 1977, 234 § 198; 872 § 204; 1978, 514 § 287; 580 § 40.)

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; amended, 1978, 580 § 10; last two sentences stricken out and six sentences inserted, 1958, 523 § 1; last sentence stricken out and two sentences inserted, 1969, 556 § 2; fifth to ninth sentences revised, 1978, 514 § 69. (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; 1978, 514 § 287, 580 § 40.)

SECT. 7 revised, 1933, 321 § 2; amended, 1939, 451 § 18; 1945, 621 § 2; 1952, 502; 1953, 654 § 25; 1972, 684 § 2; 1978, 514 § 70; sixth to ninth sentences revised, 1978, 580 § 11. (See 1933, 321 § 9; 1972, 684 § 136; 1978, 514 § 287, 580 § 40.)

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; third to seventh sentence revised, 1978, 580 § 12. (See 1933, 321 §§ 8, 9; 1972, 684 § 136; 1978, 580 § 40.)

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; amended, 1978, 514 § 71. (See 1978, 514 § 287.)

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); first sentence revised, 1978, 580 § 13. (See 1978, 580 § 40.)

SECT. 12B added, 1950, 262 (relative to the admissibility of evidence of assessed valuations at hearings before the appellate tax board); first sentence revised, 1978, 580 § 14. (See 1978, 580 § 40.)

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; section revised, 1978, 514 § 72; first sentence revised, 1978, 580 § 15; 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; 1978, 514 § 287, 580 § 40.)

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. 3 repealed, 1978, 580 § 16. (See 1978, 580 § 40.)

SECT. 3A revised, 1951, 667 § 1; 1974, 383 § 1; amended, 1975, 513 § 2; last paragraph revised, 1977, 911 § 1; section repealed, 1978, 580 § 16. (See 1974, 383 § 3; 1975, 513 § 4; 1977, 911 § 2; 1978, 580 § 40.)

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. 4, clause First revised, 1978, 581 § 2. (See 1978, 581 § 8.)

SECT. 5, first sentence amended, 1963, 160 § 8; 1970, 270 § 1; revised, 1974, 831 § 1; amended, 1975, 734 § 1; 1978, 435 § 1; (See 1970, 270 § 3; 1974, 831 § 6; 1975, 734 § 3; 1978, 435 § 2); 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; 1977, 992 § 2 (see 1977, 992 § 5); subsection (d) amended, 1974, 811 § 1; subsection (e) added, 1974, 811 § 2 (see 1970, 219 § 2; 1974, 811 § 3); clause Fourth revised and clause Fourth A added, 1970, 600 § 1 (see 1970, 600 § 2); clause Fifth amended, 1974, 823; clause Eighth amended, 1947, 83 § 1; clause Eleventh revised, 1938, 317; amended, 1953, 231; 1954, 341; revised, 1962, 439; 1964, 69, 354 § 1 (see 1964, 354 § 2); 1965, 212 § 1 (see 1965, 212 § 2); 1966, 216 § 1 (see 1966, 216 § 2); 1967, 212 § 1 (see 1967, 212 § 2); amended, 1970, 234 § 1 (see 1970, 234 § 2); 1972, 186 § 1; revised, 1975, 283; 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; paragraph (5) amended, 1978, 514 § 73 (see 1978, 514 § 287); 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 revised, 1977, 889 § 2; first sentence amended, 1978, 580 § 17 (see 1978, 580 § 40); last sentence amended, 1978, 580 § 18 (see 1978, 580 § 40); 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); 1978, 581 § 3 (see 1978, 581 § 8); 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 revised, 1977, 889 § 3; first paragraph amended, 1978, 580 § 19 (see 1978, 580 § 40); paragraph (e) amended, 1978, 580 § 20 (see 1978, 580 § 40); 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*; amended, 1978, 580 § 21 (see 1978, 580 § 40); 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; amended, 1978, 580 § 22 (see 1978, 580 § 40); clause Twenty-second C amended, 1978, 580 § 23 (see 1978, 580 § 40); 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 revised, 1971, 1110 § 8; 1977, 889 § 4; amended, 1978, 580 § 24 (see 1978, 580 § 40); clause Twenty-second E added, 1974, 831 § 3 (see 1974, 831 § 6); amended, 1978, 580 § 25 (see 1978, 580 § 40); 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

*See 1971, 1110 § 11.

§ 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); amended, 1978, 580 § 26 (see 1978, 580 § 40); 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; revised, 1977, 967 § 1 (see 1971, 1069 § 2; 1974, 347 § 2; 1977, 967 § 3); amended, 1978, 514 § 74 (see 1978, 514 § 287); 580 § 27 (see 1978, 580 § 40); clause Forty-first A added, 1974, 287 § 1 (see 1974, 287 § 3); third paragraph, first sentence revised, 1978, 258; 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; 1977, 889 § 5 (see 1971, 1110 § 11); amended, 1978, 580 § 28 (see 1978, 580 § 40); clause Forty-third added, 1965, 267 § 2 (see 1965, 267 § 3; 1966, 385); revised, 1971, 1110 § 10; 1977, 889 § 5 (see 1971, 1110 § 11); amended, 1978, 580 § 29 (see 1978, 580 § 40); 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); amended, 1978, 388; clause Forty-sixth added, 1977, 964.

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. 5B added, 1977, 992 § 3 (providing for appeals from determination of boards of assessors). (See 1977, 992 § 5.)

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; revised, 1978, 457 § 1, 514 § 75; (see 1933, 254 § 66; 1936, 59 § 3; 1978, 457 § 3, 514 § 287.)

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; revised, 1978, 457 § 2; 514 § 76. (See 1978, 457 § 3, 514 § 287.)

SECTS. 6-7A repealed, 1978, 580 § 30. (See 1978, 580 § 40.)

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; second sentence amended, 1978,

514 § 77; second paragraph, sentence added, 1978, 359 § 1. (See 1964, 285 § 3; 1973, 925 § 84; 1978, 359 § 2, 514 § 287.)

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; first sentence amended, 1977, 422; 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; revised, 1978, 62. (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).

SECTS. 13-17A repealed, 1978, 580 § 30. (See 1978, 580 § 40.)

SECT. 18, opening paragraph and clauses First and Second amended, 1933, 254 § 30; clause First revised, 1978, 581 § 4; clause Second revised, 1936, 362 § 2; (See 1933, 254 § 66; 1936, 362 § 8; 1978, 581 § 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; first paragraph revised, 1977, 888. (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; revised, 1967, 315 § 1; first paragraph revised, 1973, 52 § 5; amended, 1974, 80; section revised, 1975, 43; first paragraph amended, 1978, 514 § 78; 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; 1978, 514 § 287.)

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; 1967, 315

§ 1; second paragraph amended, 1969, 546 § 9; second paragraph, certain definitions revised, 1977, 322. (See 1969, 546 § 34.)

SECT. 25, first sentence revised, 1950, 257; amended, 1953, 654 § 30; 1963, 160 § 16; 1971, 766 § 21; 1978, 514 § 79; sentence added, 1949, 105 § 2. (See 1978, 514 § 287.)

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; third sentence revised, 1977, 992 § 4. (See 1933, 254 § 66; 1963, 160 § 33; 1977, 992 § 5.)

SECT. 33 amended, 1933, 254 § 35; first sentence revised, 1954, 459 § 2. (See 1933, 254 § 66.)

SECT. 38 revised, 1975, 853; second paragraph amended, 1978, 514 § 80; paragraph added, 1978, 576 § 1. (See 1978, 514 § 287; 576 § 2.)

SECT. 38A added, 1952, 614, § 2 (relative to the valuation for taxation of natural gas or petroleum pipe lines); amended, 1953, 654 § 31; second paragraph, first and second sentences revised, 1977, 199; first and second paragraphs revised, 1978, 514 § 81; third paragraph, first sentence revised, 1978, 514 § 82. (See 1952, 614 § 3; 1978, 514 § 287.)

SECTS. 38B-38C added, 1970, 118 (authorizing assessors to require written returns and testimony under oath); repealed, 1978, 580 § 30. (See 1978, 580 § 40.)

SECT. 39 amended, 1933, 254 § 36; 1939, 451 § 22; revised, 1953, 468, 654 § 32; 1955, 344 § 1; amended, 1978, 514 § 83. (See 1933, 254 § 66; 1955, 344 § 3; 1978, 514 § 287.)

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.

SECTS. 40-42 stricken out and three sections inserted, 1978, 514 § 84. (See 1978, 514 § 287.)

SECT. 43, first sentence revised, 1948, 112 § 1.

SECT. 44 amended, 1963, 160 § 19; 1973, 671 § 1; revised, 1978, 580 § 31. (See 1973, 671 § 3; 1978, 580 § 40.)

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; 1978, 580 § 32. (See 1973, 671 § 3; 1978, 580 § 40.)

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; section revised, 1977, 200. (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; sentence revised, 1977, 349; 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; amended, 1978, 580 § 33; paragraph added, 1965, 615 § 2; revised, 1974, 831 § 4; paragraph inserted after first paragraph, 1977, 198. (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; 1978, 580 § 40.) 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; first sentence amended, 1978, 580 § 34; 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; 1978, 580 § 40.)

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; section revised, 1977, 585. (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; stricken out and two sentences inserted, 1977, 166 § 1.

SECT. 76 revised, 1978, 580 § 35. (See 1978, 580 § 40.)

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.)

SECTS. 79-80 repealed, 1978, 580 § 36. (See 1978, 580 § 40.)

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. 90 revised, 1978, 580 § 37. (See 1978, 580 § 40.)

SECT. 94 revised, 1969, 532 § 4. (See 1969, 532 § 5.)

Chapter 59A. — Classification of Real Property

New chapter inserted, 1978, 580 § 38. (See 1978, 580 § 40.)

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; second, third and fourth sentences revised, 1978, 580 § 39. (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; 1978, 580 § 40.)

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; amended, 1978, 514 § 85. (See 1978, 514 § 287.)

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; 1977, 669 § 1; 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; clause eighteen added, 1977, 525 § 1; (See 1958, 306 § 3; 1977, 525 § 2; 669 § 2.)

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; 1978, 534; sentence inserted after fourth sentence, 1976, 163; last sentence amended, 1960, 421 § 1. (See 1954, 487 § 3.)

SECT. 23A added, 1977, 956 § 1 (further regulating fees charged for furnishing certificates of lien.)

SECT. 25 revised, 1977, 175.

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. 37B added, 1977, 176 § 1 (relative to the collection of property taxes.) (See 1977, 176 § 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); first paragraph revised, 1977, 66.

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; sentence added, 1978, 345. (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; second and third sentences revised, 1978, 514 § 86. (See 1978, 514 § 287.)

SECT. 77A added, 1945, 78 (relative to recording of deeds of cities and towns conveying land acquired through foreclosure of tax titles).

SECT. 77B added, 1947, 224 § 1 (making permanent certain temporary provisions of law relative to certain land acquired by municipalities). (See 1947, 224 § 2.) (For prior temporary legislation, see 1938, 358; 1939, 123; 1941, 296.)

SECT. 78 amended, 1933, 325 § 13; repealed, 1936, 194. (See 1933, 325 § 20.)

SECT. 79, first paragraph amended, 1968, 157; first sentence revised, 1973, 1215 § 6; second paragraph amended, 1933, 325 § 14; 1935, 173 § 1; section revised, 1941, 594 § 1; third paragraph amended, 1963, 201; 1966, 114 § 1; sentence added, 1968, 353 § 1. (See 1966, 114 § 2; 1968, 353 § 2.)

SECT. 80 amended, 1933, 325 § 15; revised, 1935, 173 § 2; amended, 1941, 594 § 2. (See 1939, 123; 1941, 296.)

SECTS. 80A AND 80B added, 1941, 594 § 3 (relative to the validity of title acquired at sales of lands of low value held by cities and towns under tax titles).

SECT. 80B revised, 1946, 302; amended, 1973, 515 § 4.

SECT. 81A added, 1973, 1215 § 7 (relative to the inspection and certification of certain abandoned property).

SECT. 82 amended, 1945, 267 § 1.

SECT. 83 amended, 1945, 267 § 2.

SECT. 84 revised, 1935, 260.

SECT. 84A revised, 1933, 325 § 16; 1935, 181 § 1. (See 1935, 181 § 2.)

SECT. 92 revised, 1933, 82 § 1; amended, 1934, 259 § 1.

SECT. 93 revised, 1943, 199; last sentence revised, 1945, 397 § 2. (See 1945, 387 § 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; third paragraph revised, 1978, 514 § 87; fourth paragraph, first sentence revised, 1978, 467; 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; three paragraphs added, 1977, 293. (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; 1978, 514 § 287.)

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; eleventh sentence revised, 1978, 152. (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 § 2; 1977, 737 § 2; 1978, 514 § 88; second sentence revised, 1969, 183; third sentence revised, 1973, 139; amended, 1978, 183; two sentences inserted after third sentence, 1970, 250. (See 1953, 339 § 2; 1976, 398 § 2; 1977, 737 § 3; 1978, 514 § 287.)

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 60B. — Excise on Boats, Ships and Vessels in Lieu of Local Property Tax.

New chapter inserted, 1978, 581 § 5. (See 1978, 581 § 8.)

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; fifth paragraph, fourth sentence amended, 1978, 514 § 89. (See 1943, 461 §§ 4 and 5; 1969, 873 § 5; 1978, 514 § 287.)

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.)

SECT. 124A added, 1977, 614 (reviewing the World War II, Korean emergency and Vietnam conflict commission).

**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. 6 amended, 1978, 514 § 90. (See 1978, 514 § 287.)

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; paragraph inserted after second paragraph, 1978, 382 § 1.

SECT. 11 amended, 1976, 68; 1978, 514 § 91. (See 1978, 514 § 287.)

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. 18, second sentence stricken out and six sentences inserted, 1978, 382 § 2.

SECT. 19 revised, 1975, 794 § 11.

SECT. 19A added, 1975, 794 § 12 (relative to the issuance of certain certificates of certain taxes).

SECT. 20 amended, 1978, 514 § 92. (See 1978, 514 § 287.)

SECT. 22 revised, 1978, 514 § 93. (See 1978, 514 § 287.)

Chapter 62. — Taxation of Incomes.

For legislation establishing an additional tax upon personal incomes to provide funds for old age assistance, see 1941, 729 §§ 8, 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 revised, 1978, 514 § 94; subsection (b) revised, 1945, 735 § 1; amended, 1957, 445 § 1; revised, 1959, 556 § 1; stricken out, 1978, 514 § 94; subsection (c) amended, 1957, 445 § 2; revised, 1977, 599 § 1; 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; 1977, 599 § 11; 1978, 514 § 287.)

SECT. 2, subsection (a), paragraph (2), subparagraph (f) revised, 1977, 599 § 2; subsection (d), paragraph (3) revised, 1977, 599 § 3; subsection (d) paragraphs (9)-(11) added, 1977, 599 § 4. (See 1977, 599 § 11.)

SECT. 3 revised, 1943, 45 § 1; subsection B, paragraph (a) subparagraph (5) stricken out, 1977, 599 § 5; subparagraph (7) revised, 1977, 599 § 6; subparagraph (8), third sentence revised, 1977, 599 § 7; paragraph (b) subparagraph (5) revised, 1977, 599 § 8. (See 1977, 599 § 11.)

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 (b) revised, 1977, 599 § 9; 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 (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; 1977, 599 § 11.)

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; paragraph (b) amended, 1978, 514 § 95. (See 1957, 677 § 8; 1958, 491 § 3; 1978, 514 § 287.)

SECT. 5B added, 1966, 698 § 9. (relative to certain exemptions against business income in computing income tax); paragraph (1), clause (iii) stricken out, 1968, 278 § 3; clause (iv) amended, 1967, 796 § 13; paragraph (2), clause (iii) stricken out, 1968, 278 § 4; clause (iv) amended, 1967, 796 § 14; revised, 1968, 557 § 1; paragraph (3) amended, 1967, 796 § 15; paragraph (4) amended, 1967, 796 § 16; 1969, 557 § 1; paragraph (6) added, 1967, 699 § 1; paragraph (7) amended, 1971, 978 § 1A. (See 1967, 699 § 2; 1968, 278 § 5; 557 § 2; 1971, 978 § 2.)

SECT. 6, first paragraph revised, 1954, 611 § 1; amended, 1955, 780 § 2; first paragraph revised, 1957, 677 § 5; first sentence amended, 1960, 557; revised, 1966, 698 § 10; clause (a), sentence added, 1947, 485 § 1; clause (b) amended, 1956, 460 § 1; clause (c) revised, 1956, 517 § 1; 1957, 448 § 1; 1960, 556 § 1; amended, 1967, 796 § 17; provision (1) revised, 1968, 556 § 1; 1969, 546 § 1; clause (g) revised, 1935, 436 § 1; amended, 1956, 460 § 2; clause (h) revised, 1943, 511; 1951, 800 § 4; 1953, 514; 1954, 251 § 1; 657 § 1; 1958, 510 § 1; 1963, 750 § 1; stricken out, 1966, 698 § 11; clause (i) added, 1955, 717 § 1; stricken out, 1966, 698 § 12. (See 1935, 436 § 2; 1947, 485 § 3; 1951, 800 § 6; 1954, 251 § 2, 611 § 3, 657 § 2; 1955, 717 § 2, 780 § 10; 1956, 460 § 3, 157 § 2; 1957, 448 § 3; 1958, 510 § 2; 1963, 750 § 2; 1968, 556 § 2; 1969, 546 § 34.)

SECT. 6A added, 1955, 780 § 2A (providing for a credit for taxes paid to another state for income earned therein); revised, 1957, 448 § 2, 677 § 6; 1958, 489 § 1. (See 1955, 780 § 10; 1957, 448 § 3, 677 § 8; 1958, 489 § 2.)

SECT. 6B added, 1966, 14 § 7 (providing credit for taxes paid); third paragraph amended, 1966, 698 § 13; third paragraph revised, 1967, 755 § 1.

SECT. 7 amended, 1953, 654 § 41; first paragraph stricken out, 1955, 618 § 1; second and third paragraphs revised, 1954, 599 § 2; stricken out and three paragraphs inserted, 1955, 635 § 3; first paragraph amended, 1957, 446 § 1; third paragraph revised, 1957, 540 § 2; section revised, 1958, 152; first paragraph revised, 1958, 576 § 1; clause (j) revised, 1959, 556 § 3; first paragraph amended, 1962, 596 § 1; third paragraph amended, 1958, 576 § 2; subsection (c), paragraph (a) subparagraph (c) added, 1977, 599 § 10. (See 1958, 576 § 3; 1977, 599 §§ 8, 11.)

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.)

SECT. 1, subsection (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; subsection (c) added, 1978, 403 § 1. (See 1976, 415 § 116; 1978, 403 § 2.)

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, 664 § 2; first paragraph revised, 1976, 415, § 7; second paragraph amended 1966, 698 § 15. (See 1957, 664 § 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. 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 expansion 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; revised, 1978, 514 § 96. (See 1978, 514 § 287.)

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 § 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 1959, 315.

SECT. 58 revised, 1955, 661; 1973, 922 § 2; first sentence revised, 1975, 514 § 1.

SECT. 58A added, 1972, 453 (prohibiting disclosure of information by tax preparers).

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; paragraph (D), fifth sentence revised, 1978, 514 § 97. (See 1958, 308 § 2; 1971, 555 § 67; 1973, 723 § 19; 1978, 514 § 287.)

SECT. 64 added, 1968, 423 § 1 (providing income tax table for taxpayers' use); amended, 1978, 514 § 98. (See 1968, 423 § 2; 1978, 514 § 287.)

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 "Commission" stricken out and definition of "Commissioner" revised, 1978, 514 § 99; 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; 1978, 514 § 287.)

SECT. 2, first sentence amended, 1966, 698 § 33; revised, 1978, 514 § 100; fourth paragraph amended, 1978, 514 § 101; fifth paragraph amended, 1978, 514 § 102. (See 1978, 514 § 287.)

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; paragraph (d) amended, 1978, 514 § 103; paragraph (e) amended, 1978, 514 § 104. (See 1971, 555 § 67; 1978, 514 § 287.)

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; amended, 1978, 514 § 105. (See 1963, 714 § 10; 1969, 546 § 34; 1975, 684 § 97; 1976, 415 § 116; 1978, 514 § 287.)

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; clause (d) revised, 1978, 514 § 106; fourth paragraph amended, 1978, 514 § 107; fifth paragraph amended, 1978, 514 § 108; sixth paragraph amended, 1978, 514 § 109; paragraph added, 1963, 434 § 1. (See 1960, 159 § 2; 1963, 434 § 2; 1976, 415 § 116; 1978, 514 § 287.)

SECT. 14, second paragraph amended, 1978, 514 § 110. (See 1978, 514 § 287.)

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.)

SECT. 1, definition of "Commission" stricken out and definition of "Commissioner" revised, 1978, 514 § 111. (See 1978, 514 § 287.)

SECT. 2 revised, 1977, 219 § 2. (See 1977, 219 § 7.)

SECT. 3 amended, 1978, 514 § 112. (See 1978, 514 § 287.)

SECT. 4, first paragraph revised, 1978, 514 § 113; third paragraph revised, 1978, 514 § 114. (See 1978, 514 § 287.)

SECT. 5 amended, 1978, 514 § 115. (See 1978, 514 § 287.)

SECT. 10 amended, 1978, 514 § 116. (See 1978, 514 § 287.)

SECT. 12, paragraph (c) revised, 1977, 816 § 22; paragraph (e) revised, 1977, 816 § 23.

SECT. 16, paragraph (b) amended, 1978, 514 § 117; paragraph (h) amended, 1978, 514 § 118; paragraph (i) amended, 1978, 514 § 119. (See 1978, 514 § 287.)

SECT. 17, paragraph (a) amended, 1978, 514 § 120. (See 1978, 514 § 287.)

SECT. 18, subsection (a) second sentence revised, 1977, 219 § 3; section revised, 1977, 219 § 4. (See 1977, 219 § 7.)

SECT. 21, subsection (b), clause (1) revised, 1977, 459 § 1; clause (3) revised, 1977, 219 § 5, 459 § 2; 2 clauses added, 1978, 367 § 54; subsection amended, 1978, 543. (See 1977, 219 § 7; 1977, 459 § 7; 1978, 367 § 72.)

SECT. 23 amended, 1978, 514 § 121. (See 1978, 514 § 287.)

SECT. 30, second paragraph revised, 1978, 514 § 122; third paragraph amended, 1978, 514 § 123. (See 1978, 514 § 287.)

SECT. 33, third paragraph amended, 1978, 514 § 124. (See 1978, 514 § 287.)

SECT. 36, paragraph added, 1977, 827.

SECT. 37 amended, 1978, 514 § 125; second paragraph revised, 1978, 514 § 126; third paragraph amended, 1978, 514 § 127. (See 1978, 514 § 287.)

SECT. 38 amended, 1978, 514 § 128. (See 1978, 514 § 287.)

SECT. 39 amended, 1978, 514 § 129. (See 1978, 514 § 287.)

SECT. 42 amended, 1978, 514 § 130. (See 1978, 514 § 287.)

SECT. 43 amended, 1978, 514 § 131. (See 1978, 514 § 287.)

SECT. 45, revised, 1977, 583 § 1; 1978, 514 § 132. (See 1977, 583 § 2; 1978, 514 § 287.)

SECT. 50, subsection (d) amended, 1978, 514 § 133; subsection (f) amended, 1978, 514 § 134. (See 1978, 514 § 287.)

SECT. 51, fifth sentence revised, 1978, 514 § 135. (See 1978, 514 § 287.)

SECT. 52 amended, 1978, 514 § 136. (See 1978, 514 § 287.)

SECT. 56, subsection (e), paragraph (2) amended, 1978, 514 § 137. (See 1978, 514 § 287.)

SECT. 64, subsection (a) revised, 1978, 514 § 138. (See 1977, 514 § 287.)

SECT. 67, fifth paragraph revised, 1977, 459 § 3; section amended, 1978, 514 § 139. (See 1977, 459 § 7; 1978, 514 § 287.)

SECT. 69 amended, 1978, 514 § 140. (See 1978, 514 § 287.)

SECT. 70 amended, 1978, 514 § 141. (See 1978, 514 § 287.)

SECT. 71 amended, 1978, 514 § 142. (See 1978, 514 § 287.)

SECT. 73 amended, 1978, 514 § 143. (See 1978, 514 § 287.)

Chapter 62D.

New chapter inserted, 1978, 367 § 53. (See 1978, 367 § 72.)

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;

first paragraph revised, 1977, 816 § 24; second paragraph revised, 1977, 816 § 25. (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; second to eighth sentences stricken out, 1977, 816 § 26; 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. 21, subsection (b), clause (1) revised, 1977, 459 § 1; clause (3) revised, 1977, 219 § 5, 459 § 2. (See 1977, 219 § 7, 45 § 7.)

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; section revised, 1977, 816 § 27. (See 1945, 721 § 5; 1946, 387 § 7.)

SECT. 22A added, 1971, 555 § 27 (further regulating payment of excise tax by certain domestic insurance companies); revised, 1977, 816 § 27A. (See 1971, 555 § 67.)

SECT. 22B added, 1977, 816 § 28 (providing for payment of annual investment privilege excise).

SECT. 22C added, 1977, 816 § 28 (providing for credit against investment privilege excise).

SECT. 22D added, 1977, 816 § 28 (relative to determining gains, but not losses under the investment privilege excise).

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; sentence added, 1978, 69 § 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; 1978, 69 § 3.)

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; paragraph (g) added, 1977, 919 § 1. (See 1970, 634 § 7; 1973, 752 § 12; 1977, 919 § 3.)

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); subsection (c) amended, 1978, 514 § 144; subsection (d) amended, 1978, 514 § 145. (See 1978, 514 § 287.)

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; last paragraph revised, 1978, 530 § 1; 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; 1978, 530 § 2.)

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. 38E, subsection (*d*) amended, 1978, 514 § 146. (See 1978, 514 § 287.)

SECT. 38F revised, 1977, 939 § 4; 1978, 69 § 2. (See 1978, 69 § 3.)

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; eighth sentence amended, 1978, 514 § 147. (See 1976, 415 § 116; 1978, 514 § 287.)

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; revised, 1978, 514 § 148. (See 1947, 622 § 5; 1978, 514 § 287.)

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. 1, subsection (a) revised, subsection (b) stricken out, 1978, 514 § 149. (See 1978, 514 § 287.)

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; 1978, 514 § 150. (See 1976, 415 § 116; 1978, 514 § 287.)

SECT. 3, first paragraph revised, 1975, 427 § 1; second paragraph amended, 1978, 514 § 151. (See 1975, 427 § 3; 1978, 514 § 287.)

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. 7 amended, 1978, 514 § 152. (See 1978, 514 § 287.)

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 (a) revised, 1978, 514 § 153; 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; 1978, 514 § 287.)

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; second sentence amended, 1978, 514 § 154; third sentence amended, 1962, 715 § 3; revised, 1963, 503 § 1. (See 1956, 552 § 3; 1957, 383 § 4, 728 § 5; 1963, 503 § 2; 1978, 514 § 287.)

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; third and fourth sentences revised, 1978, 514 § 155. (See 1960, 410 § 2; 1968, 257 § 3; 1978, 514 § 287.)

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; amended, 1978, 514 § 156. (See 1957, 617 § 13; 1959, 540 § 2; 1976, 415 § 116; 1978, 514 § 287.)

SECT. 9 amended, 1953, 654 § 75; 1978, 514 § 157. (See 1978, 514 § 287.)

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; clause (d) stricken out and clause (d) and (e) inserted, 1977, 376 § 11. (See 1971, 497 § 15; 1977, 356 § 12.)

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 repealed, 1977, 363A § 43. (See 1977, 363A § 76.)

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. 26 amended, 1978, 514 § 158. (See 1978, 514 § 287.)

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. 29-39 added, 1966, 435 § 5 (providing that payment of the cigarette excise be evidenced by stamps affixed to the cigarette packages).

SECT. 29 amended, 1978, 514 § 159. (See 1978, 514 § 287.)

SECT. 30, third paragraph revised, 1969, 361 § 3; section revised, 1976, 415 § 59; amended, 1978, 514 § 160. (See 1969, 361 § 5; 1976, 415 § 116; 1978, 514 § 287.)

SECT. 31 amended, 1978, 514 § 161. (See 1978, 514 § 287.)

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; 1978, 514 § 162. (See 1976, 415 § 116; 1978, 514 § 287.)

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; 1978, 198. (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; fifth paragraph, second sentence revised, 1977, 584.

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; amended, 1978, 514 § 163. (See 1976, 415 § 116; 1978, 514 § 287.)

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. 1, paragraph (a) revised, paragraph (b) stricken out, 1978, 514 § 164. (See 1978, 514 § 287.)

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; amended, 1978, 514 § 165. (See 1957, 382 § 4; 728 § 5; 1978, 514 § 287.)

SECT. 7 revised, 1957, 382 § 3. (See 1957, 382 § 4.)

SECTS. 6-8 repealed, 1976, 415 § 109. (See 1976, 415 § 116.)

SECT. 10 amended, 1978, 514 § 166. (See 1978, 514 § 287.)

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. 1, paragraph (a) revised, paragraph (b) stricken out, 1978, 514 § 167. (See 1978, 514 § 287.)

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; 1977, 829 § 13. (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; 1977, 829 § 13. (See 1976, 415 § 116.)

SECT. 11 repealed, 1977, 363A § 62. (See 1977, 363A § 76.)

Chapter 64H. — Tax on Retail Sales of Certain Tangible Personal Property.

New chapter inserted, 1967, 757 § 1. (See 1967, 757 § 10.)

SECT. 1, paragraph (2) revised, paragraph (3) stricken out, 1978, 514 § 168; 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; 1978, 514 § 287.)

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; 1977, 363A § 44. (See 1975, 684 § 97; 1977, 363A § 76.)

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; 1977, 363A § 45; paragraph (h) last sentence revised, 1977, 363A § 46; paragraph (i) revised, 1971, 1088; paragraph (j) revised, 1977, 902; 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 (r) second sentence revised, 1977, 363A § 48; paragraph amended, 1977, 620 § 1; paragraph (s) amended, 1977, 620 § 2; paragraph (t) revised, 1978, 514 § 169;

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; amended, 1978, 367 § 49, 514 § 169A; paragraph (*cc*) added, 1977, 363A § 47; revised, 1978, 413, 514 § 169B; paragraph (*dd*) added, 1977, 989. (See 1968, 87 § 2; 1971, 555 § 67; 1975, 684 § 97; 1978, 367 § 72, 514 § 287.)

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.

SECTS. 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. 29 amended, 1978, 514 § 170. (See 1978, 514 § 287.)

SECT. 30 repealed, 1976, 415 § 112. (See 1976, 415 § 116.)

SECT. 30A added, 1973, 706 § 1 (filing of bond or deposit by nonresident 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; 1978, 514 § 171. (See 1976, 415 § 116; 1978, 514 § 287.)

SECT. 2 revised, 1975, 684 § 67; sentence added, 1976, 415 § 79. (See 1975, 684 § 97; 1976, 415 § 116.)

SECT. 3 amended, 1978, 514 § 172. (See 1978, 514 § 287.)

SECT. 4, second paragraph revised, 1967, 797 § 3; amended, 1978, 514 § 173; paragraph added, 1971, 555 § 47. (See 1971, 555 § 67; 1978, 514 § 287.)

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; second paragraph amended, 1978, 514 § 174. (See 1978, 514 § 287.)

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 nonresident 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; second sentence revised, 1978, 514 § 175. (See 1978, 514 § 287.)

SECT. 15 revised, 1958, 543 § 1. (See 1948, 543 § 2.)

SECT. 15A added, 1977, 179 (authorizing certain fiduciaries to settle and pay certain taxes on future interests).

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; sentence inserted after first sentence, 1978, 106. (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; 1978, 514 § 176. (See 1978, 514 § 287.)

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; third paragraph amended, 1978, 514 § 177; fourth paragraph amended, 1978, 514 § 177A; sixth paragraph amended, 1978, 514 § 177B. (See 1976, 415 § 116; 1978, 514 § 287.)

SECT. 27A revised, 1977, 514 § 178. (See 1978, 514 § 287.)

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, 555 § 61. (See 1969, 541 § 4; 1971, 555 § 67.)

Chapter 65A. — Taxation of Transfers of Certain Estates.

SECT. 1, paragraph added, 1932, 284; second paragraph revised, 1933, 316 § 1; section amended, 1937, 420 § 1. (See 1933, 316 § 2; 1937, 420 § 4.)

SECT. 2 revised, 1971, 555 § 62; 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; section amended, 1978, 514 § 179. (See 1937, 420 § 4; 1973, 708 § 10; 1978, 514 § 287.)

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. 1 amended, 1978, 514 § 180. (See 1978, 514 § 287.)

SECT. 3 amended, 1953, 654 § 92; 1978, 514 § 181. (See 1978, 514 § 287.)

SECT. 4, paragraph (a) amended, 1953, 654 § 93; 1978, 514 § 182. (See 1978, 514 § 287.)

Chapter 65C. — Massachusetts Estate Tax.

New chapter inserted, 1975, 684 § 74. (See 1975, 684 § 97.)

SECT. 1, paragraph (b) revised, paragraph (c) stricken out, 1978, 514 § 183. (See 1978, 514 § 287.)

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; amended, 1978, 514 § 184. (See 1976, 415 § 116; 1978, 514 § 287.)

SECT. 9 repealed, 1976, 415 § 115. (See 1976, 415 § 116.)

SECT. 10, subsection (b), first sentence revised 1976, 415 § 92; second sentence amended, 1978, 514 § 185. (See 1976, 415 § 116; 1978, 514 § 287.)

SECTS. 11-12 repealed, 1976, 415 § 115. (See 1976, 415 § 116.)

SECT. 13 revised, 1977, 459 § 4. (See 1977, 459 § 7.)

SECT. 14, paragraph (e) revised, 1977, 466 § 1.

SECTS. 19-20 repealed, 1976, 415 § 115. (See 1976, 415 § 116.)

SECTS. 22-23 repealed, 1976, 415 § 115. (See 1976, 415 § 116.)

SECT. 24 first sentence amended, 1977, 459 § 5. (See 1977, 459 § 7.)

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. 2 repealed, 1977, 80 § 1.

SECT. 3 revised, 1936, 305; 1941, 662 § 1; second sentence amended, 1975, 282.

SECT. 4 amended, 1950, 310; 1973, 1050 § 2; first sentence revised, 1977, 80 § 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 (a) revised, 1978, 294; paragraph (b) 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; amended, 1978, 367 § 54C. (See 1978, 367 § 72.)

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; section revised, 1977, 691 § 6.

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; first paragraph amended, 1977, 691 § 7; clause (c) revised, 1977, 691 § 8; clause (f) revised, 1977, 691 § 9; clause (i) revised, 1977, 691 § 10; clause (j) stricken out, 1967, 691 § 11; clause (k) stricken out and clauses (k) and (l) inserted, 1977, 691 § 12.

SECT. 3, two sentences added, 1977, 691 § 13.

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; amended, 1978, 393 § 31. (See 1978, 393 § 45.)

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; section revised, 1977, 771 § 1. (See 1954, 627 §§ 65, 67; 1977, 771 § 2.)

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. 7G added, 1977, 915 (providing that persons over sixty-five years of age shall not be charged tuition at state colleges, community colleges, or certain state universities).

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 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 audioequipment 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).

SECTS. 32 AND 33 added, under caption, 1951, 673 § 7 (relative to instruction of visually handicapped and blind children).

SECT. 33, sentence added, 1952, 397.

SECT. 34 added, 1968, 706 (relating to itinerant programs for visually handicapped children).

SECTS. 32-34 repealed, 1972, 766 § 8. (See 1972, 766 § 23.)

SECT. 35 added, under caption, 1971, 1005 § 4 (establishing a bureau of transitional bilingual education).

Chapter 70. — School Funds and State Aid for Public Schools
(former title, **School Funds and Other State Aid**
for Public Schools).

Chapter stricken out and new chapter 70 (with new title) inserted, 1948, 643 § 1. (See 1948, 643 § 3, 645.)

For prior changes see Table of Changes contained in Acts and Resolves of 1952.

The following references are to chapter 70, as so inserted:

SECT. 3, first sentence revised, 1956, 599 § 2. (See 1956, 599 § 4, 5.)

SECT. 3A added, 1950, 703 (providing state reimbursement for cities and towns for payment to certain teachers); repealed, 1955, 626 § 2A.

SECT. 3B added, 1950, 774 (providing state reimbursement for towns forming regional school districts); sentence added, 1953, 547 § 2.

SECT. 3C added, 1954, 514 § 4 (providing for reimbursement of cities and towns on account of special education for mentally retarded children); repealed, 1955, 626 § 2A.

SECT. 4, sentence added, 1953, 437 § 1.

SECT. 4A added, 1956, 453 (relative to state reimbursement to certain towns in regional school districts).

SECT. 6 revised, 1951, 592 § 1. (See 1951, 592 § 2.)

SECT. 9, second sentence revised, 1956, 599 § 3. (See 1956, 599 § 5.)

SECT. 10, sentence added, 1950, 620.

SECT. 11 amended, 1960, 403 § 4; revised, 1963, 642 § 4.

Chapter stricken out and new chapter 70 inserted, 1966, 14 § 40. (See 1966, 14 § 79.)

SECT. 2, paragraph (c) amended, 1967, 791 § 1; revised, 1970, 871 § 6; amended, 1971, 930 § 1; 1972, 766 § 9; paragraphs (e) and (f) revised, 1973, 925 § 8. (See 1971, 930 § 2; 1972, 766 § 23; 1973, 925 § 84.)

SECT. 4 amended, 1970, 455 § 1; 1973, 925 § 8A; 1974, 492 § 11. (See 1970, 455 § 2; 1973, 925 § 84; 1974, 492 § 24.)

SECT. 5 amended, 1973, 925 § 8B. (See 1973, 925 § 84.)

Chapter stricken out and new chapter 70 inserted, 1978, 367 § 70B. (See 1978, 367 § 72.)

SECT. 2, paragraph (a) amended, 1978, 514 § 186. (See 1978, 514 § 287.)

SECT. 5 amended, 1978, 514 § 187. (See 1978, 514 § 287.)

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; fifth sentence stricken out and two sentences inserted, 1977, 916; sixth sentence stricken out and two sentences inserted, 1977, 408.

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; second paragraph amended, 1978, 514 § 188. (See 1978, 514 § 287.)

SECT. 7C added, 1976, 518 § 1 (relative to financial assistance to certain bus transportation programs.)

SECTS. 8 AND 9 repealed, 1948, 643 § 2. (See 1948, 643 § 3.)

SECT. 12 repealed, 1969, 254 § 6.

SECT. 13 revised, 1972, 215 § 1; amended, 1973, 111; revised, 1975, 305.

SECT. 13A added, 1938, 241 (requiring the teaching of the Italian language in certain public high schools in certain cases).

SECT. 13B added, 1939, 311 (relative to the teaching of modern languages in certain public high schools).

SECT. 13C added, 1945, 402 (requiring the teaching of the Polish language in certain public high schools in certain cases).

SECTS. 13A-C repealed, 1972, 215 § 2.

SECT. 13D added, 1948, 205 (providing for motor vehicle driving education in high schools); paragraph added, 1954, 49; 1963, 349 § 1; section revised, 1967, 111; first paragraph, sentence added, 1978, 456 § 1.

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; 1978, 538 § 1; 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; stricken out, 1978, 512 § 11; clause (*p*) added, 1971, 919; clause (*q*) added, 1972, 49. (See 1969, 849 § 79; 1975, 141 § 3; 1978, 512 § 16, 538 § 2.)

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; sentence inserted after second sentence, 1977, 823. (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; second sentence revised, 1977, 137.

SECT. 21 amended, 1945, 133 § 1.

SECT. 24, first sentence revised, 1966, 14 § 50; stricken out, 1978, 367 § 70D; last sentence revised, 1966, 14 § 51; stricken out, 1978, 367 § 70D. (See 1978, 367 § 72.)

SECTS. 26A-26F added, 1946, 165 § 1 (providing for extended school services for certain children of certain employed mothers). (See 1946, 165 §§ 2, 3.)

SECT. 26B, first sentence revised, 1977, 480.

SECTS. 26E AND 26F stricken out and section 26E inserted, 1966, 14 § 52; repealed, 1978, 367 § 70E. (See 1978, 367 § 72.)

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; 1977, 224.

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; paragraph added, 1978, 100.

SECTS. 38A-38F added, 1941, 676 § 2 (relative to occupational guidance and placement). (See 1941, 646.)

SECT. 38B revised, 1966, 14 § 53; repealed, 1978, 367 § 70E. (See 1978, 367 § 72.)

SECT. 38E revised, 1966, 14 § 54; repealed, 1978, 367 § 70E. (See 1978, 367 § 72.)

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); repealed, 1978, 512 § 12. (See 1978, 512 § 16.)

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); two sentences added, 1978, 126.

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; second paragraph, first sentence revised, 1977, 671. (See 1972, 464 § 8; 1974, 105 § 2.)

SECT. 43B added, 1961, 240 (providing for the reimbursement of certain teachers and superintendents of schools for expenses incurred in defending themselves against removal proceedings); revised, 1942, 464 § 6. (See 1972, 464 § 8.)

SECT. 46 amended, 1941, 194 § 4; revised, 1954, 514 § 5; 1955, 626 § 3; 1956, 535 § 4; amended, 1965, 221; paragraph inserted after first paragraph, 1965, 701; paragraph added, 1957, 584; revised, 1966, 72; paragraph added, 1968, 297.

SECT. 46A amended, 1932, 159; revised, 1945, 534; 1946, 357; paragraph inserted after second paragraph, 1953, 352; stricken out, 1954, 296 § 2; last sentence stricken out and three sentences inserted, 1947, 384; section revised, 1955, 772 § 1; first paragraph amended, 1956, 570 § 3; second paragraph amended, 1968, 555.

SECT. 46B added, 1954, 296 § 1 (providing for reimbursement of cities and towns for transportation of certain handicapped children to special schools); revised, 1955, 772 § 2; 1960, 649; first sentence amended, 1964,

554; revised, 1967, 881; 1968, 352 § 3; second sentence amended, 1966, 14 § 55; revised, 1969, 546 § 12. (See 1969, 546 § 34.)

SECTS. 46-46B repealed, 1972, 766 § 10. (See 1972, 766 § 23.)

SECTS. 46C AND 46D added, 1954, 514 § 6 (relative to joinder of cities and town for the purpose of conducting special classes for mentally retarded children).

SECT. 46C revised, 1955, 626 § 4; amended, 1956, 535 § 5; revised, 1963, 574; repealed, 1968, 352 § 2.

SECT. 46D repealed, 1972, 766 § 10. (See 1972, 766 § 23.)

SECTS. 46E AND 46F added, 1955, 626 § 2 (providing for reimbursement by the commonwealth of certain costs of conducting special classes approved by the division of special education by certain school districts).

SECT. 46E amended, 1956, 535 § 2; paragraph added, 1962, 708; section amended, 1966, 14 § 56; first paragraph revised, 1969, 546 § 13. (See 1969, 546 § 34.)

SECT. 46F amended, 1956, 535 § 3, 570 § 4; revised, 1960, 628; amended, 1966, 14 § 57; revised, 1969, 546 § 14. (See 1969, 546 § 34.)

SECTS. 46E-46F repealed, 1972, 766 § 10. (See 1972, 766 § 23.)

SECT. 46G added, 1955, 696 (to strengthen the activities of cities and towns in the prevention of juvenile delinquency); second sentence amended, 1968, 66; last sentence revised, 1966, 14 § 58; section revised, 1970, 426.

SECTS. 46H AND 46I added, 1960, 750 § 1 (providing for the instruction and training of certain emotionally 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. 49A added, 1978, 124 (allowing school committees to make certain contracts for materials, supplies, services, and equipment which shall be paid in the ensuing fiscal year).

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; first paragraph revised, 1977, 67 § 1; fourth paragraph revised, 1977, 67 § 2.

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; repealed, 1978, 367 § 70E. (See 1978, 367 § 72.)

SECT. 66, paragraph added, 1937, 281; section repealed, 1958, 241.

SECT. 68 revised, 1934, 97 § 1; sentence added, 1977, 158. (See 1934, 97 § 2.)

SECT. 69 revised, 1935, 258; fourth sentence revised, 1977, 333; 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. 71D added, 1977, 348 § 2 (authorizing school committees to prepay certain tuitions).

SECT. 71E added, 1977, 639 (providing for the expenditure by school committees of receipts from certain 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; repealed, 1978, 367 § 70E. (See 1978, 367 § 72.)

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.

SECT. 4, third paragraph stricken out, 1978, 367 § 70F. (See 1978, 367 § 72.)

SECT. 8 revised, 1978, 367 § 70G. (See 1978, 367 § 72.)

Chapter 71B. — Children With Special Needs.

New chapter inserted, 1972, 766 § 11. (See 1972, 766 § 23.)

SECT. 1 amended, 1978, 552 § 18.

SECT. 2, first paragraph amended, 1978, 552 § 19.

SECT. 3 amended, 1978, 552 § 20.

SECT. 5, second paragraph revised, 1973, 318 § 1.

SECT. 8, second sentence revised, 1978, 367 § 70H. (See 1978, 367 § 72.)

SECT. 10 amended, 1978, 552 § 21.

SECT. 13, third paragraph revised, 1975, 375 § 1; stricken out and three paragraphs inserted, 1977, 383 § 1; first, third, fourth and fifth paragraphs stricken out, 1978, 367 § 70I. (See 1978, 367 § 72.)

SECT. 13A added, 1975, 375 § 2 (further regulating the application of the distribution of special education funds); revised, 1977, 383 § 2; repealed, 1978, 367 § 70J. (See 1978, 367 § 72.)

SEC. 14 revised, 1978, 367 § 70K. (See 1978, 367 § 72.)

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; section revised, 1977, 367 § 3. (See 1973, 925 § 84.)

SECT. 3, paragraph in lines 6-10 revised, 1939, 461 § 2; section revised, 1966, 14 § 64.

SECT. 6, revised, 1962, 410.

SECT. 8, first two sentences stricken out and one sentence inserted, 1957, 290; first paragraph amended, 1954, 231 § 1; fourth sentence revised, 1966, 14 § 65; 1973, 1073 § 1A; paragraph added, 1959, 321.

Chapter 73. — State Colleges and Community Colleges (former title, State Teachers Colleges and Community Colleges).

Title changed, 1932, 127 § 9; 1948, 620 § 1; 1960, 403 § 5.

SECT. 1 amended, 1932, 127 § 10; revised, 1948, 620 § 2; 1952, 585 § 9; amended, 1952, 618 § 1; revised, 1959, 246 § 2; paragraph added, 1960, 284; section revised, 1960, 403 § 6; five paragraphs added, 1962, 553; section revised, 1963, 642 § 5; first sentence revised, 1964, 561 § 7; first paragraph stricken out and two paragraphs inserted, 1965, 572 § 18; three paragraphs added, 1964, 561 § 8. (See 1948, 620 § 6; 1952, 618 §§ 4-12.)

SECT. 1A added, 1952, 499 § 1 (relative to the increase of fees and charges for services rendered by the department of education); amended, 1959, 246 § 3; revised, 1960, 403 § 7; amended, 1963, 642 § 6.

SECT. 1B added, 1961, 434 (authorizing the board of education to establish activity fees in state colleges); first sentence amended, 1963, 642 § 7; revised, 1964, 561 § 9.

SECTS. 1C AND 1D added, 1963, 642 § 8.

SECT. 1E added, 1973, 1089 § 2 (allowing the location of banks at state and community colleges).

SECT. 2 amended, 1932, 127 § 11; 1960, 403 § 8.

SECT. 2A added, 1938, 246 § 2 (making the constitutions of the United States and of this commonwealth required subjects of instruction in state teachers colleges); amended, 1960, 403 § 9.

SECT. 3 amended, 1932, 127 § 12; first sentence revised, 1952, 618 § 2; section revised, 1960, 403 § 10; amended, 1963, 642 § 9. (See 1952, 618 §§ 4-12.)

SECT. 4A amended, 1932, 127 § 13; 1960, 403 § 11.

SECT. 4A amended, 1932, 127 § 4; sentence added, 1952, 618 § 3; section revised, 1960, 403 § 12; amended, 1963, 642 § 10. (See 1952, 618 §§ 4-12.)

SECT. 4B added, 1954, 350 (regulating the dismissal of certain teachers in state teachers colleges); revised, 1956, 480; first sentence amended, 1960, 403 § 13; 1963, 642 § 11; revised, 1964, 561 § 10.

SECT. 5 amended, 1932, 127 § 15; 1960, 403 § 14; revised, 1963, 642 § 12. (Temporarily affected, 1933, 233; 1934, 130; 1935, 277.)

SECT. 5A added, 1963, 429 (establishing the State College Research Foundation); repealed, 1963, 642 § 12A.

SECT. 6 amended, 1932, 127 § 16; 1960, 403 § 15; revised, 1963, 642 § 12.

SECT. 7 amended, 1932, 127 § 17; revised, 1935, 21; 1948, 620 § 3; sentence added, 1950, 60; section revised, 1957, 309; 1958, 605 § 3; amended, 1959, 246 § 4, 592; revised, 1960, 403 § 16; amended, 1963, 86, 642 § 13; last sentence stricken out and two sentences inserted, 1964, 561 § 11; section repealed, 1965, 572 § 19. (See 1948, 620 § 6; 1959, 477.)

SECTS. 8 AND 9 added, 1948, 620 § 4 (relative to the establishment of community colleges by the department of education and providing courses therein). (See 1948, 620 § 6.)

SECT. 8 amended, 1959, 246 § 5; revised, 1960, 403 § 17; amended, 1963, 642 § 14.

SECT. 8A added, 1973, 1189 § 2 (authorizing Vietnam veterans to attend certain classes at community colleges without tuition charge.)

SECT. 9 repealed, 1958, 605 § 4.

SECTS. 10-18 added, 1963, 642 § 15 (relative to the administration of the state colleges). (See 1963, 642 §§ 16, 17.)

SECT. 10, first sentence revised, 1972, 425; second sentence revised, 1964, 561 § 12.

SECT. 16, second paragraph amended, 1964, 357 § 4; third paragraph amended, 1964, 357 § 5; second sentence revised, 1968, 739 § 1; amended, 1970, 148; last paragraph amended, 1967, 846; section amended, 1974, 835 § 142. (See 1964, 357 § 11; 1974, 835 § 185.)

SECT. 19 added, 1968, 334 (changing names of certain state colleges); amended, 1973, 1175 § 6.

SECT. 20 added, 1970, 834 (providing for admission of certain police to state colleges on a cooperative plan); revised, 1972, 550.

Chapter 74. — Vocational Education.

SECT. 1 revised, 1938, 446 § 1; amended, 1941, 617 § 1; "State board" defined, 1952, 630 § 2; definition revised, 1965, 572 § 20; section revised, 1978, 475 § 1. (See 1938, 446 § 14.)

SECT. 2 amended, 1938, 446 § 2; revised, 1952, 630 § 3; 1957, 599 § 1; 1978, 475 § 1. (See 1938, 446 § 14.)

SECT. 2A added, 1972, 263 (Providing guidelines for vocational school work activities); revised, 1978, 475 § 1.

SECT. 3 amended, 1938, 446 § 3; revised, 1957, 599 § 2; 1978, 475 § 1. (See 1938, 446 § 14.)

SECT. 4 amended, 1938, 446 § 4; revised, 1957, 599 § 3; 1978, 475 § 1. (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); revised, 1978, 475 § 2. (See 1952, 471 § 2.)

SECT. 6 amended, 1938, 446 § 5; 1952, 630 § 5; revised, 1957, 599 § 4; 1978, 475 § 3. (See 1938, 466 § 14.)

SECT. 7 amended, 1938, 446 § 6; 1952, 630 § 6; revised, 1957, 599 § 5; amended, 1978, 475 § 4, 552 § 22. (See 1938, 446 § 14.)

SECT. 7A amended, 1952, 630 § 7; 1973, 925 § 8E; revised, 1978, 552 § 23. (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; revised, 1978, 552 § 24. (See 1973, 925 § 84.)

SECT. 9 amended, 1938, 466 § 7; 1952, 471 § 4; revised, 1957, 496 § 1, 599 § 6; 1966, 14 § 67; 1967, 791 § 2; first paragraph revised, 1978, 475 § 5; paragraph added, 1974, 773. (See 1938, 446 § 14.)

SECT. 10 revised, 1966, 14 § 68; 1967, 791 § 3; amended, 1978, 552 § 25.

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.

SECTS. 9-12 repealed, 1978, 367 § 70L. (See 1978, 367 § 72.)

SECT. 13 amended, 1938, 446 § 8; revised, 1957, 599 § 7; amended, 1978, 475 § 6. (See 1938, 446 § 14.)

SECT. 14 revised, 1943, 540; paragraph added, 1952, 471 § 6; 1969, 364; section revised, 1978, 475 § 7.

SECT. 14A added, 1943, 540 (relative to federal funds for vocational education); amended, 1952, 630 § 9.

SECT. 14B added, 1978, 546 (creating a revolving fund for the culinary arts program in any vocational educational high school).

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; amended, 1978, 475 § 8. (See 1956, 602 §§ 17-20.)

SECT. 21 amended, 1938, 446 § 10; 1946, 552 § 2; revised, 1947, 652 § 10; amended, 1956, 602 § 8; revised, 1965, 572 § 22. (See 1938, 446 § 14; 1946, 552 §§ 4, 5; 1956, 602 §§ 17-20.)

SECT. 22 amended, 1938, 446 § 11; revised, 1947, 652 § 11; amended, 1956, 602 § 9; revised, 1965, 572 § 23. (See 1938, 466 § 14; 1956, 602 §§ 17-20.)

SECT. 22A amended, 1938, 446 § 12; revised, 1947, 652 § 12; two sentences added, 1955, 700 § 1; section repealed, 1956, 602 § 10. (See 1938, 446 § 14; 1956, 602 §§ 17-20.)

SECT. 22B, first paragraph amended, 1948, 360; section repealed, 1956, 602 § 10. (See 1956, 602 §§ 17-20.)

SECT. 22C added, 1945, 561 (authorizing the division of the blind to use federal funds available in a program of rehabilitation of the blind); repealed, 1966, 535 § 6.

SECT. 22D added, 1946, 552 § 3 (providing for co-operation by the commonwealth with the veterans' administration in the administration of federal laws and regulations relating to the rehabilitation of disabled veterans of World War II); amended, 1965, 572 § 24. (See 1946, 552 §§ 4, 5.)

SECT. 22E added, 1950, 206 (relative to tenure of teachers elected for vocational education); revised, 1969, 233.

SECT. 23 repealed, 1933, 102 § 3.

SECT. 24 revised, 1963, 24.

SECT. 24A added, 1947, 497 (relative to the appointment of veterans as teachers in state aided approved vocational schools); revised, 1958, 154; repealed, 1967, 50.

SECT. 25 revised, 1962, 419 § 2.

SECT. 26 revised, 1962, 419 § 3.

SECT. 28 revised, 1939, 501 § 6; amended, 1945, 158 § 6; first sentence revised, 1969, 849 § 73. (See 1969, 849 § 79.)

SECT. 30 amended, 1937, 41; revised, 1962, 419 § 4.

SECT. 31 revised, 1964, 498.

SECT. 31A added, 1934, 65 (authorizing the trustees of the Essex county agricultural school to pay transportation costs of certain pupils attending said school); amended, 1943, 42; revised, 1954, 63; 1962, 419 § 5.

SECT. 31B added, 1960, 481 (relative to athletic and other organizations of county agricultural school pupils); first sentence revised, 1962, 419 § 5A; third sentence revised, 1970, 69; fourth sentence amended, 1974, 31.

SECT. 31C added, 1963, 323 (authorizing the county commissioners of Essex county to appropriate money for insurance coverage for students at the Essex Agricultural and Technical Institute who are injured while participating in athletic activities); amended, 1964, 512.

SECT. 33 revised, 1962, 419 § 6; two sentences added, 1970, 548; sentence inserted after second sentence, 1977, 237.

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; repealed, 1977, 864 § 12. (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); repealed, 1977, 913 § 1.

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. 3 revised, 1977, 991.

SECT. 4 revised, 1977, 991.

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. 36A added, 1977, 171 § 1 (relative to cremation and disposal of dissected bodies).

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).

Chapter stricken out and new chapter 75A inserted, 1973, 1175 § 7. (See 1973, 1175 § 14.)

The following references are to Chapter 75A, as so inserted:

SECT. 1A added, 1975, 532 (authorizing the trustees to delegate their authority).

SECT. 11 amended, 1974, 835 § 145. (See 1974, 835 § 185.)

SECT. 16, third sentence revised, 1974, 520 § 3.

SECT. 17 revised, 1974, 520 § 4.

**Chapter 75B. — Southeastern Massachusetts University (former
title, South Eastern Massachusetts University) (former title,
Southeastern Massachusetts Technological Institute).**

New chapter inserted, 1960, 543 § 3. (See 1960, 543 §§ 4-10.)

Title revised, 1969, 396 § 9, 684 § 2.

SECTS. 1-20, inclusive, stricken out and sections 1-17, inclusive, inserted, 1964, 582 § 1. (See 1964, 582 §§ 2, 3, 4.)

SECT. 1 revised, 1965, 572 § 34; amended, 1969, 396 § 10, 684 § 2.

SECT. 1A added, 1973, 1089 § 5 (allowing the location of banks at Southeastern Massachusetts University.)

SECT. 2 repealed, 1965, 572 § 35.

SECTS. 3-4 revised, 1969, 396 § 11.

SECT. 6 amended, 1969, 396 § 12.

SECT. 7 amended, 1969, 396 § 13.

SECT. 8 amended, 1969, 396 § 14.

SECT. 9 amended, 1969, 396 § 15.

SECT. 10, second paragraph, third sentence revised, 1968, 739 § 5; amended, 1969, 396 § 16; paragraph amended, 1974, 835 § 146. (See 1974, 835 § 185.)

SECT. 11 revised, 1969, 396 § 17.

SECT. 12, two sentences added, 1963, 801 § 77; section revised, 1969, 396 § 17.

SECT. 13 amended, 1969, 396 § 18; paragraph added, 1976, 495.

SECT. 16 revised, 1969, 396 § 19.

SECT. 17 amended, 1969, 396 § 20.

SECT. 18 added, 1977, 913 § 2 (authorizing Southeastern Massachusetts University to grant certain scholarships).

Chapter 75C. — Private Correspondence Schools.

New chapter inserted, 1963, 652 § 1.

SECT. 1 amended, 1965, 34 § 1.

SECT. 1A added, 1977 826 § 2 (relative to the operation of correspondence schools).

SECT. 3, first paragraph revised, 1965, 34 § 2.

SECT. 4 revised, 1977, 826 § 3.

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; first sentence stricken out and two sentences inserted, 1977, 826 § 4.

SECT. 2, third to seventh sentences stricken out, 1977, 826 § 5.

SECT. 3, second paragraph amended, 1973, 737; revised, 1977, 826 § 6.

SECT. 7, fourth paragraph revised, 1977, 826 § 7.

SECT. 14 revised, 1977, 826 § 8.

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; 1978, 478 § 35; two sentences inserted after third sentence, 1969, 849 § 5; sentence inserted after fifth sentence, 1972, 731 § 5. (See 1947, 241 § 2; 1965, 659 § 7; 1978, 478 § 343.)

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; revised, 1977, 363A § 55; 1978, 367 § 67; first sentence revised, 1978, 552 § 26; third paragraph revised, 1978, 552 § 27. (See 1977, 363A § 76; 1978, 367 § 72.)

SECT. 8 repealed, 1977, 363A § 56. (See 1977, 363A § 76.)

SECT. 9 revised, 1977 363A § 57; 1978, 367 § 68. (See 1977, 363A § 76; 1978, 367 § 72.)

SECT. 11 revised, 1972, 766 § 13; 1978, 367 § 70M. (See 1972, 76 § 23; 1978, 367 § 72.)

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; revised, 1977, 545.

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; revised, 1977, 565 § 4.

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); second paragraph, clause (3) stricken out, 1977, 565 § 5.

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; repealed, 1977, 565 § 6.

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; 1977, 832 § 1; 1978, 411 § 1; sentence added, 1968, 759 § 5. (See 1953, 634 § 2; 1975, 522 § 3; 1977, 832 § 2; 1978, 411 § 2.)

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; 1978, 514 § 189. (See 1978, 514 § 287.)

SECT. 13 amended, 1933, 63 § 2, 254 § 63; revised, 1934, 315 § 1; first sentence amended, 1941, 595; revised, 1971, 270; 1972, 109 § 1; 1977, 216 § 1; 749 § 2; 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; 1977, 216 § 2; 749 § 2.)

SECT. 13A added, 1943, 252 § 2 (relative to the time within which certain betterment and other assessments on unimproved land shall be paid).

SECT. 13B added, 1977, 749 § 1 (relative to deferral and recovery agreements).

Chapter 80A. — Eminent Domain Takings and Betterment Assessments by Judicial Proceedings.

SECT. 9, third sentence revised, 1978, 478 § 36. (See 1978, 478 § 343.)

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); revised, 1977, 893.

SECT. 7J added, 1963, 594 § 1 (providing persons displaced 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; section amended, 1978, 514 § 190. (See 1974, 492 § 24; 1978, 514 § 287.)

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. 8 revised, 1963, 370 § 3.

SECT. 10 revised, 1964, 736 § 3.

SECT. 15 revised, 1978, 214.

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.

SECTS. 16A-16F added, 1977, 586 (providing for a tax lien on certain unpaid annual sewer charges).

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. 7A added, 1977, 231 (requiring notice to the Massachusetts Bay Transportation Authority relative to certain road and highway repairs).

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; seventh paragraph, fourth sentence revised, 1978, 478 § 37. (See 1974, 424 § 5; 1978, 478 § 343.)

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. 17A, sentence added, 1978, 21.

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); temporarily suspended, 1977, 427 § 1. (See 1975, 494 § 15; 1977, 427 § 2.)

SECT. 31 revised, 1938, 171 § 2.

SECT. 32 revised, 1975, 494 § 3; temporarily suspended, 1977, 427 § 1. (See 1975, 494 § 15; 1977, 427 § 2.)

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. 3, first sentence revised, 1978, 114.

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. 8 revised, 1977, 686; paragraph added, 1978, 350.

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; section revised, 1977, 838.

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 "Bus or motor bus" inserted, 1977, 35 § 1; 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; amended, 1977, 829 § 8; revised, 1978, 140 § 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; first paragraph revised, 1977, 737 § 1; 1978, 386 § 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; third sentence revised, 1977, 687; 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; 1977, 737 § 3; 687 § 2.)

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; second sentence stricken out and four sentences inserted, 1978, 140 § 2; third sentence revised, 1975, 259. (See 1947, 401 § 3; 1951, 736 § 5; 1967, 736 § 11.)

SECT. 5A added, 1943, 409 § 2 (relative to the use of a general distinguishing mark or number on all motor vehicles under the control of the military forces); revised, 1948, 304.

SECT. 5B added, 1961, 423 (relative to the registration of certain motor vehicles by residents of the commonwealth who are in the military service of the United States).

SECT. 6, first sentence revised, 1939, 436 § 2; 1965, 700 § 2; second sentence revised, 1968, 293; sentence added, 1971, 207.

SECT. 6A added, 1948, 432 § 3 (providing for special registration plates for antique motor cars).

SECT. 6B added, 1953, 2 § 2 (permitting the issuance of one number plate for each motor vehicle); first sentence revised, 1966, 537. (See 1953, 2 §§ 1, 3.)

SECT. 6C added, 1963, 472 (requiring the repossessor of a motor vehicle to return the number plates issued to the former owner).

SECT. 7 amended, 1932, 123 § 1; 1933, 51; second sentence amended, 1933, 109; stricken out and two sentences inserted, 1965, 627 § 1; two sentences inserted after second sentence, 1959, 618 § 1; third sentence, as so inserted, revised, 1964, 411; third sentence stricken out and two sentences inserted, 1967, 623 § 1; fourth sentence stricken out and two sentences inserted, 1966, 204; sentence added after fourth sentence, 1939, 153; revised, 1972, 112; sixth sentence (as appearing in 1933, 51) revised, 1960, 242; amended, 1966, 81; 1967, 168; revised, 1968, 309; seventh sentence (as so appearing) revised, 1962, 116, 395 § 1; stricken out and two sentences inserted, 1962, 709 § 1; said two sentences stricken out and one sentence inserted, 1963, 409 § 1; ninth sentence revised, 1949, 260; amended, 1951, 235; revised, 1966, 149 § 1; 1975, 621; sentence inserted, 1969, 260; sentence inserted after ninth sentence, 1951, 370; 1968, 109;

eleventh sentence revised, 1952, 253; 1971, 175; twelfth and thirteenth sentences stricken out and one sentence inserted, 1955, 124; twelfth sentence (as appearing in 1933, 51) revised, 1968, 110; sentence inserted after twelfth sentence, 1971, 206; stricken out, 1971, 934; first paragraph, sentence added, 1954, 570 § 1; 1963, 826 § 1; 1973, 1019; 1965, 69 § 1; 1967, 13; amended, 1968, 225; revised, 1969, 170; sentence added, 1972, 149; 1974, 445; 1975, 59; paragraph revised, 1978, 439 § 1; paragraph inserted after first paragraph, 1962, 132; paragraph added, 1941, 443; revised, 1964, 187; 1965, 392; 1973, 145; paragraph inserted, 1974, 25; revised, 1978, 439 § 2; 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. 7R added, 1977, 417 (requiring that certain motor vehicles display vehicle identification numbers).

SECT. 8 amended, 1934, 103; 1937, 284; next to last sentence revised, 1948, 399 § 1; sentence contained in lines 19-22 (as appearing in 1937, 284) stricken out, 1948, 619 § 1; first paragraph amended, 1955, 488 § 1; 1956, 388 § 1; 1957, 351; paragraph added, 1950, 655; section revised, 1958, 307; first sentence stricken out and four sentences (as appearing in 1962, 687) inserted, 1962, 687; first sentence revised, 1966, 144 § 2; second sentence amended, 1963, 745; stricken out and two sentences inserted, 1966, 358 § 1; fourth sentence amended, 1963, 278; fourth sentence (as appearing in 1958, 307) revised, 1960, 604; tenth sentence revised, 1967, 601 § 1; eleventh sentence revised, 1967, 295 § 1; (see 1967, 295 § 2); thirteenth, fourteenth and fifteenth sentences stricken out and one sentence inserted, 1967, 601 § 2; last paragraph stricken out, 1960, 582; sentence added, 1968, 551; section revised, 1973, 361 § 1. (See 1948, 399 § 3, 619 §§ 2, 3; 1955, 488 § 3; 1966, 358 § 3; 1967, 295 § 2.)

SECT. 8A added, 1962, 515 § 2 (regulating the licensing of operators of school buses); first paragraph revised, 1966, 144 § 3; amended, 1970, 100; revised, 1973, 925 § 13; amended, 1978, 535 § 1; paragraph inserted after first paragraph, 1975, 878 § 4; two sentences added, 1978, 535 § 2; two paragraphs inserted after second paragraph, 1976, 552 § 5; third paragraph, sentence added, 1977, 368; fifth paragraph revised, 1978, 535 § 3;

sixth paragraph revised, 1978, 535 § 4; seventh paragraph revised, 1978, 535 § 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.)

SECTS. 8E-8K added, 1977, 666 § 1 (relative to identification cards for persons who do not possess licenses to operate motor vehicles). (See 1977, 666 § 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; stricken out and six sentences inserted, 1977, 705; third sentence revised, 1959, 259; last sentence revised, 1961, 73 § 2; stricken out and six sentences inserted, 1977, 705. (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, first sentence revised, 1977, 469; second sentence revised, 1973, 476; 1978, 264; two sentences inserted after second sentence, 1950, 763; sentence added, 1949, 707; revised, 1950, 305; sentence added, 1967, 93, 192; revised, 1978, 94; sentence added, 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; amended, 1977, 127; last sentence stricken out and two sentences inserted, 1957, 166; sentence inserted after eighth sentence, 1974, 335; two paragraphs added, 1974, 665. (See 1961, 518 § 5; 1975, 878 § 6.)

SECT. 14A added, 1949, 279 (providing for the protection of blind persons while crossing ways); last sentence revised, 1961, 60.

SECT. 14B added, 1951, 649 (providing that motor vehicle operators give uniform signals on all ways); first paragraph, clauses 1, 2 and 3 revised, 1965, 149; paragraph added, 1952, 321.

SECT. 15 amended, 1932, 271 § 5; 1933, 26 § 1; revised, 1951, 557; second sentence revised, 1961, 248; sentence inserted after second sentence, 1971, 132. (See 1932, 271 § 7.)

SECT. 16, sentence inserted after second sentence, 1961, 66; section revised, 1965, 239; fifth sentence revised, 1968, 11; 1971, 1032 § 2; paragraph added, 1971, 412; revised, 1973, 46; 1974, 233.

SECT. 16A added, 1972, 598 (requiring operators of certain motor vehicles to turn off motors after a certain time period).

SECT. 17, sentence added, 1932, 271 § 4; section amended, 1947, 406; revised, 1948, 564 § 1; second sentence revised, 1963, 716; amended, 1964, 185; revised, 1965, 474; last sentence revised, 1964, 176; sentence added, 1972, 463; stricken out, 1974, 49; sentence added, 1974, 851 § 7; section revised, 1975, 173 § 1; first sentence revised, 1975, 329 § 1; fifth sentence stricken out, 1975, 494 § 7; last sentence revised, 1978, 171. (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 noncriminal disposition of violations thereof); first two sentences revised, 1963, 298; second paragraph amended, 1964, 128; fifth sentence revised, 1978, 478 § 38. (See 1962, 409 § 2; 1978, 478 § 343.)

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; revised, 1977, 35 § 2; 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; section revised, 1977, 781 § 1. (See 1933, 332 § 5; 1935, 223 § 2; 1936, 388 § 2; 1977, 781 § 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; section temporarily suspended, 1977, 427 § 1. (See 1975, 494 § 15; 1977, 427 § 2.)

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; temporarily suspended, 1977, 437 § 1. (See 1975, 494 § 15; 1977, 427 § 2.)

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; temporarily suspended, 1977, 427 § 1. (See 1975, 494 § 15; 1977, 427 § 2.)

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; 1978, 478 § 39; 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; 1978, 478 § 343.)

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 noncriminal disposition of parking violations). (See 1962, 786 § 8.)

SECT. 20C, fifth paragraph amended, 1966, 119; first sentence amended, 1977, 612; sixth paragraph amended, 1963, 451 § 1; fourth sentence revised, 1978, 478 § 40; eighth paragraph amended, 1963, 451 § 2. (See 1978, 478 § 343.)

SECT. 20E added, 1973, 1108 (further regulating the responsibilities of certain motor vehicle lessors for certain parking regulations); revised, 1978, 571.

SECT. 20F added, 1978, 478 § 41 (providing for non-criminal disposition of certain motor vehicle offenses). (See 1978, 478 § 343.)

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; section revised, 1977, 899. (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; second paragraph, first sentence revised, 1977, 560. (See 1971, 1033 § 4.)

SECT. 22G added, 1978, 362 (authorizing and directing the registrar of motor vehicles to suspend licenses for littering).

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; (b) amended, 1964, 200 § 4; (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; amended, 1977, 666 § 2; paragraph inserted after first paragraph, 1974, 206 § 1; revised, 1975, 156 § 2; paragraph added, 1967, 151; amended, 1973, 212. (See 1977, 666 § 3.)

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); stricken out, 1977, 829 § 9. (See 1976, 266 § 23.)

SECT. 24H added, 1977, 829 § 9 (relative to the removal of abandoned or stolen motor vehicles).

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.

SECTS. 5 AND 6 repealed, 1960, 390.

SECT. 7, first sentence amended, 1956, 646; section repealed, 1960, 390.

SECT. 7A added, 1955, 417 (relative to the assessment of points under highway safety act and merit rating system); repealed, 1960, 390.

SECT. 8 repealed, 1960, 390.

SECT. 8A added, 1956, 178 (providing that no points shall be charged against an owner or licensed operator before final disposition of an appeal in court); repealed, 1960, 390.

SECTS. 9 AND 10 repealed, 1960, 390.

SECT. 11 repealed, 1956, 201 § 1. (See 1956, 201 § 2.)

SECTS. 12-15, 17 repealed, 1956, 51 § 1.

SECT. 16 amended, 1956, 51 § 2; repealed, 1960, 390.

Chapter 90B. — Motorboats and Other Vessels.

New chapter inserted, 1960, 275 § 2.

SECT. 1, definitions of "Director" and "Division" revised, 1971, 103 § 3; definition of "motorboat" revised, 1961, 140 § 1; definition of "Personal flotation devices" inserted, 1975, 179 § 1.

SECT. 2 revised, 1961, 140 § 2; amended, 1972, 528.

SECT. 3, paragraph (a) amended, 1961, 505; second sentence revised, 1971, 769; 1973, 142 § 1; sentence inserted after sixth sentence, 1969, 304; paragraph (j) revised, 1973, 142 § 2.

SECT. 4A added, 1966, 233 (relative to altering, forging or counterfeiting a certificate of number of a motorboat).

SECT. 4B added, 1971, 137 (providing penalties for removing, defacing or altering certain motorboat identification numbers).

SECT. 5, subsection (g) revised, 1975, 179 § 2.

SECT. 5A added, 1967, 22 (requiring all vessels to carry a life saving device for each person aboard); second sentence revised, 1969, 271.

SECT. 8, subsection (b) revised, 1967, 27 § 1; subsection (c) revised, 1976, 100; subsection (d) revised, 1967, 27 § 2.

SECT. 11, first paragraph amended, 1973, 804; second, third, fourth and fifth sentences revised, 1978, 581 § 6; second paragraph, clauses (d) and (e) revised, 1961, 320. (See 1978, 581 § 8.)

SECT. 12, first sentence revised, 1964, 547; amended, 1975, 706 § 120. (See 1975, 706 § 312.)

SECT. 13, sentence added, 1962, 250.

SECT. 13A added, 1974, 714 § 1 (requiring scuba divers to display divers' flags so called, while swimming or diving); first sentence revised, 1975, 42; last sentence revised, 1975, 174.

SECT. 14, subsection (a), sentence inserted after second sentence, 1977, 576; subsection (b) revised, 1971, 110; 1974, 46, 714 § 2; subsection (c) revised, 1967, 27 § 3.

SECT. 16 revised, 1970, 589 § 1; repealed, 1977, 363A § 63. (See 1970, 589 § 4; 1977, 363A § 76.)

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 § 2. (See 1965, 692 § 7.)

SECT. 2 revised, 1963, 637 § 2; first two paragraphs revised, 1963, 818; third paragraph amended, 1965, 501; section revised, 1965, 692 § 3; second paragraph, first sentence revised, 1968, 725 § 1; third paragraph, first sentence revised, 1968, 725 § 2; fourth paragraph, second sentence revised, 1968, 725 § 3; fourth sentence revised, 1966, 64. (See 1965, 692 § 7.)

SECT. 4, first sentence revised, 1964, 540; section revised, 1965, 692 § 4. (See 1965, 692 § 7.)

SECT. 4A added, 1964, 626 § 1 (authorizing clerks of district courts to accept pleas of guilty and payment of fines by mail in certain cases of violation of the motor vehicle laws); revised, 1973, 331; first paragraph amended, 1974, 424 § 3; first two paragraphs revised, 1975, 221; first paragraph, third sentence revised, 1978, 478 § 42; second paragraph, first sentence revised, 1978, 478 § 43; fourth paragraph amended, 1974, 424 § 4; revised, 1978, 478 § 44. (See 1964, 626 § 2; 1974, 424 § 5; 1978, 478 § 343.)

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; 1977, 228 § 1.

SECT. 6 revised, 1973, 81 § 2; first sentence revised, 1978, 176 § 1.

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; clause (d) revised, 1978, 176 § 2; clause (e) revised, 1977, 228 § 2.

SECT. 36 amended, 1975, 392 § 16.

SECT. 37 revised, 1973, 81 § 8.

Chapter 90E. — Bikeways.

New chapter inserted, 1977, 356 § 13.

SECT. 3, first paragraph revised, 1977, 920 § 17; second paragraph, clause (c) added, 1977, 920 § 17.

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; section repealed, 1977, 363A § 64. (See 1975, 706 § 312; 1977, 363A § 76.)

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; 1978, 119 § 5. (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; 1977, 363A § 69. (See 1975, 706 § 312; 1977, 363A § 76.)

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; 1977, 363A § 70; paragraph added, 1968, 626. (See 1975, 706 § 312; 1977, 363A § 76.)

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; second paragraph amended, 1978, 514 § 191; 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; 1978, 514 § 287.)

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; section revised, 1978, 421.

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. 1-14 revised, 1978, 459 § 1.

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); repealed, 1977, 74 § 1.

SECT. 14A amended, 1939, 231; repealed, 1977, 74 § 1.

SECT. 14A added, 1978, 459 § 1 (providing the Massachusetts Antitrust Act shall have no effect on the provisions of chapter 93A).

SECT. 14B amended, 1939, 313; repealed, 1977, 74 § 1.

SECT. 14C revised, 1943, 40; amended, 1975, 537; repealed, 1977, 74 § 1.

SECT. 14D repealed, 1977, 74 § 1.

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).

SECT. 20A added, 1977, 826 § 9 (relative to licensing of private trade schools).

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; first paragraph amended, 1977, 826 § 10; paragraph added, 1956, 437.

SECT. 21B revised, 1952, 499 § 3; amended, 1954, 257 § 3; revised, 1955, 371 § 3; fourth sentence stricken out, 1977, 826 § 11.

SECT. 21C amended and sentence added, 1954, 681 § 6. (See 1954, 681 §§ 20, 22.)

SECT. 21D amended, 1954, 257 § 4; revised, 1955, 371 § 4; repealed, 1977, 826 § 12.

SECTS. 21E-21G added, 1977, 826 § 13 (further regulating private trade schools).

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; 1978, 346 § 1; section revised, 1973, 1149 § 1. (See 1973, 1149 § 33.)

SECT. 24D added, 1975, 170 § 1 (imposing penalties for failure to file certain reports with the commissioner of banks).

SECT. 25 amended, 1962, 670 § 4; second sentence revised, 1971, 652.

SECT. 28 revised, 1970, 883 § 2.

SECTS. 28A-28D added, under heading "REGULATING CLOSING OUT SALES, SO CALLED, AND SIMILAR TYPES OF SALES", 1938, 165.

SECT. 28A revised, 1939, 207; 1948, 550 § 8; 1950, 473; 1953, 164 § 1; amended, 1955, 217; revised, 1961, 324.

SECT. 28B stricken out, 1953, 164 § 2.

SECT. 28D amended, 1958, 178 § 1.

SECT. 28E added, 1950, 511 (granting to the superior court jurisdiction in equity to restrain certain violations of the law regulating closing out sales); amended, 1958, 178 § 2.

SECT. 28F added, 1958, 178 § 3 (regulating fire sales, so called, and similar types of sales); revised, 1968, 78.

SECT. 29, heading and section amended, 1946, 612 § 3; section revised, 1955, 584 § 4; fourth sentence amended, 1958, 143. (See 1946, 612 §§ 5, 6; 1955, 584 §§ 9, 10.)

SECT. 29A added, 1955, 584 § 5 (relative to notice and hearings on objections to applications for certain permits, and on appeals from decisions of the director of the board of outdoor advertising). (See 1955, 584 §§ 8-10.)

SECT. 30 revised, 1945, 233.

SECT. 30A revised, 1946, 612 § 4; 1955, 584 § 6. (See 1955, 584 §§ 8-10.)

SECT. 31 revised, 1955, 584 § 7. (See 1955, 584 §§ 9, 10.)

SECT. 32 revised, 1964, 466.

SECT. 34, sentence added, 1959, 202 § 2; paragraph added, 1974, 10. For temporary act to enable savings banks and certain other banking institutions to co-operate in the distribution of United States defense savings bonds and defense postal savings stamps, see 1941, 221, 575.

SECT. 42 added, 1967, 817 § 3 (providing that unlawful taking of trade secrets shall constitute larceny).

SECT. 42A added, 1969, 457 (providing injunctive relief for the misappropriation of trade secrets).

SECT. 43 added, 1969, 275 (clarifying the responsibility of the receiver to the sender of unsolicited goods by mail).

SECTS. 44-47 added, under caption, 1969, 442 (regulating the trade practices of credit bureaus and their subscribers); repealed, 1971, 805 § 2.

SECT. 46A added, 1970, 794 (making credit bureaus liable for gross negligence in furnishing certain information to certain persons); repealed, 1971, 805 § 2.

SECT. 48 added, 1970, 272 (providing a right of cancellation of certain contracts); subsection B, second paragraph revised, 1970, 660; subsection revised, 1975, 90 § 1; subsection D revised, 1975, 90 § 2; subsections 6, H and I added, 1975, 90 § 3.

SECT. 49 added, 1970, 883 § 1 (prohibiting certain collection practices); first paragraph revised, 1975, 155.

SECTS. 50-68 added, 1971, 805 § 1 (regulating the consumer credit reporting law).

SECT. 69 added, 1971, 1025 (regulating multi-level distribution companies); clause (g) revised, 1973, 385.

SECT. 70 added, 1972, 547 § 1 (further regulating the payment by mortgagor of legal fees of attorneys for mortgagee).

SECTS. 71-75 added, 1977, 978 § 1, under the caption REGULATION OF THE SALE OF HEARING AIDS.

SECT. 71, definition of "hearing test evaluation" revised, 1978, 353 § 1.

SECT. 72, first paragraph, first sentence revised, 1978, 353 § 2.

SECT. 73, first paragraph revised, 1978, 353 § 3.

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. 2, paragraph (b) amended, 1978, 459 § 2.

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; 1978, 478 § 45; paragraph 3a inserted, 1978, 478 § 46; paragraph (5) added, 1970, 736 § 2; paragraphs (6)-(8) added, 1973, 939. (See 1978, 478 § 343.)

SECT. 10 amended, 1972, 614 § 1.

SECT. 11 added, 1972, 614 § 2 (further regulating unfair trade practices); first paragraph amended, 1978, 478 § 47; paragraph inserted after third paragraph, 1978, 478 § 48; sixth paragraph revised, 1978, 459 § 3. (See 1978, 478 § 343.)

Chapter 93B. — Regulation of Business Practices Between Motor Vehicle Manufacturers, Distributors and Dealers.

New chapter inserted, 1970, 814 § 1.

SECT. 1, paragraph (h) revised, 1977, 717 § 1.

SECT. 4, subsection (2), paragraph (a) revised, 1977, 717 § 2; subsection (3) amended, 1972, 193; paragraph (a) - (m) stricken out and paragraph (a) - (n) inserted, 1977, 717 § 3.

SECT. 5A added, 1974, 619 (requiring motor vehicle dealers to include certain charges in prices advertised for vehicles); revised, 1977, 160.

SECT. 5B added, 1977, 717 § 4 (relative to the indemnification of franchisees).

SECT. 5C added, 1977, 717 § 4 (relative to the indemnification of manufacturers and others).

SECT. 8, paragraph added, 1972, 408.

SECT. 12 revised, 1977, 717 § 5.

SECT. 12A added, 1977, 717 § 5 (providing equitable relief from unfair competition or deceptive practices).

Chapter 93C. — Protection of Consumers Against Careless and Erroneous Billings.

New chapter inserted, 1971, 860 § 1; Repealed, 1978, 480 § 7.

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.

SECT. 1, definition of "Secretary" inserted, 1977, 530 § 1; definition of "Urban Area" inserted, 1977, 530 § 1.

SECT. 2, clause (a) revised, 1977, 530 § 2; clause (f) added, 1977, 530 § 3.

SECT. 2A added, 1977, 530 § 4.

SECT. 3 amended, 1977, 530 § 5.

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; revised, 1978, 307.

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 41-45 (“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 clipings”) 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; paragraphs defining “Butter”, “cheese”, “cream cheese”, “Half-and-half”, “Heated milk” and “Pasteurized milk” stricken out, 1977, 940 § 2. (See 1937, 362 § 7; 1973, 607 § 9; 1975, 706 § 312.)

SECT. 6 amended, 1937, 362 § 2. (See 1937, 362 § 7.)

SECT. 7 amended, 1941, 490 § 19; last sentence revised, 1968, 467 § 8.

SECT. 8 revised, 1937, 53.

SECT. 9 amended, 1939, 261 § 6; 1968, 467 § 9.

SECTS. 9A-9M added, 1937, 362 § 3 (changing the position in the General Laws of certain provisions of law relative to bakeries). (For prior legislation, see G.L. chap. 111 §§ 34-43, 46-49, repealed by 1937, 362 § 6.) (See 1937, 362 §§ 6, 7.)

SECT. 10 amended, 1937, 362 § 4. (See 1937, 362 § 7.)

SECTS. 10A-10E stricken out, and new sections 10A-10G (regulating the manufacture, bottling and sale of certain non-alcoholic beverages) inserted, 1935, 441.

SECT. 10F amended, 1941, 119.

SECTS. 10H-10K added, under caption, 1948, 444 § 2 (relative to enrichment of bread and flour).

SECTS. 12-48A. For temporary legislation establishing within the department of agriculture a milk control board, and defining its powers and duties, see note to G.L. chapter 94A, inserted by 1941, 691 § 2.

SECT. 12 stricken out, and new section 12 (relative to standards for milk and cream) inserted, 1955, 757 § 2; revised, 1967, 425 § 1; 1977, 940 § 3.

SECT. 12A added, 1955, 757 § 2 (defining "fortified non-fat milk"); first paragraph revised, 1961, 598 § 2; 1967, 425 § 2; amended, 1974, 297; section repealed, 1977, 940 § 4.

SECT. 12B added, 1955, 757 § 2 (defining "standardized milk"); revised, 1964, 190; second and third sentences revised, 1965, 223; section repealed, 1977, 940 § 4.

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; 1977, 940 § 5.

SECT. 13A revised, 1948, 227; repealed, 1965, 104 § 2.

SECT. 13B revised, 1967, 82; amended, 1977, 940 § 6.

SECT. 13C revised, 1967, 82; amended, 1977, 940 § 7.

SECT. 13D revised, 1967, 82; amended, 1977, 940 § 8.

SECT. 13E amended, 1967, 41; revised, 1977, 940 § 9.

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; section revised, 1977, 940 § 10. (See 1975, 706 § 312.)

SECT. 16A amended, 1977, 940 § 11.

SECT. 16B amended, 1977, 940 § 12.

SECT. 16C amended, 1941, 374; revised, 1946, 467; 1965, 632 § 1; 1977, 940 § 13.

SECT. 16D revised, 1965, 632 § 2; 1977, 940 § 14.

SECT. 16E revised, 1977, 940 § 15.

SECT. 16F revised, 1960, 687; amended, 1977, 940 § 16.

SECT. 16G revised, 1965, 632 § 3; amended, 1977, 940 § 17.

SECT. 16H revised, 1964, 262; 1977, 940 § 18.

SECTS. 16J-16L added, 1946, 542 (relative to the regulation of transportation, handling and sale of milk).

SECT. 16J revised, 1977, 940 § 19.

SECT. 16K revised, 1947, 379; first sentence amended, 1975, 706 § 139; section revised, 1977, 940 § 19. (See 1975, 706 § 312.)

SECT. 16L revised, 1967, 136.

SECTS. 17 repealed, 1977, 940 § 20.

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; section repealed, 1977, 940 § 20.

SECT. 20 revised, 1939, 212.

SECT. 21 repealed, 1977, 940 § 20.

SECT. 22 repealed, 1977, 940 § 20.

SECT. 23 repealed, 1977, 940 § 20.

SECT. 24 repealed, 1977, 940 § 20.

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. 33, third sentence revised, 1978, 393 § 32. (See 1978, 393 § 45.)

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; section repealed, 1977, 940 § 20.

SECT. 47 repealed, 1977, 940 § 20.

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; repealed, 1977, 940 § 20.

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); revised, 1977, 940 § 21.

SECT. 48E added, 1960, 43 (regulating the manufacture and sale of cultured milk products); repealed, 1977, 940 § 22.

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 (d) and (e) stricken out, 1977, 694; 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 deserts); 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.)

SECT. 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. 249E ½ 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; fourth paragraph amended, 1978, 514 § 192. (See 1972, 684 § 136; 1978, 514 § 287.)

SECT. 295C, second paragraph revised, 1978, 300.

SECT. 295E, paragraph added, 1971, 134; revised, 1978, 213.

SECT. 295F amended, 1955, 183; revised, 1960, 234 § 2. (See 1960, 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; section revised, 1978, 444.

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); revised, 1978, 503.

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.)

SECT. 319 added, 1977, 399 § 1 (regulating the construction of containers in which soft drinks and malt beverages are sold). (See 1977, 399 § 2.)

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. 5, third and fourth sentences revised, 1978, 14.

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 licensed milk dealers); first paragraph of subsection (e) revised, 1946, 312; section amended, 1953, 604 § 3. (See 1945, 409.)

SECTS. 14-21 amended, 1953, 604 § 3.

SECT. 14, subsection (*d*) 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.

SECTS. 11-22 repealed, 1978, 3 § 2.

Chapter 94C. — Controlled Substances Act.

New chapter inserted, 1971, 1071 § 1.

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; paragraph (*e*) clause (17) added, 1977, 824.

SECT. 33, paragraph (*b*) revised, 1974, 102.

SECT. 34, first paragraph amended, 1974, 440; second paragraph revised, 1972, 806 § 23; amended, 1974, 207; third paragraph amended, 1972, 806 § 24; first sentence amended, 1975, 369.

SECT. 35 amended, 1972, 806 § 25.

SECT. 36 amended, 1972, 806 § 26.

SECT. 38 amended, 1972, 806 § 27.

SECT. 39, first sentence revised, 1972, 806 § 28.

SECT. 41, first paragraph, clause (*c*) amended, 1972, 806 § 29.

SECT. 44 revised, 1973, 533 § 1.

SECT. 46 repealed, 1978, 508 § 1.

SECT. 47, subsection (c), subparagraph (4) amended, 1972, 806 § 30; subsection (d) revised, 1977, 556 § 3; subsection (e) amended, 1972, 806 § 31; subsection (a) subparagraph (5) added, 1977, 556 § 1; subsection (b) first sentence revised, 1977, 556 § 2.

SECT. 47A added, 1974, 318 (providing for the appointment of a custodian of controlled substances and narcotic drug seized by police departments); four paragraphs inserted after first paragraph, 1977, 798.

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; sentence added, 1977, 116. (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; 1978, 235.

SECT. 46, sentence inserted after third sentence, 1977, 554.

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; 1977, 338 § 1. (See 1937, 305 § 2; 1949, 34 § 2; 1977, 338 § 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 Peddlers.

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. 12A added, 1977, 407 (authorizing city and town licensing boards to issue special licenses relating to transient sales for charitable purposes).

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 peddlers).

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; revised, 1977, 314.

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; 1978, 222 § 1. (See 1973, 229 § 2; 1976, 19 § 2; 1978, 222 § 2.)

Chapter 104. — Agents, Consignees and Factors.

SECT. 4, sentence added, 1957, 765 § 4. (See 1957, 765 § 21.)

Chapter 104A. — Consignment of Fine Art.

New chapter inserted, 1978, 286.

Chapter 105. — Public Warehouses.

SECT. 1 amended, 1935, 310 § 1; first paragraph, first sentence amended, 1972, 684 § 17; revised, 1977, 961 § 1; fifth sentence revised, 1977, 961 § 2; 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. 2A, first paragraph revised, 1977, 961 § 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; amended, 1977, 961 § 4. (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. 8 amended, 1978, 514 § 193. (See 1978, 514 § 287.)

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; 1978, 514 § 194; sentence added, 1956, 350. (See 1946, 169 § 3; 1978, 514 § 287.)

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.

SECT. 402, paragraph (a) amended, 1977, 377 § 1; clause (1) revised, 1977, 377 § 2. (See 1977, 377 § 4.)

SECT. 403, sentence added, 1977, 377 § 3. (See 1977, 377 § 4.)

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; stricken out, 1977, 363A § 65. (See 1975, 706 § 312; 1977, 363A § 76.)

SECT. 5G added, 1961, 625 (authorizing the department of public health to require the installation and operation of treatment facilities necessary to deliver a safe water supply); amended, 1977, 526 § 1.

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; sentence added, 1977, 128.

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; revised, 1977, 526 § 2. (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; definition of "Substantial capital expenditure" revised, 1977, 945 § 2. (See 1975, 881 § 4.)
- SECT. 25C, first paragraph revised, 1977, 945 § 3; fourth paragraph amended, 1973, 1168 § 20; fifth paragraph stricken out and two paragraphs inserted, 1977, 945 § 4; paragraph added, 1973, 1168 § 21. (See 1973, 1168 § 40; 1977, 945 § 7.)
- SECT. 25F amended, 1977, 945 § 5.
- SECT. 25H added, 1977, 339 (providing for return and redistribution of certain unused medication).
- SECT. 25H added, 1977, 945 § 6 (providing that sections 25B-25G are severable with regard to certain federal rules and regulations).
- 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; third paragraph revised, 1977, 868 § 1.

SECT. 51A added, 1973, 1186 § 2 (authorizing the department of public health to regulate and license certain out-of-hospital dialysis units).

SECT. 51B added, 1978, 202.

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. 53A added, 1977, 359.

SECT. 54 amended, 1943, 16 § 3; revised, 1967, 891 § 4; amended, 1973, 1186 § 5.

SECT. 55 revised, 1967, 891 § 5.

SECT. 56 revised, 1967, 891 § 6.

SECT. 57A added, 1943, 436 § 1 (permitting the department of public health to establish and maintain cancer clinics). (See 1943, 436 § 2.)

SECT. 57B added, 1953, 382 (relative to the establishing and maintenance of muscular dystrophy clinics).

SECT. 57C added, 1954, 538 § 1 (creating facilities for care of the aging).

SECTS. 58-62, and caption preceding section 58, stricken out, and new sections 58-62 inserted, under new caption, 1950, 205.

SECT. 58 revised, 1959, 457; 1962, 719 § 1. (See 1962, 719 §§ 2-4.)

SECT. 59, sentence added, 1959, 497; section revised, 1962, 719 § 1; amended, 1972, 802 § 7. (See 1962, 719 §§ 2-4; 1972, 802 § 77.)

SECTS. 60-62 revised, 1962, 719 § 1.

SECT. 61, paragraph added, 1967, 15.

SECTS. 58-62 repealed, 1972, 785 § 4. (See 1972, 785 § 20.)

SECTS. 62I-62S added, under caption, 1954, 508 § 1 (establishing the Massachusetts hospital school and hospital for state minor wards). (See 1954, 508 §§ 3-5.)

SECT. 62J revised, 1969, 619; paragraph added, 1975, 752 § 1.

SECT. 62M, first sentence amended, 1967, 252; second sentence amended, 1968, 492 § 4; revised, 1973, 1229 § 4A; section amended, 1974, 260 § 5. (See 1973, 1229 § 13.)

SECT. 62Q, second sentence revised, 1975, 752 § 2.

SECT. 63 amended, 1962, 598 § 3, 546 § 2; section 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; first sentence revised, 1978, 133 § 1. (See 1978, 133 § 3.)

SECT. 70B revised, 1978, 133 § 2. (See 1978, 133 § 3.)

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; fourteenth and fifteenth paragraphs revised, 1977, 868 § 2; 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 § 4G; second paragraph amended, 1965, 362. (See 1973, 1229 § 13.)

SECT. 81A added, 1977, 513.

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; second sentence revised, 1978, 143. (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 § 1 (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); first paragraph revised, 1978, 108.
- SECT. 110B added, 1978, 395.
- 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; sixth sentence revised, 1978, 104 § 1; paragraph added, 1971, 261. (See 1975, 706 § 312.)

SECT. 127B, first paragraph amended, 1966, 78; 1973, 295; first sentence revised, 1978, 104 § 2; eighth sentence revised, 1972, 522; fifth paragraph amended, 1978, 104 § 3; paragraph added, 1973, 920; amended, 1974, 298.

SECT. 127C, first paragraph amended, 1978, 104 § 4; paragraph added, 1969, 242.

SECT. 127E amended, 1978, 104 § 5.

SECT. 127F, first paragraph, first sentence stricken out and three sentences inserted, 1975, 467 § 1.

SECT. 127G, sentence added, 1971, 843; amended, 1973, 591 § 2. (See 1971, 843 § 27; 1973, 591 § 22.)

SECT. 127H, first paragraph, third sentence revised, 1972, 201; amended, 1978, 104 § 6; 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; amended, 1978, 104 § 7; 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, 706 § 312.)

SECT. 147 amended, 1948, 480 § 2; 1975, 706 § 180. (See 1975, 706 § 312.)

SECT. 150A added, 1955, 310 § 1 (concerning the assignment of places for public and private dumps); first paragraph, first sentence revised, 1969, 515 § 1; second paragraph, second sentence revised, 1969, 429; section revised, 1970, 839; first paragraph revised, 1978, 197 § 4; 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; second sentence amended, 1977, 526 § 3; third sentence amended, 1977, 526 § 3A.

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.

SECT. 165 amended, 1978, 514 § 195. (See 1978, 514 § 287.)

SECT. 166 repealed, 1977, 526 § 4.

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 flourescopic, 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); first paragraph, first sentence amended, 1977, 324.

SECT. 202 added, 1977, 598 § 5 (relative to fetal death reports); seventh paragraph, sentence added, 1978, 342. (See 1977, 598 § 6.)

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.

SECT. 14 added, 1977, 649 (providing immunity from liability for certain persons aiding injured or incapacitated persons).

Chapter 111E. — Clinical Laboratories.

New chapter inserted, 1975, 881 § 1. (See 1975, 881 § 4.)

Chapter 112. — Registration of Certain Professions and Occupations.

SECT. 1, first sentence revised, 1969, 704 § 48. (See 1969, 704 § 60.)

SECT. 2, second sentence revised, 1933, 171 § 1; 1936, 247 § 1; three paragraphs added, 1936, 247 § 2; section amended, 1938, 210; paragraph added, 1939, 415 § 1; section revised, 1939, 451 § 37; amended, 1941, 722 § 9; second sentence stricken out and four sentences inserted, 1945, 396 § 1; sentence inserted after second sentence, 1955, 622; revised, 1957, 329;

third sentence (as appearing in 1945, 396 § 1) amended, 1952, 585 § 21; fourth sentence (as appearing in 1945, 396 § 1) revised, 1954, 519 § 1; fifth and sixth sentences (as appearing in 1939, 451 § 37) revised, 1948, 28; third paragraph revised, 1945, 396 § 2; paragraph inserted after fourth paragraph, 1948, 413; paragraph added, 1946, 365; section revised, 1959, 344 § 1; third sentence stricken out and three sentences inserted, 1960, 177; stricken out and four sentences inserted, 1960, 367; first six sentences stricken out and four sentences inserted, 1966, 299; first paragraph amended, 1969, 426 §§ 1, 2; paragraph added, 1970, 540; section revised, 1971, 662; first paragraph amended, 1973, 925 § 16; 1974, 723 §§ 1, 2; third sentence revised, 1975, 138; second paragraph amended, 1974, 395; third paragraph stricken out, 1974, 396; fourth paragraph amended, 1973, 312; fifth paragraph amended, 1972, 372; second to fifth paragraphs stricken out and three paragraphs inserted, 1974, 723 § 3; section revised, 1975, 362 § 2. Affected 1938, 259; 1948, 221. (See 1933, 171 § 2; 1936, 247 §§ 3-6; 1939, 415 §§ 3, 4; 1959, 344 § 3; 1973, 925 § 84; 1975, 362 § 13.)

SECT. 2A amended, 1945, 396 § 3; 1954, 519 § 2; 1959, 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; second paragraph clause (g) stricken out and clauses (g) and (h) inserted, 1977, 165; paragraph inserted after third paragraph, 1977, 623. (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; revised, 1977, 252. (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; sixth paragraph, second sentence revised, 1977, 707.

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. 12I added, 1973, 521 § 1 (providing that certain medical personnel need not participate in certain medical procedures).

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); stricken out, 1977, 397 and SECTS. 12K-12U added, 1977, 397.

SECT. 12R, sentence inserted after first sentence, 1977, 497.

SECT. 12V added, 1977, 555 (exempting from civil liability certain individuals for rendering emergency cardiopulmonary resuscitation).

SECT. 12W added, 1977, 654 (requiring a physician to have consent in writing before performing certain surgical or medical procedures).

SECT. 12X added, 1977, 762 § 1 (rendering unenforceable certain restrictive covenants upon physicians). (See 1977, 762 § 2.)

SECT. 13 amended, 1937, 425 § 2; revised, 1956, 344; amended, 1970, 443 § 17; sentence added, 1978, 220. (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; clause (e) revised, 1978, 508 § 2; paragraph added, 1978, 508 § 3. (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; section amended, 1977, 87. (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 § 1; 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; paragraph added, 1977, 653. (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; first sentence revised, 1977, 757 § 1A.

SECT. 43A added, 1977, 757 § 2 (relative to registration of dentists).

SECT. 44 amended, 1965, 583 § 2; 1972, 684 § 26; first sentence revised, 1977, 757 § 3. (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; second sentence revised, 1977, 757 § 4. (See 1939, 415 § 3; 1948, 221; 1972, 684 § 136; 1973, 925 § 84.)

SECT. 45A amended, 1949, 564 § 2; revised, 1965, 583 § 3; 1977, 757 § 5.

SECT. 46, clause Third amended, 1934, 108.

SECT. 46A added, 1977, 757 § 6 (providing for competency reexamination).

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; amended, 1977, 757 § 7; second paragraph amended, 1965, 583 § 6; stricken out and three paragraphs inserted, 1977, 757 § 7A; fourth paragraph revised, 1977, 757 § 8; last paragraph stricken out and two paragraphs inserted, 1965, 583 § 7; last paragraph amended, 1972, 684 § 28. (See 1972, 684 § 136.)

SECT. 51A added, 1977, 757 § 9 (relative to rules and regulations).

SECT. 52 revised, 1948, 123; 1952, 117; amended, 1977, 757 § 10.

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; first sentence amended, 1977, 757 § 11; section revised, 1978, 508 § 4.

SECT. 52C added, 1954, 408 § 3 (restricting advertising by dental technicians).

SECT. 52D added, 1977, 757 § 12 (relative to suspension, revocation or cancellation of license).

SECT. 53 amended, 1949, 564 § 3; first sentence amended, 1977, 757 § 13.

SECT. 54 revised, 1958, 533 § 3; second sentence revised, 1969, 104; 1974, 810 § 4; 1975, 451 § 1.

SECT. 54A added, 1974, 810 § 5 (regulating the practice of veterinary medicine); definition of "Approving authority" stricken out, 1975, 451 § 2; inserted, 1975, 706 § 188. (See 1975, 706 § 312.)

SECT. 55 amended, 1937, 66; revised, 1939, 251 § 1; first paragraph amended, 1945, 724; 1952, 585 § 24; stricken out and two paragraphs inserted, 1957, 492; same two paragraphs stricken out and one paragraph inserted, 1958, 533 § 4; first paragraph stricken out and two paragraphs inserted, 1965, 46; first paragraph, second and third sentences revised, 1967, 347 § 6; second sentence amended, 1968, 538 § 1; revised, 1973, 925 § 21; third sentence amended, 1968, 538 § 2; fifth sentence amended, 1968, 538 § 3; paragraph inserted, 1951, 433 § 1; amended, 1972, 684 § 29; section revised, 1974, 810 § 6; 1975, 451 § 3. (See 1939, 251 §§ 2, 3, 4; 1945, 711; 1951, 433 § 2; 1952, 585 §§ 25, 26; 1972, 684 § 136; 1973, 925 § 84.)

SECT. 56 revised, 1958, 533 § 5.

SECT. 56A added, 1963, 468 (authorizing the board of registration in veterinary medicine to issue a license to certain veterinarians licensed in other states); revised, 1974, 810 § 7.

SECT. 56B added, 1973, 173 § 4 (requiring veterinarians to write or print their names on prescription blanks).

SECT. 56C added, 1975, 451 § 4 (providing for practical examinations of certain applicants).

SECT. 58 revised, 1974, 810 § 8; second paragraph, clause 8 added, 1977, 132.

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; 1978, 508 § 5.
- SECT. 64 amended, 1954, 681 § 9. (See 1954, 681 §§ 20, 22.)
- SECT. 65 amended, 1977, 757 § 14.
- 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; third sentence amended, 1972, 684 § 31; fourth and fifth sentences revised, 1969, 603 § 1; 1973, 265 § 1; fourth sentence amended, 1972, 684 § 32; fifth sentence amended, 1972, 684 § 33; stricken out and four sentences inserted, 1977, 884 § 1. (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; revised, 1977, 85; fourth sentence amended, 1972, 684 § 35; fifth sentence amended, 1972, 684 § 36; stricken out and four sentences inserted, 1977, 884 § 2.

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. 74C added, 1977, 884 § 3 (relative to the appointment of an advisory council).

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. 80C added, 1977, 129 (providing for the practice of nurse midwifery).

SECT. 80D added, 1977, 129 (relative to the advisory committee of nurse-midwifery).

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.

SECTS. 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; fourth paragraph, clause (b) revised, 1978, 508 § 6. (See 1972, 684 § 136.)

SECT. 84B added, 1978, 340 (requiring an itemized list of funeral costs).

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; stricken out, 1978, 508 § 7.

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; 1977, 806.

SECT. 87U amended, 1937, 385 § 2; revised, 1941, 626 § 3; amended, 1949, 345; 1958, 85; revised, 1977, 806.

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; section revised, 1977, 806. (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; section revised, 1977, 806. (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; revised, 1977, 806.

SECT. 87Y revised, 1949, 579; 1977, 806.

SECT. 87Z amended, 1936, 385 § 5; revised, 1943, 565 § 5; paragraph added, 1953, 274; revised, 1955, 435; paragraph added, 1955, 333; section revised, 1977, 806.

SECT. 87AA revised, 1941, 626 § 7; 1943, 565 § 6; paragraph added, 1953, 537 § 1; 1960, 462; 1965, 531 § 2; section revised, 1977, 806.

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; section revised, 1977, 806.

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; section revised, 1977, 806. (See 1966, 456 § 8; 1972, 684 § 136.)

SECT. 87DD revised, 1943, 565 § 9; 1977, 806.

SECT. 87EE revised, 1937, 385 § 7; 1977, 806.

SECT. 87FF revised, 1977, 806.

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; section revised, 1977, 806. (See 1966, 456 § 8.)

SECT. 87HH revised, 1977, 806.

SECT. 87II amended, 1937, 385 § 8; revised, 1941, 626 § 10; 1943, 565 § 11; 1977, 806.

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. 87RR, second paragraph revised, 1978, 357 § 1.

SECT. 87SS, first paragraph revised, 1962, 775 § 2; section revised, 1975, 222; paragraph inserted after first paragraph, 1978, 522 § 1. (See 1962, 775 § 3; 1978, 522 § 2.)

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. 87VV, first two sentences revised, 1978, 357 § 2.

SECT. 87XX, last sentence revised, 1963, 735 § 1; section amended, 1968, 483 § 1; 1975, 732. (See 1963, 735 § 2.)

SECT. 87ZZ, paragraphs (a) (b) and (c) revised, 1960, 658; paragraph (a) amended, 1972, 684 § 52; revised, 1975, 300; paragraphs (b) and (c) revised, 1968, 483 § 2; paragraph (b) amended, 1972, 684 § 53; paragraph (c) amended, 1972, 684 § 54; paragraph (d) revised, 1959, 455. (See 1972, 684 § 136.)

SECT. 87AAA, first paragraph amended, 1961, 181; last two clauses stricken out and clauses (j) and (k) added, 1967, 148; first paragraph amended, 1971, 973; 1973, 330; 536 §§ 1, 2; paragraph inserted after first paragraph, 1966, 422.

SECT. 87BBB amended, 1971, 277.

SECT. 87KKK revised, 1978, 508 § 8.

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.

SECT. 97, second paragraph revised, 1978, 508 § 9.

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).

SECT. 123 amended, 1977, 829 § 10.

SECTS. 130-137 added, 1977, 818 § 2 (further regulating the registration and licensing of social workers). (See 1977, 818 § 4.)

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.)

SECT. 4 amended, 1977, 171 § 2.

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.

SECT. 13, subsection (a), sentence added, 1977, 171 § 3.

Chapter 114. — Cemeteries and Burials.

SECT. 1 amended, 1936, 319 § 1. (See 1936, 319 § 7.)

SECT. 3A added, 1978, 277 (relative to the ownership of certain unclaimed graves).

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. 10A added, 1977, 272 (relative to the ownership of certain unclaimed graves in municipal cemeteries).

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. 29 revised, 1978, 110.

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. 44A added, 1978, 230 (relative to the cremation of bodies).

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; 1977, 828; 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 departments 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; amended, 1977, 273 §§ 1-2.

SECT. 12, first sentence revised, 1977, 372.

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); revised, 1977, 815 § 3.

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.)

SECT. 11 added, 1977, 784 (authorizing the trustees of the Soldier's Home in Massachusetts to procure certain insurance).

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); second paragraph, sentence added, 1978, 250.

SECT. 3, fourth paragraph amended, 1973, 1210 § 19; revised, 1977, 825 § 1. (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 § 25A ½. (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; section revised, 1977, 825 § 2. (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. 4, four paragraphs inserted after third paragraph, 1977, 878 § 1. (See 1977, 878 § 2.)

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; 1977, 825 § 3. (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 references 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, 1076 § 1A; definition of "Department" revised, 1978, 552 § 28. (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; 1978, 478 § 49; two sentences inserted after second sentence, 1977, 799; third sentence amended, 1973, 1076 § 2; sentence added, 1978, 478 § 50. (See 1978, 478 § 343.)
- SECT. 26 amended, 1973, 925 § 41, 1076 § 3; subsection (2), subparagraph (iii) amended, 1978, 552 § 29. (See 1973, 925 § 84.)
- SECT. 27, sentence added, 1973, 1005; revised, 1978, 478 § 51. (See 1978, 478 § 343.)
- SECT. 29 revised, 1973, 1076 § 4; 1978, 501.
- 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, first paragraph, first sentence amended, 1978, 478 § 52; sentence added, 1978, 478 § 52A; sixth paragraph, third sentence revised, 1976, 412 § 1; 1978, 552 § 30; paragraph added, 1978, 478 § 53. (See 1978, 478 § 343.)

SECT. 39G, first paragraph, clause (c) revised, 1976, 412 § 2; 1978, 552 § 31.

SECT. 39H, second paragraph, second sentence revised, 1977, 543.

SECT. 39I revised, 1978, 478 § 54. (See 1978, 478 § 343.)

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; first paragraph, sentence added, 1977, 942; third paragraph, sentence added, 1977, 501; paragraph inserted after fourth paragraph, 1978, 215 § 1. (See 1978, 215 § 3.)

SECT. 51B, clauses (1), (2), and (3) revised, 1978, 131.

SECT. 51D, first sentence revised, 1978, 552 § 32.

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; 1978, 478 § 55; definition of "Delinquent child" amended, 1948, 310 § 3; revised, 1960, 353 § 1; definition of "Wayward child" stricken out, 1973, 1073 § 6. (See 1978, 478 § 343.)

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. 55A added, 1978, 478 § 56. (See 1978, 478 § 343.)

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; 1977, 431 § 2; paragraph added, 1971, 336; section revised, 1978, 478 § 57. (See 1978, 478 § 343.)

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; revised, 1978, 478 § 58; fourth paragraph revised, 1969, 859 § 10; 1972, 731 § 10; amended, 1973, 1073 § 15. (See 1969, 838 § 74; 1973, 925 § 84; 1978, 478 § 343.)

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; revised, 1978, 478 § 59. (See 1948, 310 § 31; 1978, 478 § 343.)

SECT. 61 amended, 1948, 310 § 7; revised, 1964, 308 § 2; 1975, 840 § 1; fourth paragraph, second sentence revised, 1977, 829 § 11. (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; revised, 1978, 478 § 60; two sentences added, 1969, 859 § 11; sentence added, 1972, 731 § 11. (See 1965, 659 § 7; 1978, 478 § 343.)

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; second sentence revised, 1978, 478 § 61. (See 1978, 478 § 343.)

SECT. 67 amended, 1941, 648 § 3; revised, 1943, 244 § 2; 1955, 609 § 1; 1969, 838 § 17; amended, 1978, 478 § 62. (See 1969, 838 § 74; 1978, 478 § 343.)

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; section revised, 1978, 478 § 63. (See 1969, 838 § 74; 1978, 478 § 343.)

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; amended, 1978, 478 § 64. (See 1969, 838 § 74; 1978, 478 § 343.)

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; 1978, 478 § 65. (See 1969, 838 § 74; 1978, 478 § 343.)

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; 1978, 478 § 66. (See 1969, 838 § 74; 1978, 478 § 343.)

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; first paragraph, first sentence amended, 1978, 478 § 67. (See 1952, 605 §§ 15, 19-21; 1969, 838 § 74; 1973, 925 § 84; 1978, 478 § 343.)

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; revised, 1978, 478 § 68. (See 1969, 838 § 74; 1978, 478 § 343.)

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).

SECTS. 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.)

SECTS. 26I-26II stricken out and new sections 26I-26NN inserted, 1946, 574 § 1. (See 1946, 574 § 2.)

SECT. 26I amended, 1948, 200 § 1; 1952, 617 § 1; 1953, 668 § 2; revised, 1955, 654 § 2; 1966, 707 § 1; repealed, 1969, 751 § 2. (See 1955, 654 § 5.)

SECT. 26J amended, 1953, 668 § 3; 1955, 654 § 3; definition of "Housing authority" or "Authority" stricken out and definition of "Housing authority" inserted, 1952, 617 § 2; definition of "Division of urban and industrial renewal" or "division" inserted, 1960, 776 § 2; revised, 1964, 636 § 6; 1966, 138 § 1; 1968, 761 § 8; definition of "Housing board", or "board" revised, 1948, 260 § 4; 1964, 636 § 6A; 1966, 138 § 2; 1968, 761 § 9; definition of "Federal legislation" revised, 1953, 647 § 10; definition of "Low-rent housing" amended, 1953, 668 § 4; definition of "Low-rent housing project" revised, 1966, 705 § 1; definition of "Elderly persons of low income" inserted, 1953, 668 § 3; definition of "Blighted open area" inserted, 1953, 647 § 12; amended, 1957, 613 § 1; revised, 1960, 776 § 3; definition of "Community renewal project" inserted, 1966, 692 § 1; definition of "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 stricken out and four sentences inserted, 1969, 369 § 2; first sentence of third paragraph revised, 1954, 676; 1957, 537; last sentence of fourth paragraph revised, 1957, 372 § 2; last sentence of fifth paragraph revised, 1952, 550 § 2; stricken out, 1966, 705 § 5; subdivision (a), first paragraph revised, 1949, 742 § 2; amended, 1954, 507 § 2; subdivision (a), second paragraph amended, 1952, 550 § 1; subdivision (a), third paragraph amended, 1949, 742 § 3; 1954, 507 § 3; 1963, 585 § 2; subdivision (b), first sentence revised, 1952, 550 § 3; subdivision (b), first paragraph, sentence added, 1949, 713; subdivision (b), second paragraph amended, 1949, 742 § 4; 1950, 753; 1957, 372 § 3; two paragraphs inserted after second paragraph, 1966, 705 § 6; paragraph added, 1967, 635; subdivision (d) added, 1949, 682 § 1; subdivision (e) added, 1950, 386; revised, 1952, 550 § 5; subdivision (f) added, 1953, 508; subdivision (g) added, 1954, 116; subdivision (h) added, 1965, 899 § 1; section repealed, 1969, 751 § 2. (See 1949, 682 § 2; 1952, 550 §§ 6, 7; 1954, 507 § 4; 1957, 372 § 5.)

SECTS. 26OO-26PP repealed, 1969, 751 § 2.

SECT. 26QQ and caption preceding it stricken out and new section and caption inserted, 1952, 617 § 4 (relative to creating redevelopment authorities); first two paragraphs revised, 1957, 150 § 1; paragraph inserted after second paragraph, 1958, 199; three paragraphs added, 1958, 299; section repealed, 1969, 751 § 2.

SECT. 26RR added, 1952, 617 § 6 (relative to contracts for state financial assistance for housing); first paragraph amended, 1958, 572 § 1;

second paragraph amended, 1955, 640 § 3; third paragraph amended, 1953, 647 § 20; 1958, 572 § 2; paragraph (b) (2) revised, 1955, 640 § 4; paragraph (b) (3) amended, 1955, 640 § 5; paragraph added, 1955, 640 § 6; section repealed, 1969, 751 § 2.

SECT. 26SS added, 1952, 617 § 7 (providing a severability clause in case of a finding of invalidity or unconstitutionality of any part of this act); stricken out and sections 26SS-26WW inserted, under caption, 1953, 668 § 1 (to provide for the housing of elderly persons).

SECTS. 26SS-26VV revised, 1954, 667 § 1.

SECTS. 26SS-26TT repealed, 1969, 751 § 2.

SECT. 26UU, subdivision (c) revised, 1968, 217; subdivision (e) revised, 1968, 500; subdivision (f) added, 1965, 899 § 2; section repealed, 1969, 751 § 2.

SECT. 26VV amended, 1956, 466; revised, 1957, 168; first sentence amended, 1957, 705 § 2; section revised, 1957, 767; 1958, 591; 1960, 542; 1961, 573; 1963, 551; 1966, 626, 732; 1967, 572; 1968, 524; 1969, 687; repealed, 1969, 751 § 2. (See 1957, 705 §§ 1, 3, 4.)

SECT. 26WW stricken out and sections 26WW-26CCC inserted, under captions, 1955, 654 § 4 (relative to urban renewal projects). (See 1955, 654 § 5.)

SECTS. 26WW-26XX repealed, 1969, 751 § 2.

SECT. 26YY, second sentence revised, 1966, 704 § 2; section repealed, 1969, 751 § 2.

SECT. 26ZZ, second paragraph amended, 1957, 613 § 5; section revised, 1960, 776 § 7; first paragraph, second sentence amended, 1968, 142 § 1; second paragraph, second sentence amended, 1968, 142 § 2; paragraph added, 1966, 704 § 3; amended, 1968, 153; section repealed, 1969, 751 § 2.

SECTS. 26AAA-26CCC repealed, 1969, 751 § 2.

SECTS. 26DDD-26FFF added, under caption, 1960, 776 § 8 (providing financial assistance for urban redevelopment and urban renewal projects). (See 1960, 776 § 10.)

SECT. 26DDD, sentence added, 1964, 636 § 8; section repealed, 1969, 751 § 2.

SECT. 26EEE, second paragraph, sentence inserted after first sentence, 1962, 643 § 1A; section repealed, 1969, 751 § 2.

SECT. 26FFF, clauses (b) and (c) stricken out and clauses (b), (c) and (d) inserted, 1962, 643 § 2; clause (d) revised, 1967, 825; section repealed, 1969, 751 § 2. (See 1962, 643 § 4.)

SECTS. 26GGG AND 26HHH added, under caption, 1960, 776 § 9 (providing financial assistance for non-federally aided commercial or industrial redevelopment projects).

SECT. 26GGG repealed, 1969, 751 § 2.

SECT. 26GGG ½ 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. 26HHH revised, 1962, 643 § 3; third paragraph amended, 1968, 766 § 2; section repealed, 1969, 751 § 2.

SECTS. 26III AND 26JJJ added, 1964, 721 (providing for the rehabilitation of dwelling accommodations).

SECT. 26JJJ, paragraph added, 1967, 461; section repealed, 1969, 751 § 2.

SECTS. 26KKK, 26LLL AND 26MMM added, 1966, 707 § 2 (providing a rental assistance program for families of low income); repealed, 1969, 751 § 2.

SECTS. 23-26MMM repealed, 1972, 751 § 2.

SECT. 27 repealed, 1933, 364 § 7.

SECTS. 28-37 repealed, 1954, 508 § 2. (See 1954, 508 §§ 3-5.)

SECT. 31 amended, 1948, 559.

SECT. 38 repealed, 1966, 214 § 1.

SECT. 39 amended, 1941, 351 § 17; repealed, 1958, 613 § 4.

SECT. 40 amended, 1941, 656 § 13; repealed, 1966, 214 § 1. (See 1941, 656 § 17.)

SECT. 41 revised, 1958, 179; repealed, 1967, 658 § 77.

SECT. 42 amended, 1932, 180 § 22; 1941, 406; 1958, 613 § 7; 1964, 339 § 2; two sentences added, 1952, 303; section repealed, 1967, 658 § 77.

SECT. 43 added, 1968, 220 (requiring housing authorities to confer with tenant organizations); repealed, 1969, 751 § 2.

SECT. 44 added, 1968, 596 (prohibiting termination of tenancies without cause and without hearing); section numbers changed from "Section 43" to "Section 44", 1968, 766 § 3; section repealed, 1969, 751 § 2.

Chapter 121A. — Urban Redevelopment Corporations.

New chapter inserted, 1945, 654 § 1.

SECT. 1, definition of "Decadent area" amended, 1947, 15; section revised, 1953, 647 § 1; definition of "Project" amended, 1954, 73 § 1; paragraph added at end, 1954, 73 § 2; section revised, 1960, 652 § 1; definition of "Housing board" or "board" revised, 1964, 636 § 9; 1967, 172 § 1; 1968, 761 § 10; paragraph defining "mayor" added, 1967, 172 § 2. (See 1960, 652 §§ 12-15.)

SECT. 2 revised, 1953, 647 § 1; 1960, 652 § 2. (See 1960, 652 §§ 12-15.)

SECT. 3 revised, 1953, 647 § 1; first sentence revised, 1960, 652 § 3; paragraph inserted after first paragraph, 1968, 356 § 1; revised, 1975, 827 § 1. (See 1960, 652 §§ 12-15.)

SECT. 5, first sentence amended, 1960, 652 § 4; section revised, 1975, 827 § 2.

SECT. 6, first two paragraphs stricken out and four paragraphs inserted, 1953, 647 § 2; paragraph added, 1956, 640 § 1; section revised, 1975, 827 § 3.

SECT. 6A added, 1960, 652 § 5; four paragraphs added, 1975, 827 § 4.

SECTS. 6B-6C added, 1975, 827 § 5 (further regulating the development of urban redevelopment entities).

SECT. 7, first two paragraphs revised, 1947, 487 § 1; first paragraph amended, 1956, 640 § 2; last paragraph amended, 1961, 493 § 8.

SECT. 7A added, 1946, 574 § 3 (relative to acquisition from housing authorities of sites for urban redevelopment); first sentence revised, 1955, 654 § 4A; amended, 1967, 127 § 1; 1969, 751 § 3. (See 1955, 654 § 5.)

SECT. 8 revised, 1960, 652 § 6.

SECT. 9 revised, 1956, 640 § 3; sentence added, 1968, 356 § 2; section revised, 1975, 827 § 6.

SECT. 10, two paragraphs added, 1953, 647 § 3; section revised, 1956, 640 § 4; second paragraph, second sentence revised, 1969, 540 § 1; third paragraph, sentence added, 1975, 76; seventh paragraph revised, 1975, 119 § 1; section revised, 1975, 827 § 7; second paragraph amended, 1978, 514 § 196; fifth paragraph, first sentence stricken out, two sentences inserted, 1976, 415 § 94; fifth paragraph amended, 1978, 514 § 197; eighth paragraph amended, 1978, 514 § 198. (See 1969, 540 § 2; 1975, 119 §§ 2, 3; 1976, 415 § 116; 1978, 514 § 287.)

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. 16 amended, 1978, 514 § 199. (See 1978, 514 § 287.)

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; introductory paragraph revised, 1977, 578. (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; amended, 1978, 514 § 200. (See 1978, 514 § 287.)

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; definition of "Veteran", second sentence revised, 1977, 815 § 4.

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. 12, third paragraph amended, 1978, 393 § 33. (See 1978, 393 § 45.)

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; clause (*m*) added, 1978, 578.

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; fourth paragraph revised, 1977, 610; fifth paragraph amended, 1978, 393 § 34. (See 1978, 393 § 45.)

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. 32A added, 1977, 146 (regulating the parking of certain motor vehicles in a housing project area).

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; eighth paragraph, second sentence revised, 1977, 815 § 5. (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; three sentences added, 1977, 996 § 4.

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; revised, 1977, 996 § 4; 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; 1977, 996 § 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. 43A added, 1977, 996 § 7 (further regulating private dwelling units leased by a local housing authority).

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. 52, second paragraph, first sentence amended, 1978, 393 §§ 35, 36; third paragraph amended, 1978, 393 § 37. (See 1978, 393 § 45.)

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. 2 revised, 1977, 864 § 13.

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; stricken out and definitions of "Facility" and "Intensive Care Unit for Women on I.C.U." inserted, 1978, 367 § 71A; definition of "Probate court" stricken

out, 1971, 760 § 1A; four paragraphs added, 1978, 367 § 55. (See 1978, 367 § 72.)

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; section revised, 1978, 367 § 71B. (See 1978, 367 § 72.)

SECT. 5 amended, 1973, 569 § 2; revised, 1978, 367 § 71B. (See 1978, 367 § 72.)

SECT. 6, paragraph (a) amended, 1971, 760 § 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; 1978, 367 § 71C. (See 1978, 367 § 72.)

SECT. 8, two paragraphs added, 1971, 760 § 6; paragraph (f) amended, 1973, 569 § 4; section revised, 1976, 356 § 3; paragraph (c) amended, 1978, 478 § 69. (See 1978, 478 § 343.)

SECT. 8A added, 1978, 367 § 71D. (See 1978, 367 § 72.)

SECT. 9 revised, 1971, 760 § 7; 1978, 367 § 71E. (See 1978, 367 § 72.)

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; 1978, 478 § 70. (See 1978, 478 § 343.)

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. 21 revised, 1978, 367 § 71F. (See 1978, 367 § 72.)

SECT. 22 amended, 1978, 367 § 71G. (See 1978, 367 § 72.)

SECT. 23, first paragraph amended, 1974, 291; paragraph added, 1978, 367 § 71H. (See 1978, 367 § 72.)

SECT. 24, paragraph (a) amended, 1973, 1229 § 4L; first sentence amended, 1978, 367 § 71I. (See 1973, 1229 § 13; 1978, 367 § 72.)

SECT. 27, sentence inserted after first sentence, 1974, 299; subsection (a) first sentence revised, 1977, 631; first paragraph, paragraph (a) revised, 1978, 367 § 55A; paragraphs (d)-(h) added, 1978, 367 § 55B; paragraph (i) added, 1978, 367 § 71J. (See 1978, 367 § 72.)

SECT. 28 amended, 1976, 205; 1978, 367 § 71K. (See 1978, 367 § 72.)

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); revised, 1978, 367 § 71L. (See 1978, 367 § 72.)

SECT. 30, sentence inserted before first sentence, 1971, 462; section revised, 1978, 367 § 71M. (See 1978, 367 § 72.)

SECT. 32, amended, 1973, 925 § 49; 1229 § 4Q. (See 1973, 925 § 84, 1229 § 13.)

SECT. 33 amended, 1973, 1229 § 4R; revised, 1978, 367 § 71N, 478 § 71. (See 1973, 1229 § 13; 1978, 367 § 72, 478 § 343.)

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, first sentence amended, 1978, 367 § 71O; second sentence revised, 1974, 348. (See 1978, 367 § 72.)

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; revised, 1978, 347.

**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; second paragraph revised, 1978, 478 § 72. (See 1969, 838 § 74; 1978, 478 § 343.)

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); revised, 1977, 1002.

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 §§ 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); first two sentences revised, 1978, 79.

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.)

SECTS. 78 AND SECTIONS 79-82 (and heading preceding said section 79); repealed, 1941, 344 § 19.

SECTS. 83A-83D added, 1951, 755 (relative to the establishment of prison camps in state forests). (See 1955, 770 §§ 117, 120, 123.)

SECT. 83A revised, 1956, 667; first sentence revised, 1972, 172 § 1; amended, 1975, 706 § 195; second sentence amended, 1975, 706 § 196. (See 1975, 706 § 312.)

SECT. 83B amended, 1955, 770 § 47; 1971, 1076 § 7; first paragraph amended, 1972, 172 § 2. (See 1955, 770 §§ 117, 123; 1971, 1076 § 22.)

SECT. 83D revised, 1961, 482.

SECT. 83E added, 1956, 731 § 7 (relative to the establishment of camps for certain prisoners prior to their release or parole); amended, 1957, 363; 1975, 706 § 197. (See 1975, 706 § 312.)

SECT. 84 amended, 1941, 490 § 28; first sentence amended, 1975, 706 § 198. (See 1975, 706 § 312.)

SECT. 85, caption preceding section revised, 1956, 715 § 17; section revised, 1950, 727 § 1; amended, 1955, 770 § 48; revised, 1956, 777 § 26. (See 1955, 770 §§ 117, 123.)

SECT. 86 revised, 1950, 727 § 2; amended, 1955, 770 § 49. (See 1955, 770 §§ 117, 123.)

SECTS. 85-86 repealed, 1972, 777 § 17.

SECTS. 86A-86C added, 1956, 715 § 18 (relative to the employment of prisoners in day-work).

SECT. 86B amended, 1960, 399.

SECT. 86C revised, 1960, 312.

SECTS. 86A-86C repealed, 1971, 1076 § 8. (See 1971, 1076 § 22.)

SECTS. 86D AND 86E added, 1967, 723 (authorizing day work outside certain prisons).

SECT. 86D, second paragraph revised, 1970, 478.

SECTS. 86D-86E repealed, 1972, 777 § 17.

SECT. 86F added, 1967, 821 § 1 (providing for work release programs in houses of correction); amended, 1971, 26.

SECT. 86G added, 1968, 363 (providing for work release programs at Suffolk County House of Correction and Suffolk County Jail).

SECT. 87 amended, 1941, 344 § 20; revised, 1955, 770 § 50; amended, 1957, 777 § 27. (See 1955, 770 §§ 117, 123.)

SECT. 88 amended, 1955, 770 § 51; revised, 1957, 777 § 28. (See 1955, 770 §§ 117, 123.)

SECT. 89 revised, 1955, 770 § 52; amended, 1957, 777 § 29. (See 1955, 770 §§ 117, 123.)

SECT. 90 amended, 1955, 770 § 53. (See 1955, 770 §§ 117, 123.)

SECT. 90A revised, 1938, 65; 1951, 394; amended, 1952, 299; revised, 1970, 460; 1972, 777 § 18.

SECT. 91 repealed, 1955, 770 § 122. (See 1955, 770 §§ 117, 123.)

SECT. 92 revised, 1955, 770 § 54. (See 1955, 770 §§ 117, 123.)

SECT. 92A added, 1972, 780 (reducing the age requirement and eliminating fees for prisoners taking general educational development tests).

SECT. 93 revised, 1955, 770 § 55. (See 1955, 770 §§ 117, 123.)

SECT. 95 repealed, 1958, 588 § 1.

SECT. 96 amended, 1941, 351 § 42; repealed, 1958, 588 § 1; amended, 1958, 613 § 8B (effective date subsequent to effective date of 1958, 588 § 1 and therefore of no effect).

SECTS. 96A AND 96B added, 1936, 383 (providing for the disposition of unclaimed money and property of former prisoners).

SECT. 96A amended, 1945, 290; revised, 1955, 770 § 56; amended, 1957, 777 § 30. (See 1955, 770 §§ 117, 123.)

SECT. 96B revised, 1955, 770 § 57; amended, 1957, 777 § 31. (See 1955, 770 §§ 117, 123.)

SECT. 97 revised, 1943, 113; 1955, 770 § 58; amended, 1956, 731 § 8; revised, 1958, 634; 1968, 627. (See 1955, 770 §§ 117, 123.)

SECT. 97A added, 1968, 624 (permitting transfer of prisoners sentenced to state prison to suitable and appropriate federal institutions).

SECTS. 98-108 repealed, 1955, 770 § 122. (See 1955, 770 §§ 117, 123.)

SECT. 109 repealed, 1941, 344 § 21.

SECT. 109A repealed, 1955, 770 § 122. (See 1955, 770 §§ 117, 123.)

SECT. 109B added, 1935, 113 § 1 (relative to the transfer of certain prisoners from the Massachusetts Reformatory to the State Prison); repealed, 1955, 770 § 122. (See 1935, 113 § 2; 1955, 770 §§ 117, 123.)

SECTS. 110 AND 111 repealed, 1955, 770 § 122. (See 1955, 770 §§ 117, 123.)

SECT. 11A added, 1933, 169 (relative to transfers of defective delinquents and drug addicts from one institution to another under the department of correction); amended, 1969, 889 § 23.

SECT. 113 revised, 1955, 770 § 59. (See 1955, 770 §§ 117, 123.)

SECT. 114 repealed, 1955, 770 § 122. (See 1955, 770 §§ 117, 123.)

SECT. 117 revised, 1941, 410 § 1; 1943, 120; 1977, 582 § 1.

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; revised, 1977, 582 § 2.

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.)

SECTS. 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); amended, 1977, 220.

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. 150 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.

SECTS. 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); amended, 1977, 829 § 22.

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 of 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); second paragraph revised, 1978, 44.

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; sentence inserted after the third sentence, 1977, 113 § 1. (See 1975, 77 § 2; 1977, 113 § 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; amended, 1977, 924 § 1; sentence inserted after first sentence, 1971, 991; amended, 1977, 924 § 2. (See 1969, 849 § 79; 1977, 924 § 4.)

SECT. 44A added, 1977, 924 § 3 (further regulating the budget of the Suffolk county trustees for county cooperative extension service). (See 1977, 924 § 4.)

SECTS. 51-62 added, 1972, 365 § 3 (further regulating the sale of commercial feed).

SECT. 51, first paragraph revised, 1973, 43 § 6; definition of "Percent 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).

SECT. 84, definition of "Labeling" revised, 1978, 218 § 1; definition of "Treated" revised, 1978, 218 § 2.

SECT. 86 revised, 1978, 218 § 3.

SECT. 87 first paragraph revised, 1978, 218 § 4.

SECT. 88 revised, 1978, 218 § 5.

SECT. 89 amended, 1978, 218 § 6.

SECT. 90 amended, 1978, 218 § 7; second paragraph revised, 1978, 218 § 8.

SECT. 91 revised, 1978, 218 § 9.

SECT. 92 revised, 1978, 218 § 10.

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; 1978, 494 § 3.

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 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, 1946, 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. 5B added, 1978, 494 § 4 (providing for certain reimbursement to the commonwealth).

SECT. 6, paragraph inserted after first paragraph, 1978, 494 § 5.

SECT. 7 revised, 1978, 494 § 6.

SECT. 8 revised, 1971, 721 § 3; 1978, 474 § 6.

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; 1978, 494 § 7.

SECT. 9B added, 1978, 494 § 7A (relative to rules, regulations and conditions).

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); revised, 1978, 494 § 8.

SECT. 10B added, 1973, 457 (providing a penalty for falsely making, altering, forging, uttering or publishing pari-mutuel betting tickets).

SECT. 11A added, 1963, 835 (prohibiting interlocking directorates between fairs and commercial racing corporations).

SECT. 11B added, 1972, 397 (further regulating certain licensees of the state racing commission).

SECT. 11C added, 1978, 494 § 9 (relative to the transfer of stock).

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; repealed, 1977, 363A

§ 72. (See 1936, 436 § 4; 1941, 729 § 15; 1955, 540 §§ 5-7; 1977, 363A § 76.)

**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; third sentence amended, 1977, 363A § 71. (See 1975, 706 § 312; 1977, 363A § 76.)

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. 22A added, 1977, 385 (relative to the restraint of certain police dogs).

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; first sentence revised, 1978, 485 § 1; 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; revised, 1978, 485 § 2.

SECT. 36E revised, 1956, 527 § 3; 1978, 485 § 2. (See 1978, 485 § 3.)

SECTS. 36F AND 36G added, 1956, 527 § 4 (relative to the testing of cattle for brucellosis); revised, 1978, 485 § 2.

SECT. 36G revised, 1977, 793 § 1. (See 1977, 793 § 2.)

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. 40A added, 1977, 43 (prohibiting the use of hog cholera vaccine).

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).

SECTS. 45-48 added, 1977, 857 (regulating the dealing in and transportation of equine 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 "Coastal Waters" amended, 1978, 119 § 6; definition of "Commissioner" 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); repealed, 1977, 363A § 66. (See 1977, 363A § 76.)

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; revised, 1978, 234.

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, subsection (3) revised, 1977, 447 § 1; subsections (8) and (9) added, 1968, 438 § 1; subsection (10) added, 1971, 1104; subsection (ii) added, 1977, 153.

SECT. 17A added, 1962, 715 § 8 (relating to the management of marine fisheries).

SECT. 17B added, 1973, 931 § 1 (relating to aquaculture); amended, 1977, 971 § 1; revised, 1978, 473 § 1.

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; amended, 1978, 259.

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; fourth paragraph, first sentence revised, 1977, 69 § 1. (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; sixth sentence revised, 1977, 476; 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; 1977, 69 § 2. (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; first paragraph revised, 1977, 13; third paragraph revised, 1977, 69 § 3.

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; first sentence revised, 1977, 69 § 4. (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; last paragraph revised, 1977, 447 § 2.

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, first paragraph, first sentence revised, 1977, 331; six sentences inserted after second sentence, 1977, 447 § 3; 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; revised, 1977, 30; 1978, 293. (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; repealed, 1978, 80.

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. 100D added, 1977, 971 § 2 (relative to the commercial harvest of eels in the waters of the Commonwealth).

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 1975, 706 § 312.)

SECT. 6 amended, 1975, 706 § 225. (See 1975, 706 § 312.)

SECT. 11, second paragraph, last sentence stricken out and two sentences inserted, 1968, 530; next to last sentence revised, 1969, 652; section revised, 1972, 706 § 1; second paragraph, sentence inserted after second sentence, 1977, 983 § 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. (See 1977, 983 § 3.)

SECT. 12 amended, 1972, 706 § 2; first sentence revised, 1975, 706 § 226; section revised, 1978, 113. (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; section revised, 1977, 921 § 1. (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, 1973, 1071 § 4; fourth paragraph, clause (4) revised, 1973, 1071 § 5; clause (7) revised, 1973, 1071 § 6; clauses (9)-(10) added, 1973, 496 § 4; stricken out and clauses (9)-(11) inserted, 1977, 542 § 1; fifth paragraph amended, 1977, 542 § 2; 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. 34 revised, 1978, 276.

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; section revised, 1977, 418 § 1. (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; fifth sentence revised, 1977, 131; 601 § 1; sixth sentence revised, 1975, 706 § 238; second paragraph revised, 1975, 363 § 1; eleventh paragraph, second sentence, 1975, 706 § 239; third sentence amended, 1978, 119 § 7; twelfth paragraph, third sentence revised, 1975, 706 § 240; thirteenth paragraph revised, 1975, 706 § 241; first sentence revised, 1976, 53;

fifth sentence revised, 1978, 95 § 1; eighth sentence revised, 1978, 95 § 2; fourteenth paragraph revised, 1978, 248; 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; three paragraphs inserted, 1977, 625 § 2; nineteenth paragraph, first sentence revised, 1975, 334; second sentence revised, 1975, 706 § 243. (See 1975, 706 § 312; 1977, 601 § 2.)

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. 52A added, 1977, 971 § 3 (further regulating the taking of eels); first paragraph, second sentence revised, 1978, 473 § 2; fourth paragraph revised, 1978, 473 § 3.

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; seventh paragraph, first sentence revised, 1970, 224 § 2; eighth paragraph stricken out and two paragraphs inserted, 1977, 593; 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, 1948, 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 sentence amended, 1975, 706 § 256. (See 1975, 706 § 312.)

SECT. 14 revised, 1937, 415 § 6; revised, 1948, 660 § 10; third paragraph revised, 1949, 761 § 7; amended, 1950, 694 § 2; revised, 1951, 488; sixth paragraph revised, 1949, 761 § 8; section revised, 1956, 657 § 8.

SECT. 15 revised, 1948, 660 § 11; 1956, 657 § 9.

SECT. 16 revised, 1948, 660 § 12; 1956, 657 § 10.

SECT. 17 amended, 1937, 415 § 6A; last sentence revised, 1946, 432 § 10; section revised, 1948, 660 § 13; 1956, 657 § 11; last sentence amended, 1978, 514 § 201. (See 1978, 514 § 287.)

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. 42, two sentences added, 1977, 566.

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.)

SECTS. 11A-11D added, 1977, 780 § 1 (providing for the acquisition of agricultural preservation restrictions by the Commonwealth).

SECT. 11A, third sentence revised, 1978, 433.

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; section revised, 1977, 897 § 1. (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; section revised, 1977, 897 § 1. (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; section revised, 1977, 897 § 1. (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; section revised, 1977, 897 § 1. (See 1975, 706 § 312.)

SECT. 17 added, 1975, 130 (establishing a Squannacook and Nissitissit Rivers Sanctuary); revised, 1977, 897 § 2.

SECT. 18 added, 1976, 369 (establishing a South Essex Ocean Sanctuary).

Chapter 132B. — Massachusetts Pesticide Control Act.

New chapter inserted, 1978, 3 § 3.

Chapter 135. — Unclaimed and Abandoned Property.

SECT. 1 revised, 1947, 441 § 1.

SECTS. 2-4 repealed, 1947, 441 § 2.

SECT. 8 amended, 1938, 98 § 1; 1973, 640.

SECT. 9 amended, 1938, 98 § 3.

SECT. 11 amended, 1938, 98 § 2.

Chapter 136. — Observance of a Common Day of Rest and Legal Holidays (former title, Observance of the Lord's Day and Legal Holidays).

Title changed, 1960, 812 § 2; 1962, 616 § 2.

Chapter stricken out and new chapter 136 inserted, 1962, 616 § 2.

For prior changes see Table of Changes contained in Acts and Resolves of 1963.

The following references are to chapter 136, as so inserted:

SECT. 2 revised, 1969, 498; amended, 1971, 951 § 3.

SECT. 3 amended, 1971, 951 § 4.

SECT. 4, paragraph (1) amended, 1964, 97; 1968, 64; revised, 1969, 152; paragraph (7) amended, 1964, 456; revised, 1973, 944 § 2; 1974, 117; paragraph (8) added, 1968, 448; paragraph (9) added, 1973, 1000 § 3.

SECT. 6, clause (2) revised, 1968, 340; clause (6) amended, 1964, 9; clause (8) and paragraph following said clause stricken out and new clause (8) inserted, 1964, 216; clause (25) revised, 1963, 230; clause (34) amended, 1965, 488; clause (37) revised, 1965, 243; clause (40) revised, 1969, 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; clause (50) added, 1977, 722.

SECT. 7, first paragraph revised, 1964, 384 § 1; second paragraph revised, 1978, 378 § 1.

SECT. 7A added, 1978, 378 § 1A (providing for appeal of denial of certain permits).

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; third paragraph revised, 1978, 378 § 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; definition of "Restaurant" amended, 1936, 368 § 1; definition of "Tavern" amended, 1934, 121 § 1; 1935, 253 § 1; 1968, 45; 1973, 430 § 10A; definition of "Wines" revised, 1941, 637 § 1; section revised, 1977, 929 § 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; revised, 1977, 812; 929 § 2; 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; third

paragraph revised, 1978, 225; paragraph in lines 77-105 amended, 1946, 305; 1953, 310; 1965, 570; 1968, 197 § 1A; 1970, 453 § 2; revised, 1978, 377 § 1; 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. 17A added, 1978, 377 § 2 (providing for certain additional seasonal licenses).

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; 1977, 929 § 3.

SECT. 19B added, 1977, 929 § 4 (providing for the issuance of farmer-vinery licenses).

SECT. 20 revised, 1934, 385 § 12; first paragraph amended, 1936, 368 § 6; paragraph inserted, 1936, 368 § 7; section revised, 1943, 542 § 10; first two paragraphs revised, 1977, 929 § 5.

SECT. 20A added, 1937, 424 § 4 (relative to granting permits to public warehousemen to store and warehouse alcoholic beverages); amended, 1953, 654 § 95; revised, 1978, 514 § 202. (See 1978, 514 § 287.)

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; 1977, 929 § 6; amended, 1978, 514 § 203. (See 1936, 411 § 2; 1939, 367 § 2; 1941, 637 § 3; 1947, 625 §§ 3, 4; 1966, 14 § 27, 698 § 87; 1978, 514 § 287.)

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; third paragraph revised, 1977, 929 § 7; 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; first sentence amended, 1977, 74 § 2.

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; first paragraph, revised, 1977, 929 § 8; 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; seventh paragraph revised, 1977, 929 § 9.

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; section revised, 1977, 929 § 10. (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; first paragraph revised, 1977, 929 § 11.

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; revised, 1977, 929 § 12.

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; revised, 1977, 929 § 13.

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; 1977, 929 § 14. (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; 1977, 859.

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; 1977, 929 § 15.

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. 3B added, 1977, 804 § 1 (further regulating the disbursement of insurance proceeds). (See 1977, 804 § 1.)

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; first sentence revised, 1977, 284 § 1.

SECTS. 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; subsection (C), paragraph (3) revised, 1977, 203.

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; repealed, 1977, 553.
- 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; third sentence revised, 1978, 346 § 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; clause (*p*) revised, 1978, 551 § 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 and second sentences revised, 1969, 799 § 12; second sentence revised, 1973, 159.

SECT. 131F revised, 1959, 296 § 8; first paragraph, first sentence revised, 1978, 551 § 2; 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; paragraph added, 1978, 573.

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; section revised, 1978, 478 § 73. (See 1934, 320 § 34; 1978, 478 § 343.)

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; revised, 1978, 144.

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.

SECTS. 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; first paragraph, sentence inserted after the second sentence, 1977, 233.

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 (f ½) inserted, 1978, 480 § 1; subsection (g ½) inserted, 1977, 52 § 1; subsection (g ¾) inserted, 1978, 480 § 2; subsection (j) revised, 1977, 52 § 2; subsection (k ½) inserted, 1973, 273 § 2; revised, 1977, 52 § 3; subsection (l) revised, 1977, 52 § 4; subsection (n) revised, 1977, 52 § 5; subsection (r) revised, 1977, 52 § 6; subsection (u) revised, 1974, 17 § 1; subsection (v ½) inserted, 1978, 480 § 3; subsections (cc), (dd) and (ee) added, 1978, 559 § 1.

SECT. 2, subsection (e) added, 1975, 592 § 1.

SECT. 3, subsection (i) added, 1975, 592 § 2; revised, 1977, 52 § 7; 1978, 559 § 2. (See 1975, 592 § 2.)

SECT. 4, subsection (a) amended, 1973, 802 § 1.

SECT. 5, subsection (a) revised, 1974, 17 § 2; subsection (e) revised, 1977, 980; subsection (h ½) inserted, 1978, 480 § 3A; subsection (i) added, 1972, 229 § 1; subsection (j) added, 1975, 592 § 3; stricken out, 1977, 52 § 8; subsection (k) added, 1978, 75.

SECT. 6, subsection (a) amended, 1973, 802 § 2; clause (1) amended, 1975, 592 § 4; subsection (b) amended, 1973, 802 § 3; first paragraph amended, 1977, 52 § 9; clauses (1)-(3) revised, 1977, 52 § 10; clause (2) revised, 1975, 592 § 5; clause (8) amended, 1975, 592 § 6; clause (9) added, 1978, 480 § 4; subsection (c) revised, 1973, 802 § 4; clause (1) revised, 1977, 52 § 11; clause (2 ½) inserted, 1978, 480 § 5; subsection (d) revised, 1975, 592 § 7; sentence added, 1977, 52 § 12; subsection (e) revised, 1972, 229 § 2; subsection (f) revised, 1977, 52 § 13; subsection (g) added, 1977,

52 § 14; clause (2), subclause (i), first sentence revised, 1978, 559 § 3; clause (3), subclause (ii) revised, 1978, 559 § 4; clause (4) revised, 1978, 559 § 5. (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; section revised, 1977, 52 § 15.

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); second, third and fourth paragraphs revised, 1977, 10.

SECT. 6E added, 1977, 52 § 16 (relative to payments in excess of new balances); subsection (b), clause (i) revised, 1978, 559 § 6.

SECT. 7, subsection (a) amended, 1975, 592 § 8; revised, 1977, 52 § 17; subsection (b), clause (3) amended, 1974, 713 § 1; clause (7) revised, 1974, 17 § 3; clause (8) added, 1978, 559 § 7; subsection (c), clause (8) amended, 1974, 713 § 2; subclause (i) revised, 1977, 52 § 18; subsection (d), clause (3) amended, 1974, 713 § 3; revised, 1977, 52 § 19; clause (4) added, 1970, 824 § 2; subsection (n) revised, 1977, 52 § 20; subsection (o) revised, 1972, 229 § 3; subsection (p) added, 1972, 229 § 4; subsection (q) added, 1977, 52 § 21.

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. 9B added, 1978, 480 § 6 (providing for the correction of customer accounts).

SECT. 10, subsection (b) amended, 1972, 229 § 9; subsections (e), (f) and (g) added, 1975, 592 § 11; subsection (h) added, 1977, 429.

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. 2B added, 1977, 163 (relating to reciprocity of licensing with other states).

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; section revised, 1977, 843 § 3.

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; 1977, 843 § 4.

SECT. 3A added, 1963, 431 § 3 (providing that apprentice plumbers be licensed); second paragraph revised, 1977, 843 § 5; two paragraphs added, 1973, 951.

SECT. 3B added, 1969, 731 § 2 (relative to requirements for plumbing corporation or partnership certificates); revised, 1977, 843 § 6.

SECT. 4, first sentence revised, 1947, 382; second sentence revised, 1962, 488; third sentence revised, 1977, 378 §§ 1-2; paragraph added, 1946, 502; revised, 1954, 627 § 30; 1967, 282; section revised, 1977, 843 § 6. (See 1954, 627 §§ 65, 67; 1977, 378 § 3.)

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; 1977, 843 § 7.

SECT. 6 revised, 1934, 347 § 2; third sentence revised, 1965, 645 § 2; section revised, 1977, 843 § 7.

SECT. 7 revised, 1977, 843 § 7.

SECT. 8 repealed, 1965, 358 § 1.

SECT. 9, first sentence revised, 1977, 843 § 8.

SECT. 11 amended, 1945, 703 § 11; revised, 1954, 627 § 31; 1977, 843 § 9; paragraph added, 1978, 289 § 1. (See 1954, 627 §§ 65, 67.)

SECT. 12 revised, 1977, 843 § 9; 1978, 560 § 1.

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; section revised, 1977, 843 § 9; first paragraph revised, 1978, 249. (See 1965, 358 § 3; 1975, 706 § 312.)

SECT. 15 revised, 1952, 112.

SECT. 16 amended, 1963, 431 § 5; revised, 1977, 843 § 10.

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); revised, 1977, 843 § 11.

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.)

SECTS. 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.)

SECTS. 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; 1977, 64; paragraph added, 1961, 531 § 2; revised, 1977, 64. (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.

SECTS. 3N AND 3O added, 1960, 737 § 2 (relative to rules and regulations governing gas fittings). (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; amended, 1977, 868 § 3; sentence added, 1977, 868 § 4. (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.

SECTS. 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; sentence added, 1978, 36. (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).

SECT. 71I, amended, 1978, 455 § 1; definitions of "Skier", "Ski area", "Ski area operator" and "Ski slope or trail" added, 1978, 455 § 2.

SECT. 71J, two sentences inserted after first sentence, 1978, 455 § 3.

SECTS. 71N-71O revised, 1978, 455 § 4. (See 1978, 455 § 5.)

SECTS. 71P-71S added, 1978, 455 § 4.

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; sentence added, 1977, 291.

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; paragraph added, 1978, 212.

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; sentence inserted after seventh sentence, 1977, 505. (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; stricken out, 1977, 990 § 2; sections 81-88 inserted, 1977, 990 § 2. (See 1975, 699 § 2.)

SECT. 83, second paragraph revised, 1978, 34 § 1A.

SECT. 85, third paragraph, first two sentences revised, 1978, 34 § 1B.

SECT. 86 revised, 1978, 34 § 1C.

SECT. 88 revised, 1978, 34 § 1D.

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; first sentence revised, 1977, 597.

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); revised, 1977, 918.

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 added, 1969, 872 § 1 (providing overtime compensation for regular city, town and metropolitan district commission police).

SECT. 21A added, under caption, 1967, 430 (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, 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); revised, 1978, 63.

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 devices). (See 1972, 429 § 2.)

Chapter 148. — Fire Prevention.

SECT. 1, definition of “Head of the fire department” revised, 1945, 470; definition of “local licensing authority” amended, 1932, 102; revised, 1953, 230 § 1; three paragraphs added, defining “Board”, “Building” and “Structure”, 1945, 470. (See 1953, 230 § 2.)

SECT. 2 amended, 1948, 504; first sentence revised, 1977, 319.

SECT. 3 amended, 1945, 700 § 4; first sentence revised, 1978, 35.

SECT. 4 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); revised, 1978, 295.

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; 1977, 118 § 1; fifth sentence stricken out and four sentences inserted, 1968, 373 § 3; fifth sentence amended, 1972, 684 § 70; revised, 1977, 118 § 2. (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; 1978, 434; fourth paragraph (as appearing in 1936, 394 § 1) amended, 1945, 710 § 8; last paragraph, as so appearing, amended, 1938, 99. (See 1932, 22 § 2; 1936, 394 §§ 2, 3; 1945, 415 § 2, 710 § 19; 1959, 353 § 2.)

- SECT. 14 amended, 1938, 103.
- SECT. 16 amended, 1941, 288.
- SECT. 18 repealed, 1934, 182 § 2.
- SECT. 19, sentence added, 1948, 550 § 28.
- SECT. 20A added, 1946, 501 (relative to bonds to cover risk of damages from blasting operations conducted in several municipalities).
- SECT. 20B added, 1967, 532 § 1 (relative to competency to conduct blasting operations); third sentence revised, 1972, 684 § 71; sixth sentence stricken out and four sentences inserted, 1968, 373 § 2; sixth sentence amended, 1972, 684 § 72. (See 1967, 532 § 2; 1972, 684 § 136.)
- SECT. 20C added, 1972, 333 (establishing liability for damages caused by blasting without proof of negligence).
- SECT. 21 amended, 1945, 710 § 9.
- SECT. 22 amended, 1945, 710 § 10.
- SECT. 23 amended, 1935, 123 § 2; first sentence revised, 1964, 155.
- SECT. 23A added, 1948, 188 (prohibiting the use of inflammable anti-freeze solutions in fire hydrants).
- SECT. 25A added, 1962, 688 § 1 (prohibiting the sale or installation of secondhand space heaters and secondhand portable stoves in buildings used for human habitation).
- SECT. 25B added, 1962, 688 § 2 (prohibiting the use of space heaters in buildings used for human habitation).
- SECT. 25C added, 1970, 29 (relative to the sale of certain decorating candles).
- SECT. 25D added, 1973, 648 (regulating the manufacture and sale of certain types of children's clothing and sleepwear).
- SECT. 26 amended, 1945, 481.
- SECT. 26A added, 1973, 395 § 1 (requiring sprinkler systems in high rise buildings); revised, 1975, 676 § 1. (See 1975, 676 § 3.)
- SECT. 26B added, 1974, 214 § 1 (requiring automatic fire warning systems in certain buildings and structures); revised, 1975, 676 § 2. (See 1974, 214 § 2; 1975, 676 § 3.)
- SECT. 26C added, 1975, 710 (requiring the installation of automatic smoke or heat detectors in certain hotels); amended, 1977, 962.
- 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); third sentence revised, 1978, 297.
- 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; amended, 1978, 296.

SECT. 31 amended, 1945, 460.

SECT. 32 revised, 1978, 446 § 1. (See 1978, 446 § 8.)

SECT. 34 revised, 1978, 396.

SECT. 37 paragraph added, 1977, 523.

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 fire-works); 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).

SECT. 58 added, 1978, 112 (regulating the installing and servicing of certain fire extinguishers).

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, 760 § 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 strikebreaking).

SECT. 23, first paragraph amended, 1951, 166 § 2; second paragraph amended, 1935, 114; revised, 1970, 213.

SECT. 23A added, 1934, 233 (regulating the employment of armed guards in connection with strikes, 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. 24A revised, 1978, 142.

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; 1978, 155 § 1; 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 leaves of absence 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.)

SECT. 44, first sentence revised, 1978, 393 § 38. (See 1978, 393 § 45.)

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; second sentence revised, 1977, 968; 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; revised, 1977, 289. (See 1939, 461 § 13.)

SECT. 61, clause (1) revised, 1946, 241 § 2; section amended, 1954, 98; last sentence stricken out, 1954, 240 § 1.

SECT. 62, first sentence, clause (10) amended, 1975, 376; clause (13) amended, 1934, 328 § 19; section amended, 1945, 337; clause (15) added, 1946, 171; amended, 1954, 240 § 2; second sentence revised, 1962, 452; amended, 1966, 43; revised, 1974, 176; 1975, 202.

SECT. 62A added, 1967, 165; paragraph added, 1974, 248.

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.

SECT. 104A added, 1977, 917 § 1 (providing for the protection and welfare of certain children).

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; 1977, 664.

SECT. 148A added, 1977, 590 (relative to employee rights under the wage and hours provisions of labor law).

SECT. 150, sentence added, 1932, 101 § 2.

SECT. 150A added, 1938, 403 (requiring employers to furnish certain information to employees relative to deductions from wages for social security and unemployment compensation benefits); revised, 1960, 246; 1961, 400.

SECT. 150B added, 1943, 385 (prohibiting labor unions from requiring payment of certain fees as a condition of securing or continuing employment).

SECT. 152A added, 1952, 490 (prohibiting the payment by an employee to an employer of tips or gratuities received during the course of employment); sentence added, 1966, 350.

SECT. 156 amended, 1935, 363 § 1; 1941, 164. (See 1935, 363 § 2.)

SECT. 157A added, 1933, 268 (insuring to piece or job workers in factories and workshops information relative to their compensation).

SECT. 159A added, 1937, 342 § 1 (to prevent the misleading of patrons of certain places as to the beneficiaries of tips given to hatcheck and cigarette girls and the like); revised, 1973, 370.

SECT. 159B added, 1949, 241 (requiring payment by employers for medical examinations of present or prospective employees in certain cases).

SECT. 168A added, 1969, 883 (requiring employers entering into certain farm labor contracts to give notice thereof to the department of labor and industries).

SECT. 170 amended, 1945, 580 § 8. (See 1945, 580 § 9.)

SECT. 171 revised, 1948, 487.

SECT. 178A added, 1932, 175 (authorizing the payment of small amounts of wages or salary of interstate employees to certain next of kin

without administration); sentence added, 1953, 436 § 4; section revised, 1954, 562 § 4.

SECT. 178B added, 1947, 189 § 1 (to authorize deductions from wages of employees of districts and municipalities for making certain payments to credit unions of such employees); revised, 1956, 144; 1966, 458; first sentence revised, 1968, 558; 1969, 785; 1970, 292; amended, 1975, 586 § 2; third sentence revised, 1975, 586 § 3. [For prior legislation see G.L. chapter 171 § 6A (1946, 184) repealed by 1947, 189 § 2.]

SECT. 178C added, 1953, 436 § 5 (relative to the payment of salaries, wages or other sums owing by the commonwealth or certain political subdivisions thereof upon the death of their officers or employees); revised, 1954, 562 § 5. (See 1953, 436 § 7.)

SECT. 178D added, 1958, 460 (protecting the right of public employees to join vocational or labor organizations); third sentence revised, 1969, 171; stricken out, 1972, 792; sentence added, 1962, 504; section repealed, 1973, 1078 § 1. (See 1973, 1078 § 7.)

SECT. 178E added, 1959, 552 (providing that a certain portion of a dividend or rate reduction under a group insurance policy should be applied for the sole benefit of certain insured employees).

SECT. 178F added, 1964, 637 (authorizing state employees to join and to act on behalf of certain organizations representing employees of the commonwealth and to enter into certain agreements with state departments or agencies relative to working conditions); revised, 1967, 774; subsection (10), first paragraph amended, 1972, 713 § 1; second paragraph revised, 1972, 713 § 2.

SECTS. 178G-178N added, 1965, 763 § 2 (providing for the election of representative bargaining agents with political subdivisions of the commonwealth).

SECTS. 178F-178N repealed, 1973, 1078 § 1. (See 1973, 1078 § 7.)

SECT. 178G, definition of "Employee" revised, 1966, 156.

SECT. 178H, subsection (2) amended, 1971, 410; subsection (4A) inserted, 1972, 713 § 3; subsection (5) added, 1967, 746.

SECT. 178I, first paragraph, third sentence revised, 1968, 633; two sentences stricken out and one sentence inserted, 1969, 128 § 2; sentence added, 1967, 514 § 1; second paragraph amended, 1967, 514 § 2; second sentence amended, 1969, 341; revised, 1970, 340.

SECT. 178J, subsection (b) amended, 1972, 490.

SECT. 178K amended, 1970, 445; sentence added, 1972, 375.

SECT. 178L amended, 1970, 463 § 1; third paragraph, last sentence stricken out and paragraph inserted, 1972, 713 § 4.

SECT. 178O added, 1972, 353 (requiring employer to notify employee whose employment is being terminated 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).

Chapter 150. — Conciliation and Arbitration of Industrial Disputes.

SECT. 3 amended, 1938, 364 § 1; 1939, 111.

SECT. 5 revised, 1938, 364 § 2.

SECT. 6, sentence inserted after first sentence, 1977, 790.

SECT. 7, fifth sentence amended, 1946, 590 § 1; 1957, 481.

SECT. 9, last sentence amended, 1946, 590 § 2.

SECT. 10 revised, 1973, 1192 § 2.

SECT. 11 added, 1949, 548 (providing that certain agreements for the arbitration and conciliation of labor disputes shall be valid); repealed, 1959, 546 § 3. (See 1959, 546 § 4.)

Chapter 150A. — Labor Relations.

New chapter inserted, 1938, 345 § 2 (incorporating the provisions of 1937, 436, relative to labor relations as an addition to the General Laws). (See 1938, 345 § 3, 4.)

SECT. 1, paragraph added, 1964, 576 § 1; amended, 1968, 513 § 1; paragraph added, 1968, 513 § 2. (See 1964, 576 § 10.)

SECT. 2, subsections (2) and (3) revised, 1964, 576 § 2; subsection (2) amended, 1968, 513 § 3; subsection (3) amended, 1968, 513 § 4; 1970, 760 § 12A; revised, 1970, 882 § 1; subsection (9) added, 1951, 615 § 1; subsections (10) and (11) added, 1964, 576 § 3. (See 1964, 576 § 10.)

SECT. 3 revised, 1951, 615 § 2.

SECT. 3A added, 1970, 760 § 12B (further defining “employee” and his rights).

SECT. 4, subsection (2) amended, 1956, 286; subsection (3) revised, 1947, 657 § 1; subsection (6) added, 1947, 657 § 2.

SECT. 4A revised, 1947, 657 § 3.

SECT. 4B added, 1947, 657 § 3 (making it an unfair labor practice for a labor organization to refuse to bargain collectively in certain cases).

SECT. 4C added, 1964, 576 § 4 (relative to unfair labor practices of health care facilities or of nurse employees of health care facilities); amended, 1968, 513 § 5; revised, 1969, 133 § 1. (See 1964, 576 § 10.)

SECT. 5, subsection (a) revised, 1951, 615 § 3; subsection (b) amended, 1939, 318; revised, 1951, 615 § 4; 1964, 576 § 5; subsection (c) amended, 1947, 657 § 4; 1964, 576 § 6; sentence inserted after the first sentence, 1977, 188; subsection (d) revised, 1974, 725 § 1; subsection (e) added, 1974, 725 § 1. (See 1964, 576 § 10.)

SECT. 5A added, 1970, 882 § 2 (relative to agricultural workers).

SECT. 6, subsection (a) amended, 1947, 657 § 5; revised, 1964, 576 § 7; subsections (c) and (d) revised, 1974, 725 § 2; subsection (e) amended, 1954, 681 § 10; subsection (f) amended, 1954, 681 § 11; 1973, 382; subsections (e) and (f) revised, 1973, 1114 § 15; subsection (e) amended, 1974, 725 § 3; subsection (f) amended, 1974, 725 § 4; subsection (h) amended, 1941, 261; subsections (h) and (i) revised, 1973, 1114 § 15. (See 1964, 576 § 10; 1973, 1114 § 351.)

SECTS. 6A-6C added, 1947, 657 § 6 (relative to membership in labor organizations where such membership is required as a condition of employment).

SECT. 7, first paragraph amended, 1947, 657 § 7.

SECT. 9 amended, 1947, 657 § 8; revised, 1964, 576 § 8. (See 1964, 576 § 10.)

SECT. 9A added, 1964, 576 § 9 (providing for the submission to arbitration of certain grievances or disputes between a health care facility and its nurse employees); amended, 1968, 513 § 6; revised, 1969, 133 § 2. (See 1964, 576 § 10.)

SECT. 10, subsection (b) revised, 1945, 354; 1947, 657 § 9.

**Chapter 150B. — Peaceful Settlement of Industrial Disputes
Dangerous to Public Health and Safety.
Public Health and Safety.**

New chapter inserted, 1947, 596.

SECTS. 3 AND 4 revised, 1954, 557 § 1.

SECT. 5, subsection (b) revised, 1973, 1114 § 17. (See 1973, 1114 § 351.)

SECT. 8 added, 1954, 557 § 2 (relative to compensation for persons appointed as moderators, commissioners or board members in matters relating to peaceful settlement of industrial disputes).

Chapter 150C. — Collective Bargaining Agreements to Arbitrate.

New chapter inserted, 1959, 546 § 1. (See 1959, 546 § 4.)

**Chapter 150D. — Registration of Labor Replacements 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; first sentence revised, 1977, 278 § 1; definition of “Employer” or “public employer”, sentence added, 1977, 937 § 1; 278 § 2; revised, 1978, 478 § 74; definition of “Incremental costs items” inserted, 1976, 480 § 20. (See 1978, 478 § 343.)

SECT. 3, first paragraph, second sentence revised, 1974, 526; second paragraph amended, 1978, 478 § 75; paragraph added, 1975, 591; sentence added, 1977, 278 § 3; paragraph added, 1977, 753; 937 § 2; second sentence revised, 1978, 478 § 76. (See 1978, 478 § 343.)

SECT. 4, first paragraph sentence added, 1978, 562.

SECT. 7, first paragraph amended, 1974, 589 § 1; section revised, 1976, 480 § 21; 1977, 278 § 4; paragraphs (b) and (c) revised, 1977, 937 § 3; paragraph (d) revised, 1978, 478 § 77. (See 1978, 478 § 343.)

SECT. 8 amended, 1978, 393 § 39. (See 1978, 393 § 45.)

SECT. 9 revised, 1977, 347 § 1.

SECT. 10, paragraph (b) revised, 1974, 589 § 2.

SECT. 11, third paragraph, eighth sentence stricken out and three sentences inserted, 1977, 788; 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; 1977, 946 §§ 1-4. (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; 1977, 946 § 5.)

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; third sentence revised, 1978, 82.

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; subsection (*i*) revised, 1977, 720 § 1; definition of "Payroll" revised, 1971, 940 § 1; subsection (*k*) revised, 1977, 720 § 2; 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. 4A revised, 1977, 720 § 3.

SECT. 4B repealed, 1977, 720 § 4.

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; revised, 1977, 720 § 5; subsection (b) revised, 1977, 720 § 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; revised, 1977, 720 § 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; amended, 1977, 720 § 7; subsection (q) added, 1968, 239; amended, 1977, 720 § 8; subsections (r)-(w) added, 1971, 940 § 8; subsection (v) revised, 1977, 720 § 9. (See 1949, 639 § 3; 1951, 763 § 22; 1954, 280 § 2; 1961, 393 § 2; 1971, 940 § 22; 1973, 925 § 84; 1977, 720 § 38.)

SECT. 6A added, 1977, 720 § 10 (further modifying the financial provisions of the employment security law). (See 1977, 720 § 38.)

SECT. 7 repealed, 1971, 940 § 10. (See 1971, 940 § 22.)

SECT. 8, introductory paragraph revised, 1977, 720 § 11; subsection (a) amended, 1950, 535; revised, 1970, 828; subsection (b) amended, 1977, 720 § 12; subsection (g) and (h) added, 1943, 534 § 2.

SECTS. 8A-8C added, 1977, 720 § 13 (further modifying the financial provisions of the employment security law).

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, first paragraph amended, 1977, 720 § 14; 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; 1977, 720 § 15; subsection (a) revised, 1972, 594 § 1; paragraph (2), sentence added, 1977, 720 § 16; subsection (b) (1) revised, 1956, 719 § 7; paragraph (3) revised, 1977, 720 § 17; 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 (5) amended, 1977, 720 § 18; paragraph (6) revised, 1961, 614 § 2; amended, 1977, 720 § 19; subsection (f) revised, 1961, 614 § 3; 1973, 829 § 1; subsection (h), paragraph (2) amended, 1977, 720 § 20; paragraph (3) added, 1966, 362; revised, 1973, 829 § 2; subsection (i) revised, 1961, 614 § 4; 1977, 720 § 21; 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; stricken out, 1977, 720 § 22; subsection (p) added, 1977, 720 § 23. (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; 1977, 720 § 38.)

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; section revised, 1977, 720 § 24. (See 1971, 940 § 22; 1977, 720 § 38.)

SECT. 15, subsection (a) amended, 1950, 232; 1972, 465 § 1; subsection (b) revised, 1948, 603 § 6; subsection (c) revised, 1943, 373; subsection (d) amended, 1978, 478 § 78; subsection (e) added, 1968, 533; amended, 1969, 174. (See 1972, 465 § 2; 1978, 478 § 343.)

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; last sentence revised, 1977, 720 § 25; 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; 1977, 720 § 26. (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, 93 § 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; subsection (g) and (h) added, 1977, 720 § 27. (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; second paragraph stricken out, 1977, 720 § 28. (See 1977, 720 § 38.)

SECT. 28A added, 1971, 940 § 15 (relative to benefits based on service in institutions of higher education); revised, 1977, 720 § 29. (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; paragraph added, 1977, 720 § 30. (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), paragraphs (b) and (c) revised, 1977, 381 § 1; paragraph (d), subparagraph (2) revised, 1977, 720 § 31; paragraph (d ½) inserted, 1977, 381 § 2; stricken out, 1977, 720 § 32; paragraph (e) amended, 1972, 483 § 1; subparagraph (2) revised, 1977, 381 § 3; paragraph (e) revised, 1977, 720 § 33; paragraph (k) subparagraph (3) revised, 1977, 381 § 4; paragraph added, 1971, 756 § 1. (See 1970, 866 § 5; 1971, 756 § 3; 1977, 381 § 5.)

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; amended, 1977, 720 § 34. (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; amended, 1978, 478 § 79. (See 1951, 763 § 22; 1954, 681 §§ 20, 22; 1973, 1114 § 351; 1975, 377 § 164; 1976, 473 § 20; 1978, 478 § 343.)

SECT. 42B added, 1971, 957 § 4 (providing for recovery of benefits 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; third sentence revised, 1978, 367 § 54D. (See 1978, 367 § 72.)

SECT. 47 revised, 1951, 763 § 19; first paragraph revised, 1972, 321; fourth paragraph amended, 1966, 560 § 4; revised, 1977, 706. (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 Because Of Race, Color, Religious Creed, National Origin, Ancestry Or Sex
(former title, Unlawful Discrimination Against Race, Color, Religious Creed, National Origin or Ancestry)**

New chapter inserted, 1946, 368 § 4.

Title changed, 1978, 127 § 1.

SECT. 1, subsection 4 amended, 1957, 426 § 6; subsection 5 amended, 1950, 697 § 1; revised, 1962, 627; 1969, 216; subsection 7 revised, 1963, 469; subsection 8 added, 1950, 697 § 2; amended, 1966, 405; subsections 9, 10, 11, added, 1957, 426 § 1; subsection 9 revised, 1963, 613 § 1; subsection 12 added, 1959, 239 § 1; subsection 13 added, 1963, 197 § 1; subsection 14 added, 1965, 213 § 1.

SECT. 3, subsection 1 amended, 1969, 877; subsection 6 amended, 1950, 697 § 3; revised, 1960, 163 § 1; amended, 1965, 397 § 1; 1971, 923; subsection 8 amended, 1950, 697 § 4; 1965, 397 § 2; 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; revised, 1978, 288 § 1; subsection 6 added, 1957, 426 § 2; amended, 1959, 239 § 2; revised, 1961, 128; 1969, 90; clause (b) revised, 1978, § 89; 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; revised, 1978, 288 § 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 sentences 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; revised, 1978, 458 § 1; 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; second sentence revised, 1977, 390.

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; amended, 1978, 348 § 1.

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; amended, 1978, 348 § 2; second paragraph revised, 1978, 478 § 80. (See 1939, 213 § 2; 1978, 478 § 343.)

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; 1978, 424. (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); revised, 1977, 777.

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, 1956, 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; section revised, 1978, 461 § 1. (See 1974, 438 § 3; 1978, 461 § 2.)

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; 1978, 425.

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; second sentence stricken out and two sentences inserted, 1977, 856 § 1.

SECT. 47 revised, 1960, 792; 1977, 856 § 2.

SECTS. 48 AND 49 amended, 1953, 314 § 6.

SECT. 48, paragraph added, 1977, 776 § 1. (See 1977, 776 § 2.)

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; revised, 1978, 487 § 22.

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; 1978, 514 § 204. (See 1978, 514 § 287.)

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 interinsurance 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; amended, 1978, 514 § 205. (See 1978, 514 § 287.)

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; 1977, 98 § 1; 1978, 491 § 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; clause 5 stricken out, 1977, 98 § 2; section amended, 1978, 491 § 2. (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; repealed, 1977, 98 § 3. (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, 1973, 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. 21A added, 1977, 292 (relative to the restoration of reacquired shares to the status of authorized but unissued shares).

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, 685 § 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; 1977, 98 § 4; 1978, 491 § 3. (See 1965, 685 § 57.)

SECT. 65, sentence added, 1969, 392 § 16.

SECT. 67, two paragraphs added, 1965, 685 § 27; first paragraph revised, 1969, 392 § 17; first sentence revised, 1971, 929 § 4; paragraph added, 1969, 392 § 18. (See 1965, 685 § 57.)

- SECT. 71 revised, 1965, 685 § 28. (See 1965, 685 § 57.)
- SECT. 72, first sentence amended, 1967, 198.
- SECT. 74, first paragraph amended, 1965, 685 § 29. (See 1965, 685 § 57.)
- SECT. 75, sentence added, 1965, 685 § 30. (See 1965, 685 § 57.)
- SECT. 78, subsection (b) amended, 1965, 685 § 31; subsection (c) amended, 1965, 685 § 32; revised, 1969, 392 § 19; paragraph (1), clause (iii), two sentences added, 1975, 70 § 2; 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; 1978, 514 § 206; clause (d) amended, 1978, 514 § 207. (See 1978, 514 § 287.)
- SECT. 101 amended, 1978, 514 § 208. (See 1978, 514 § 287.)
- SECT. 102 revised, 1978, 389.
- 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; subsection stricken out, 1977, 98 § 5; paragraph added, 1976, 63 § 2; section amended, 1978, 491 § 4; second paragraph stricken out, 1978, 491 § 4A. (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; section repealed, 1977, 98 § 6.

SECT. 110 repealed, 1965, 685 § 50. (See 1965, 685 § 57.)

SECT. 111, first three sentences stricken out, 1969, 392 § 26; section repealed, 1977, 98 § 6.

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, 1972, 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; third paragraph amended, 1978, 514 § 209. (See 1978, 514 § 287.)

SECT. 33 amended, 1962, 750 § 35.

SECT. 36 amended, 1962, 750 § 36.

- SECT. 37 amended, 1962, 750 § 37; revised, 1977, 98 § 7; 1978, 491 § 5.
 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, 1933, 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.)

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. 44 amended, 1978, 514 § 210. (See 1978, 514 § 287.)

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. 34 amended, 1978, 514 § 211. (See 1978, 514 § 287.)
- 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* ½) inserted after subsection (*e*), 1969, 574 § 1; subsection (*e* ¾) inserted, 1971, 1100; subsection (*f* ½) inserted, 1977, 207; 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; subsection (*m*) added, 1977, 640. (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. 19, second sentence revised, 1978, 405 § 1; third sentence revised, 1977, 970 § 2. (See 1978, 405 § 5.)

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).

SECTS. 19C-19G added, 1978, 405 § 2 (providing arbitration procedures between employee organizations and the Massachusetts Bay Transportation Authority). (See 1978, 405 § 5.)

SECT. 23, first paragraph amended, 1971, 1075 § 3; third paragraph revised, 1971, 1075 § 4; stricken out and two sentences inserted, 1973, 1140 § 14; third paragraph revised, 1977, 356 § 16; fourth paragraph amended, 1965, 650 § 3; paragraph inserted after fourth paragraph, 1975, 859 § 3; two paragraphs inserted, 1977, 356 § 16A; 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; 1977, 356 § 17; 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 § 32C; amended, 1977, 363A § 74. (See 1976, 283 § 34; 1977, 363A § 76.)

Chapter 161B. — Transportation Facilities, Highway Systems and Urban Development Plans.

New chapter inserted, 1973, 1141 § 1.

SECT. 2, second paragraph, eighth clause amended, 1977, 928 § 1.

SECT. 3, revised, 1977, 928 § 2.

SECT. 4, first sentence amended, 1976, 312 § 1.

SECT. 5, first paragraph, first sentence revised, 1977, 928 § 3.

SECT. 6, clause (d) amended, 1976, 312 § 2; paragraph (f) amended, 1977, 928 § 4; paragraph (m) amended, 1977, 928 § 5.

SECT. 8, paragraph (c) amended, 1977, 928 § 6; paragraph (h) revised, 1977, 928 § 7.

SECT. 9, first sentence revised, 1977, 928 § 8.

SECT. 14, second paragraph revised, 1977, 928 § 9.

SECT. 15, first paragraph revised, 1977, 928 § 10J; second paragraph amended, 1977, 928 § 11.

Chapter 161C. — Rail Transportation in the Commonwealth.

New chapter inserted, 1975, 859 § 1.

SECT. 4 amended, 1978, 462 § 1.

SECT. 5 revised, 1978, 462 § 2.

SECT. 6, paragraph (c), sentence inserted after second sentence, 1978, 462 § 3; paragraph (f) added, 1978, 462 § 4.

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; clause (b) revised, 1977, 258 § 1. (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; section revised, 1977, 276 § 1.
- SECT. 13A added, 1977, 276 § 1 (authorizing gas and electric companies to mortgage assets pursuant to certain votes).
- SECT. 14 amended, 1935, 222; 1961, 296; seventh sentence revised, 1977, 258 § 2.
- SECT. 15 revised, 1950, 393; first sentence revised, 1955, 188; 1977, 276 § 2.
- 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; 1977, 258 § 3.
- SECT. 19, sentence inserted after first sentence, 1953, 328; sentence inserted after second sentence, 1971, 308 § 2; section revised, 1973, 502 § 3; first sentence revised, 1977, 258 § 4.
- 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. 55 revised, 1977, 156.
- SECT. 56, first sentence amended, 1958, 160.
- SECTS. 56A-56E added, 1960, 643 (relative to municipal light commissions).
- SECT. 56D amended, 1968, 16; first paragraph, first sentence revised, 1978, 301.
- SECT. 57, sixth sentence revised, 1977, 327; sentence inserted after seventh sentence, 1963, 347 § 3.

SECT. 57B added, 1977, 866 (providing for the appropriation of income from the investment or deposit of proceeds of municipal bonds or notes issued for gas or electric purposes).

SECT. 57C added, 1978, 317 (providing for the appropriation from certain funds in the insurance escrow account of a municipal lighting plant).

SECT. 58, sentence added, 1964, 401.

SECT. 58A amended, 1971, 452.

SECT. 59 revised, 1953, 502.

SECT. 64 repealed, 1978, 512 § 13. (See 1978, 512 § 16.)

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; second paragraph, first sentence revised, 1978, 153 § 1.

SECT. 69D, fourth paragraph revised, 1978, 153 § 2.

SECT. 69E amended, 1958, 564 § 4.

SECTS. 69A-69E, inclusive, added by 1958, 311, renumbered sections 69B-69F, inclusive, 1958, 564 § 5.

SECT. 69D, fourth paragraph revised, 1959, 58.

SECT. 69E revised, 1964, 94; amended, 1974, 745, 835, § 158. (See 1974, 835 § 185.)

SECTS. 69G-69R added, 1973, 1232 § 1 (establishing an Electric Power Facilities Siting Council for the preservation of the environment in conjunction with the promotion of an adequate energy supply). (See 1973, 1232 § 7.)

SECT. 69G, definitions of "Applicant", "Council" and "Facility" revised, 1974, 852 § 1; definitions of "Gas", "Gas company", "Liquefied 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; 1977, 167; 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; eleventh sentence amended, 1978, 322 § 1.

SECT. 72A revised, 1968, 152.

SECT. 73 revised, 1978, 322 § 2.

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 arrangements 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); paragraph added, 1977, 328.

SECT. 94E added, 1941, 400 § 3 (relative to notice of the termination of certain contracts of gas and electric companies).

SECT. 94F added, 1953, 331 (providing for refunds by gas companies in certain cases).

SECT. 94G added, 1974, 625 § 1 (prohibiting the arbitrary imposition of certain fuel charges by electric companies).

SECT. 96 revised, 1939, 229 § 1; 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. 115A added, 1936, 259 § 1 (requiring the periodic replacement of meters for measuring gas); amended, 1937, 40 § 1; paragraph added, 1952, 520 § 1. (See 1936, 259 §§ 2, 3; 1937, 40 §§ 2, 3; 1952, 520 § 2.)

SECT. 116 amended, 1961, 305 § 1.

SECT. 116A added, 1966, 351 (facilitating the disconnection of gas and electric services at the scene of fire, explosion or other disaster).

SECT. 119 revised, 1934, 365.

SECT. 119A added, 1936, 76 § 1 (requiring bills for gas or electricity used for domestic purposes to be itemized); revised, 1939, 145 § 1; sentence added, 1974, 625 § 2. (See 1936, 76 § 2; 1939, 145 § 2.)

SECT. 120, fifth sentence revised, 1953, 154.

SECT. 124 amended, 1935, 237, 376 § 2; 1952, 102; revised, 1965, 118 § 1; amended, 1971, 824; 1973, 858 § 1.

SECT. 124A added, 1935, 376 § 1 (relative to the shutting off of gas or electric service in homes where there is serious illness); revised, 1965, 118 § 2.

SECT. 124B added, 1965, 130 (prohibiting the curtailment of service by a utility company because of failure to pay for an appliance purchased from it).

SECT. 124C added, 1971, 767 (regulating the discontinuance of service by a gas or electric utility to a hospital, nursing home or similar facility).

SECT. 124D added, 1973, 858 § 2 (further regulating the shutting off of gas or electric service by gas or electric companies); first paragraph, first sentence revised, 1974, 270 § 1.

SECT. 124E revised, 1975, 422 (regulating the termination of utility services to certain persons).

SECT. 125A revised, 1963, 615 § 5.

SECT. 126 revised, 1961, 284; amended, 1977, 191 § 1.

SECT. 127 revised, 1961, 290; 1977, 191 § 2.

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. 25A added, 1978, 292 § 1 (establishing definitions relating to powers of the department of public utilities).

SECT. 28 revised, 1948, 550 § 37; 1961, 466.

SECT. 29 revised, 1951, 476 § 3.

SECT. 32 revised, 1949, 529; 1978, 489 § 1. (See 1978, 489 § 2.)

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; second sentence stricken out and two sentences inserted, 1977, 552 § 1.

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; fourth paragraph, first sentence amended, 1977, 552 § 2.

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); second paragraph revised, 1977, 225.

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; paragraph revised, 1978, 31. (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; amended, 1978, 514 § 212. (See 1954, 681 §§ 20, 22; 1978, 514 § 287.)

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; two paragraphs added, 1978, 23.

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. 16B added, 1978, 116 (regulating non-interest bearing savings accounts in certain banking institutions).

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; section revised, 1978, 129 § 1.

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; section revised, 1978, 33 § 1.

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; second sentence revised, 1978, 50; 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. 54E added, 1977, 92 (authorizing certain banking associations and corporations to establish collective investment funds for certain temporary investments).

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. 56A 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. 56C added, 1978, 553 § 1 (authorizing banks to establish accounts relative to security deposits for residential real property). (See 1978, 553 § 3.)

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); revised, 1977, 491; third sentence revised, 1978, 25.

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. 65, first paragraph revised, 1977, 32.

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).

SECT. 69 added, 1978, 115 (relative to the return of certain instruments of demand deposit or negotiable withdrawal order accounts).

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 cooperate 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; first sentence revised, 1977, 204; 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 sentence revised, 1978, 182 § 1; 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; 1977, 94 § 1; paragraph 2 amended, 1956, 175; 1963, 253 § 2; 1969, 751 § 13; first sentence revised, 1975, 685 § 1; 1976, 127 § 1; paragraphs 1 and 2 revised, 1978, 103 § 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; section revised, 1977, 94 § 2; second paragraph revised, 1978, 103 § 2.

SECTS. 22A AND 22B added, 1962, 169 § 2 (authorizing the establishment of new types of deposit accounts).

SECT. 22A amended, 1966, 206 § 1; subsection 1, clause (a), first sentence revised, 1977, 94 § 3; clause (a) revised, 1978, 385 § 1; clause (b), first sentence revised, 1977, 94 § 4; subsection 2 revised, 1977, 168; 1978, 385 § 2; subsection 3 revised, 1978, 385 § 3.

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; paragraph inserted after first paragraph, 1977, 93.

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 2 revised, 1977, 63; 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; 1977, 62; 1978, 73 § 1; paragraph 6B inserted, 1972, 336; first sentence amended, 1973, 78 § 3; revised, 1976, 364 § 3; fifth sentence revised, 1978, 73 § 2; paragraph 6C inserted, 1977, 775 § 1; 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; revised, 1977, 28 § 1; fifth sentence revised, 1969, 322; paragraph revised, 1978, 73 § 3; paragraph 10A added, 1974, 110 § 1; clause (b) revised, 1975, 33 § 1; paragraph revised, 1978, 73 § 4; paragraph 11 revised, 1960, 289; amended, 1963, 301; paragraph 13 added, 1960, 804 § 3; paragraph 14 added, 1971, 352 § 3.

SECT. 36, paragraph 2 revised, 1978, 244 § 1; paragraph 3A added, 1975, 635 § 1; paragraph 4, first two sentences revised, 1962, 50 § 6; paragraph revised, 1978, 244 § 2; 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; section revised, 1977, 262; fourth sentence revised, 1978, 88. (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; revised, 1977, 94 § 5; 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; clauses (c) and (d) revised, 1977, 73.

SECT. 39, first sentence revised, 1978, 125.

SECT. 40, first sentence amended, 1962, 169 § 7; stricken out and two sentences inserted, 1963, 268; first sentence amended, 1977, 94 § 6; second sentence (as appearing in 1955, 432 § 1) revised, 1956, 88; 1966, 206 § 2; paragraph added, 1962, 169 § 8; first sentence revised, 1977, 94 § 7.

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; paragraph 4 revised, 1977, 288.

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; 1977, 282; 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; paragraph 9 added, 1978, 16.

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; 1977, 109.

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; 1973, 59; 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, 1957, 698 § 9; 1962, 750 § 46; 1972, 684 § 104; 1978, 514 § 213. (See 1972, 684 § 136; 1978, 514 § 287.)

SECT. 7, first paragraph revised, 1952, 168 § 2.

SECT. 8, second sentence revised, 1969, 178 § 1; fifth sentence stricken out and three sentences inserted, 1964, 225 § 1; last paragraph revised, 1964, 225 § 2.

SECT. 8A added, 1957, 102 (prohibiting directors and officers of co-operative banks from serving as officers in certain other banks and savings and loan associations); revised, 1972, 520 § 2; second sentence amended, 1974, 75 § 2; revised, 1978, 182 § 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; 1965, 326; 1967, 157 § 1; amended, 1972, 684 § 105; 1973, 1149 §§ 13, 14; sentence added, 1974, 11; paragraph revised, 1975, 755; second sentence revised, 1977, 205; 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 co-operative 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; paragraph (a), subparagraph (i) revised, 1978, 172 § 1; paragraphs (c) and (d) revised, 1978, 172 § 2; subsection 3B added, 1971, 354 § 4; revised, 1974, 73 § 2; amended, 1974, 126; provision 1, clause (b) revised, 1977, 55; provision 1A inserted, 1976, 120; revised, 1977, 202; 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; first and second paragraphs revised, 1978, 232.

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; 1977, 146; 1978, 29; 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; second sentence revised, 1978, 28; 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; sentence added, 1977, 70 § 1; subsection 3A inserted, 1959, 174; revised, 1963, 146; amended, 1965, 306; first sentence clause (a) revised, 1968, 185; 1971, 52 § 2; 1973, 78 § 4; 1978, 30

§ 1; clause (b) revised, 1973, 78 § 5; 1977, 70 § 2; 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 (a) revised, 1978, 30 § 2; clause (b) revised, 1977, 70 § 3; 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; revised, 1977, 775 § 2; subsection 3D inserted, 1977, 775 § 2; 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; 1978, 30 § 3; subsection 4A inserted, 1965, 307; revised, 1967, 227 § 3; paragraph (a) revised, 1978, 27; 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. 24B added, 1977, 195 (authorizing co-operative banks to make loans secured by second mortgages on residential property).

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; sentence inserted after first sentence, 1977, 28 § 2; first two sentences revised, 1977, 260; 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; fourth sentence revised, 1977, 34; 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. 32D added, 1974, 258 (authorizing co-operative banks to act as trustees under certain retirement plans); revised, 1975, 685 § 4.

SECT. 33 revised, 1974, 51.

SECT. 34A added, under caption, 1956, 323 § 1 (relative to membership in the Federal Savings and Loan Insurance Corporation). (See 1956, 323 §§ 2-11.)

SECT. 35 revised, 1957, 348.

SECT. 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, corporators 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 Corporation 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; revised, 1977, 143.

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; 1977, 21; 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; stricken out and three sentences inserted, 1977, 15; 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; section revised, 1978, 96, 415 § 1. (See 1978, 415 § 4.)

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; subparagraph (a), first sentence revised, 1978, 415 § 2; subparagraph (b), first sentence revised, 1978, 415 § 3. (See 1978, 415 § 4.)

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; first sentence stricken out and two sentences inserted, 1978, 81; 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 of a depositor or shareholder; revised, 1976, 6.

SECT. 13, first paragraph, third sentence revised, 1978, 47; 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); second sentence revised, 1978, 182 § 3.

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; third sentence revised, 1978, 229. (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; paragraph (1) revised, 1978, 200.

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; section revised, 1977, 313; third paragraph, paragraph (*l*) revised, 1978, 65 § 1; paragraph (*n*) added, 1978, 65 § 2. (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), first paragraph revised, 1977, 19; fourth paragraph, paragraph 1 revised, 1974, 72 § 1; 1975, 244 § 1; 1978, 57 § 1; paragraph 2 revised, 1974, 72 § 1; 1975, 244 § 2; 1978, 57 § 2; paragraph 3A revised, 1974, 72 § 2; 1975, 244 § 3; 1978, 57 § 3; paragraph 5 revised, 1972, 232; second sentence revised,

1978, 48; paragraph 6, first paragraph revised, 1975, 14; 1978, 51; subdivision (B), subsection (a), paragraph 4 amended, 1972, 146; 1973, 95; 1974, 340; first sentence revised, 1976, 7; 1978, 46; fifth sentence revised, 1977, 20; paragraph 6, third sentence revised, 1978, 49; paragraph 7 added, 1977, 23; subsection (b), paragraph 8 amended, 1972, 356; 1974, 54; third paragraph revised, 1977, 22; 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; sentence inserted after third sentence, 1977, 28 § 33; fifth sentence revised, 1971, 573; sixth sentence revised, 1974, 173; subdivision (F) added, 1974, 56 § 2; revised, 1978, 58; subdivision (G) added, 1974, 339 § 2; second paragraph, third sentence stricken out, 1977, 24.

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; 1977, 47; 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 "Board" amended, 1978, 514 § 214; definition of "Deposit book" or "pass book" revised, 1962, 151. (See 1978, 514 § 287.)

SECT. 7 amended, 1966, 200 § 1; 1973, 1149 § 17; second paragraph, fourth sentence revised, 1977, 635. (See 1973, 1149 § 33.)

SECT. 9 amended, 1962, 750 § 48; 1972, 684 § 107. (See 1972, 684 § 136.)

SECT. 10, second sentence revised, 1978, 24.

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; 1978, 352; paragraph (e) added, 1978, 11. (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. 36 revised, 1977, 49.

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; first paragraph revised, 1978, 59; 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; 1978, 120 § 1; clause 2 revised, 1976, 59 § 2; 1978, 120 § 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; subsection D added, 1977, 28 § 4. (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; revised, 1978, 33 § 2.

SECT. 76 revised, 1966, 168; 1968, 441.

Chapter 172A. — Banking Companies.

New chapter inserted, 1935, 452 § 4.

For temporary act to enable certain banking institutions to co-operate in the distribution of United States Defense Savings Bonds and Defense Postal Savings Stamps, see 1941, 221, 575.

SECT. 1 revised, 1938, 266 § 2; amended, 1941, 391 § 1. (See 1941, 391 §§ 2, 3.)

SECT. 1A added, 1938, 266 § 3 (authorizing certain existing corporations to vote to carry on the business of a banking company on certain conditions).

SECT. 2 amended, 1938, 266 § 4; 1973, 1149 § 21. (See 1973, 1149 § 33.)

SECT. 3 revised, 1938, 266 § 5; fifth sentence amended, 1952, 97; sentence added, 1948, 285.

SECT. 4 amended, 1938, 266 § 6; 1949, 268 § 1.

SECT. 5, first paragraph revised, 1938, 266 § 7; section revised, 1948, 148 § 1; fourth sentence amended, 1953, 122; last paragraph revised, 1950, 92 § 1; section revised, 1978, 384 § 1.

SECT. 5A added, 1948, 148 § 2 (relative to the limitations on the amount of deposits on certificate funds in banking companies); section revised, 1978, 384 § 2.

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, 163, last sentence revised, 1950, 92 § 2; section repealed, 1978, 384 § 3.

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; stricken out and clauses Fourth and Fifth inserted, 1978, 384 § 4.

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 174B. — 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.

SECT. 7 amended, 1977, 353.

Chapter 175. — Insurance.

For legislation authorizing domestic insurance companies to invest in real estate mortgages insured under the National Housing Act, see 1939, 359. (See also 1943, 339.) [For other legislation, see 1935, 162; 1937, 240; 1939, 241; 1941, 260; 1943, 126; 1946, 125.]

For temporary act, modifying the requirements for investments in real estate mortgages, see 1936, 191; amended, 1936, 405 § 2; extended, 1939, 98; 1941, 40.

For temporary legislation authorizing insurance companies to make loans to veterans of World War II guaranteed or insured by the administrator of veterans' affairs, see 1945, 46; 1946, 126; 1947, 110.

For temporary legislation confirming the power and authority of domestic insurance companies, their officers, directors, employees and agents, to pay certain taxes and fees, and relating to liability therefor, see 1945, 57; 1947, 80.

SECT. 1, definition of "Company" revised, 1947, 488 § 10; amended, 1963, 848 § 1; 1968, 391 § 1; paragraph added, (after definition of "Foreign company") defining "Industrial life insurance policy" or "policy of industrial life insurance", 1943, 227 § 11; paragraph added after word "law" in the fifty-second line, 1938, 306 (defining "resident with respect to the incorporators, officers and directors of insurance companies"); paragraph added, 1963, 848 § 2; revised, 1968, 391 § 2; 1970, 642 § 1. (See 1943, 227 §§ 13, 14.)

SECT. 2B added, 1977, 801 § 1 (requiring insurance policies to be written in a form that can be easily understood).

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; 1977, 1000 § 1. (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; last sentence revised, 1978, 358.

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 22E-22H added, 1970, 744 § 1 (providing for renewal of certain motor vehicle insurance policies and for penalties for refusals to issue or renew same by insurance companies).

SECT. 22E revised, 1973, 551 § 2; 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; first paragraph revised, 1977, 221.

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; revised, 1977, 493; clause Eighteenth added, 1963, 848 § 4; stricken out, 1968, 391 § 4; clause Nineteenth added, 1977, 774 § 1.

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; third paragraph revised, 1977, 774 § 2; 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, 1945, 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 7, last sentence revised, 1977, 286. 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. 97A added, 1977, 804 § 2 (further regulating the disbursement of insurance proceeds). (See 1977, 804 § 4.)

SECT. 98 revised, 1978, 446 § 2.

SECT. 99, clause Ninth revised, 1934, 95; amended, 1977, 801 § 2; 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; 1977, 801 § 3; tenth paragraph, clause (b) revised, 1978, 446 § 3; clause Thirteenth added, 1974, 498 § 1; clauses Fourteenth and Fifteenth added, 1977, 804 § 3; clause Fifteenth A added, 1978, 446 § 4. (See 1951, 478 § 2; 1969, 425 § 2; 1973, 349 § 2; 1064 § 2; 1974, 498 § 2; 1977, 804 § 4.)

SECT. 99A added, 1962, 418 (relating to fire insurance policies).

SECT. 101H added, 1978, 446 § 5.

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; 1978, 514 § 215. (See 1955, 432 § 4; 1978, 514 § 287.)

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 ½) inserted, 1958, 294 § 3; subdivision 4 amended, 1973, 344 § 1; subdivision 8, second paragraph revised, 1966, 96; paragraph C amended, 1954, 681 § 18; paragraph D added, 1966, 386 § 1; subdivision 9 added, 1975, 85. (See 1954, 275 §§ 4, 5, 681 §§ 20, 22.)

SECT. 108A added, 1974, 490 (prohibiting the refusal of insurance companies to issue certain policies to blind persons as individuals); revised, 1975, 595 § 1.

SECT. 108B added, 1975, 127 § 1 (including services of dentists within certain coverage in insurance policies). (See 1975, 127 § 2.)

SECT. 109, repealed, 1954, 275 § 2. (See 1954, 275 §§ 4, 5.)

SECT. 110, sentence added, 1939, 133; section amended, 1941, 118; revised, 1943, 424 § 3; 532 § 1; subdivision (1) of second paragraph amended, 1945, 403 § 1; section revised, 1949, 676 § 3; amended, 1950, 392; subdivisions (A) and (B) revised, 1952, 532 § 1; subdivision (A) amended, 1954, 275 § 3, 327; 1953, 229 § 1; 1964, 236 § 2; 1965, 309 § 1; 1968, 264; subdivision (B) revised, 1963, 254 § 1; amended, 1964, 236 § 3; 1965, 309 § 2; subdivision (C) amended, 1952, 532 § 1A; subdivision (D) revised, 1952, 532 § 2; amended, 1955, 207; 1962, 634 § 2; subdivision (D) stricken out and subdivisions (D) and (E) inserted, 1963, 254 § 2; subdivision (F) added, 1966, 386 § 2; subdivision (G) added, 1973, 344 § 2; subdivision (H) added, 1973, 1221 §§ 1, 2; subdivision (I) added, 1975, 302; 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. 112, sentence added, 1977, 437.

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; fourth sentence revised, 1977, 364 § 1; section revised, 1977, 365 § 3. (See 1973, 551 § 7; 1975, 707 § 9; 1976, 266 § 23; 1977, 364 § 2; 1977, 365 § 9.)

SECT. 113I added, 1954, 274 (relative to the service charges for securing motor vehicle liability insurance for certain persons); revised, 1973, 551 § 6. (See 1973, 551 § 7.)

SECT. 113J added, 1954, 334 (requiring insurers under compulsory motor vehicle insurance law to furnish reports of medical examinations).

SECT. 113K added, 1965, 403 (providing that certain minors shall be competent to contract for motor vehicle liability insurance); amended, 1973, 925 § 59. (See 1973, 925 § 84.)

SECT. 113L added, 1968, 643 § 5 (requiring compulsory insurance coverage for damages caused by uninsured motorists); paragraph (1) amended, 1973, 380.

SECT. 113M added, 1971, 1078 § 1 (requiring the licensing of motor vehicle damage appraisers); 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. 113Q added, 1978, 132 (further defining automobile club contract service).

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; paragraph added, 1977, 741.

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).

SECTS. 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; sixth and seventh sentences revised, 1977, 1000 § 2; paragraph added, 1941, 502; revised, 1943, 85; six paragraphs added, 1971, 961; seven paragraphs added, 1973, 1056; third to fifteenth paragraphs stricken out and six paragraphs inserted, 1977, 910; paragraph added, 1978, 440. (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; third paragraph revised, 1977, 1000 § 3. (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; 1977, 1000 § 4; sixth sentence revised, 1977, 1000 § 4. (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; third paragraph revised, 1977, 1000 § 5. (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, third and fourth sentences revised, 1977, 1000 § 6; last sentence revised, 1941, 703.

SECT. 173 revised, 1946, 299; paragraph added, 1968, 108.

SECT. 174, first paragraph amended, 1965, 125; first sentence revised, 1977, 340; 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; third and fourth sentences revised, 1977, 1000 § 7; 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.

SECT. 180C, four paragraphs inserted after second paragraph, 1978, 271 § 1.

SECT. 180F, paragraph added, 1978, 271 § 2.

SECTS. 180M-180Q added, under caption, 1963, 521 § 1 (relative to facilitating the continued operation of domestic insurance companies and fraternal benefit societies in the event of certain national emergencies).

SECT. 181 revised, 1934, 160; amended, 1939, 395 § 4.

SECT. 184 amended, 1937, 103; first sentence revised, 1947, 531; second sentence amended, 1948, 98; revised, 1961, 206; amended, 1964, 236 § 5.

SECT. 185, first paragraph amended, 1939, 400 § 3; second paragraph revised, 1932, 150 § 3; first and second paragraphs revised, 1941, 654 § 2; section revised, 1943, 238 § 2.

SECT. 186A added, 1949, 237 (relative to certain presumptions created by the delivery of endowment policies or annuity contracts).

SECT. 186B added, 1959, 168 § 1 (providing that the effect of the lack of a sworn statement of loss shall be the same under all policies of insurance as it is under fire insurance policies). (See 1959, 168 § 2.)

SECT. 187B, four sentences added, 1970, 504.

SECT. 187C, 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; 1978, 90. (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).

SECT. 193F amended, 1977, 801 § 4.

SECT. 193G amended, 1977, 801 § 5.

SECT. 193H amended, 1977, 801 § 6.

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; sentence inserted after first sentence, 1977, 774 § 3; 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); third paragraph stricken out, 1977, 613. (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. 4, clause (d), paragraph added, 1978, 511 § 1.

SECT. 7 revised, 1975, 707 § 6A. (See 1975, 707 § 9.)

Chapter 175F. — Medical Malpractice Self-Insurance Trust Funds.

New chapter inserted, 1977, 846.

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.

SECT. 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; sentence added, 1978, 361 § 1; 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; first sentence revised, 1978, 402 § 1.

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; section revised, 1978, 574 § 1.

SECT. 2, second paragraph amended, 1957, 698 § 14; third paragraph amended, 1978, 514 § 216. (See 1978, 514 § 287.)

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; 1978, 574 § 2; third paragraph amended, 1976, 454 § 5; fourth paragraph amended, 1978, 361 § 2.

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); subparagraph (b) amended, 1977, 504 § 1. (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; revised, 1978, 574 § 3.

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; paragraph added, 1977, 341.

SECT. 11 revised, 1968, 432 § 7; first sentence revised, 1978, 402 § 2.

SECT. 12 amended, 1977, 504 § 2; first sentence revised, 1978, 574 § 4.

SECT. 13, second sentence stricken out and two paragraphs inserted, 1971, 434 § 2; second paragraph revised, 1978, 574 § 5.

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. 8, first paragraph, sentence inserted after first sentence, 1977, 801 § 7.

SECT. 11 revised, 1950, 394 § 2; amended, 1954, 276 § 2.

SECT. 15, amended, 1978, 514 § 217. (See 1978, 514 § 287.)

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; 1977, 744 § 4.

SECT. 3, clause (12) amended, 1977, 801 § 8; 1978, 446 § 6.

Chapter 176E. — Dental Service Corporations.

New chapter inserted, 1962, 714.

SECT. 2 amended, 1978, 514 § 218. (See 1978, 514 § 287.)

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. 2 amended, 1978, 514 § 219. (See 1978, 514 § 287.)

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 176H. — Legal Service Plans.

New chapter inserted, 1977, 774 § 5.

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; revised, 1977, 801 § 9. (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).

SECT. 32 revised, 1977, 150 § 1. (See 1977, 150 § 2.)

**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; 1947, 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. 11B amended, 1978, 514 § 220. (See 1978, 514 § 287.)

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.

SECTS. 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; amended, 1978, 514 § 221. (See 1973, 1078 § 8; 1978, 514 § 287.)

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; third sentence amended, 1978, 514 § 222; fourth sentence revised, 1975, 307. (See 1978, 514 § 287.)

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; second sentence revised, 1978, 280; section amended, 1978, 514 § 223. (See 1973, 1078 § 8; 1978, 514 § 287.)

SECT. 17H added, 1973, 1140 § 17 (providing for certain payroll deductions for public transportation). (See 1973, 1140 § 30.)

SECT. 17J added, 1977, 852 (relative to payroll deductions for public school teachers).

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; clause (6) stricken out, 1977, 98 § 8; paragraph amended, 1978, 491 § 6; fifth paragraph, second sentence revised, 1975, 824 § 2; sixth paragraph, first sentence revised, 1975, 824 § 3; fifth and sixth paragraphs stricken out, 1977, 98 § 9; paragraph added, 1976, 63 § 4; stricken out, 1978, 491 § 6A.

SECT. 8 amended, 1973, 1114 § 21. (See 1973, 1114 § 351.)

SECT. 10 revised, 1977, 98 § 10; 1978, 491 § 7.

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. 1A added, 1977, 152 (providing that the lack of a seal shall not void an instrument purporting to affect an interest in land).

SECT. 4 revised, 1941, 85; 1973, 205.

SECT. 5B added, 1966, 574 (providing for the recording of certain affidavits relating to the titles to real estate).

SECT. 6 revised, 1967, 381; 1969, 497.

SECT. 6A added, 1970, 222 (requiring plans to be filed with certain deeds).

SECT. 28A added, 1946, 438 § 1 (extending the security of real estate mortgages to cover expenses of repairs or replacements of mortgaged property and taxes and other assessments); revised, 1956, 92.

SECT. 43 amended, 1937, 101 § 1.

SECT. 44 amended, 1937, 101 § 2.

SECT. 54, first two sentences stricken out and one sentence inserted, 1951, 698; sentence added, 1959, 580 § 18.

SECT. 54A added, 1961, 275 § 1 (protecting land titles from defective discharges of mortgages held by the entirety). (See 1961, 275 § 2.)

SECT. 56 added, 1962, 551 § 1 (relative to the anticipatory repayment of certain notes secured by mortgages of real estate); revised, 1966, 664; amended, 1967, 210. (See 1962, 551 § 2.)

SECT. 57 added, 1970, 294 § 1 (prohibiting mortgagees from imposing a penalty for prepayment of a mortgage due to an eminent domain taking). (See 1970, 294 § 2.)

SECT. 58 added, 1971, 684 § 1 (further regulating the construction of instruments passing title to real estate bounded on a way, watercourse or monument); amended, 1973, 185 § 1. (See 1971, 684 § 2; 1973, 185 § 2.)

SECT. 59 added, 1972, 412 § 1 (regulating the imposition of late charges in mortgage transactions); amended, 1978, 78 § 1. (See 1972, 412 § 2; 1978, 78 § 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. 12, clause (c) revised, 1978, 127 § 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; second paragraph revised, 1978, 107. (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); revised, 1978, 127 § 3.

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; revised, 1977, 81; second paragraph amended, 1973, 1155 § 11; paragraph added, 1977, 780 § 2.

SECT. 32 amended, 1975, 706 § 292; second paragraph, third sentence amended, 1975, 706 § 293; third paragraph amended, 1975, 706 § 294; section revised, 1977, 780 § 3. (See 1975, 706 § 312.)

SECT. 33, first paragraph, first sentence amended, 1977, 780 § 4; third paragraph revised, 1975, 706 § 295; second sentence amended, 1977, 780 § 5; fourth paragraph, first sentence stricken out and two sentences inserted, 1977, 780 § 6; fifth paragraph amended, 1973, 602 § 2; revised, 1977, 780 § 7; 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, introductory paragraph revised, 1978, 478 § 81; 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; second sentence revised, 1978, 478 § 82; 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; 1978, 478 § 343.)

SECT. 2 amended, 1937, 409 § 3; revised, 1978, 478 § 83. (See 1937, 409 § 7; 1978, 478 § 343.)

SECT. 2A repealed, 1937, 409 § 4. (See 1937, 409 § 7.)

SECT. 5 repealed, 1978, 478 § 84. (See 1978, 478 § 343.)

SECT. 6, first sentence stricken out and two sentences inserted, 1953, 449 § 1; last sentence amended, 1949, 447; section revised, 1978, 478 § 85. (See 1953, 449 § 2; 1978, 478 § 343.)

SECT. 7 amended, 1973, 705 § 1; revised, 1978, 478 § 86. (See 1978, 478 § 343.)

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.

SECTS. 10A-13A revised, 1978, 478 § 87. (See 1978, 478 § 343.)

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; 1977, 234 §§ 130-132; 872 §§ 127-129; section revised, 1978, 478 §§ 88, 89. (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; 1977, 234 § 198; 872 § 204; 1978, 478 § 343.)

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. 37, third and fourth sentences stricken out, 1977, 151 § 1.

SECT. 38, first sentence revised, 1977, 151 § 2.

SECT. 40 amended, 1937, 118.

SECT. 43, last sentence revised, 1978, 478 § 90. (See 1978, 478 § 343.)

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. 52, sentence added, 1978, 445 § 1. (See 1978, 445 § 2.)

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. 79, second sentence stricken out, 1978, 253.

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.)

Chapter repealed, 1978, 478 § 91. (See 1978, 478 § 343.)

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.)

SECTS. 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.)

Chapter repealed, 1978, 478 § 91. (See 1978, 478 § 343.)

SECT. 3, first paragraph amended, 1974, 78 § 2; first sentence amended, 1977, 283; 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 185C. — Housing Court Department.

New chapter inserted, 1978, 478 § 92.

Chapter 186. — Estates for Years and at Will.

SECTS. 1-2 revised, 1978, 305 § 1.

SECT. 11, sentence added, 1974, 320 § 1; section amended, 1977, 494 § 1.

SECT. 12 revised, 1946, 202; amended, 1973, 256 § 1; amended, 1974, 320 § 2; second sentence stricken out and two sentences inserted, 1977, 494 § 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; section revised, 1977, 979 § 1; 1978, 553 § 2. (See 1970, 666 § 2; 1972, 639 § 2; 1977, 979 § 4; 1978, 553 § 3.)

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); revised, 1977, 182; 1978, 500.

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; revised, 1978, 149 § 1. (See 1974, 192 § 5.)

SECT. 19 added, 1972, 665 (requiring landlords to correct an unsafe condition following receipt of notice thereof from a tenant).

SECT. 20 added, 1977, 159 § 1 (regulating the recovery of attorneys' fees and certain expenses by the landlord or tenant).

SECT. 21 added, 1978, 446 § 7 (requiring disclosure of certain insurance information).

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; revised, 1977, 791 § 1; introductory paragraph revised, 1978, 392 § 1. (See 1939, 32 § 5; 1970, 119 § 5; 1973, 487 § 5; 1974, 750 § 5; 1975, 407 § 5; 1978, 392 § 5.)

SECT. 3 revised, 1977, 791 § 2.

SECT. 4 amended, 1973, 925 § 64; revised, 1977, 791 § 3. (See 1973, 925 § 84.)

SECT. 6 revised, 1977, 791 § 4.

SECT. 7 revised, 1971, 423 § 6; 1977, 791 § 4; 1978, 539.

SECT. 7A repealed, 1971, 423 § 7.

SECT. 8 revised, 1977, 791 § 4.

SECT. 9 amended, 1939, 32 § 2; 1970, 119 § 2; 1973, 487 § 2; 1974, 750 § 2; 1975, 407 § 2; 1978, 392 § 2. (See 1939, 32 § 5; 1970, 119 § 5; 1973, 487 § 5; 1974, 750 § 5; 1975, 407 § 5; 1978, 392 § 5.)

Chapter 189. — Dower and Curtesy.

SECT. 1 revised, 1978, 305 § 1A.

SECTS. 1A AND 2 repealed, 1971, 423 § 8.

SECT. 3 revised, 1936, 91 § 1; 1971, 423 § 9; 1978, 305 § 2. (See 1936, 91 § 2.)

SECT. 4 revised, 1971, 423 § 10; 1978, 305 § 2.

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.)

SECTS. 7-16 revised, 1978, 305 § 3.

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; second sentence stricken out, 1978, 380 § 1. (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; amended, 1978, 514 § 224. (See 1975, 684 § 97; 1978, 514 § 287.)

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.

SECTS. 1-2 revised, 1978, 380 § 2.

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. 6, last sentence revised, 1978, 478 § 93. (See 1978, 478 § 343.)

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. 1 revised, 1978, 380 § 3.

SECT. 8 amended, 1961, 493 § 29.

SECT. 10 revised, 1978, 380 § 4.

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; amended, 1978, 514 § 225. (See 1975, 684 § 97; 1978, 514 § 287.)

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, third and fourth sentences revised, 1978, 381 § 1; last sentence stricken out, 1961, 171.

SECT. 6 amended, 1941, 194 § 13; revised, 1956, 314 § 2; amended, 1974, 845 § 3; fifth sentence revised, 1978, 478 § 94; three sentences inserted after fifth sentence, 1977, 567 § 1. (See 1978, 478 § 343.)

SECT. 6A added, 1974, 845 § 4 (providing for the appointment of guardians for certain mentally retarded persons); first paragraph, three sentences inserted after sixth sentence, 1977, 567 § 2; last sentence revised, 1978, 478 § 95. (See 1978, 478 § 343.)

SECT. 7 amended, 1941, 914 § 14; revised, 1956, 314 § 3; amended, 1974, 845 § 5.

SECT. 8 amended, 1974, 260 § 27.

SECT. 11 revised, 1978, 381 § 2.

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; four sentences added, 1977, 567 § 3.

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. 23 repealed, 1978, 381 § 3.

SECT. 24 revised, 1956, 314 § 10; 1963, 350; 1978, 381 § 4.

SECT. 25 amended, 1970, 888 § 23; revised, 1978, 381 § 4. (See 1970, 888 § 31.)

SECT. 26 revised, 1956, 314 § 11; amended, 1971, 423 § 12.

SECT. 30 amended, 1939, 57.

SECT. 32 repealed, 1970, 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. 41 revised, 1978, 381 § 5.

SECT. 42 revised, 1956, 314 § 13; amended, 1974, 845 § 13.

SECT. 43 revised, 1956, 314 § 14; amended, 1974, 845 § 14; revised, 1978, 381 § 6.

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 (*l*) added, 1962, 271 § 2.

SECT. 2, subsection (*a*) amended, 1962, 271 § 3.

SECT. 3 amended, 1962, 271 § 4.

SECT. 4, subsection (*d*) revised, 1973, 925 § 69; subsection (*e*) amended, 1962, 271 § 5; subsection (*h*) amended, 1973, 925 § 70; subsection (*j*) added, 1962, 271 § 6; revised, 1974, 779. (See 1973, 925 § 84.)

SECT. 7, subsection (*d*) amended, 1973, 925 § 71. (See 1973, 925 § 84.)

SECT. 8, subsection (*a*) revised, 1973, 925 § 72. (See 1973, 925 § 84.)

Chapter 202. — Sales, Mortgages and Leases of Real Estate by Executors, Administrators, Guardians and Conservators.

SECT. 4A added, 1933, 129 (relative to the use and management of real estate of a decedent by his executor or administrator for the purpose of the payment of debts from the rents thereof); revised, 1978, 381 § 7.

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; 1978, 514 § 226. (See 1978, 514 § 287.)

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); second sentence revised, 1977, 466 § 2.

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); amended, 1978, 514 § 227. (See 1978, 514 § 287.)

SECT. 21A added, 1962, 481 § 1 (further defining trust income); revised, 1966, 465; amended, 1967, 422. (See 1962, 481 §§ 2, 3.)

SECT. 21B added, 1978, 465 (relative to non-amortization of bond premiums).

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; 1978, 514 § 228. (See 1978, 514 § 287.)

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 releasing and disclaiming the same).

SECT. 30 amended, 1975, 573 § 4.

SECT. 34 repealed, 1975, 573 § 3.

SECT. 37 added, 1943, 201 § 2 (authorizing the resignation of fiduciaries by their guardians, conservators or committees, or other like officers, acting in their behalf).

Chapter 205. — Bonds of Executors, Administrators, Guardians, Conservators, Trustees and Receivers.

SECT. 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.)

SECT. 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; 1977, 17.

SECT. 27 revised, 1950, 66 § 2; 1954, 311 § 2; first sentence revised, 1963, 168 § 2; 1977, 18.

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; 1977, 16.

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; repealed, 1977, 581 § 1. (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. 24 revised, 1977, 581 § 2.

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; 1977, 609 § 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. 1A, third paragraph amended, 1977, 531 § 1.

SECT. 1B, second paragraph amended, 1977, 531 § 2.

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; sentence added, 1977, 183. (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, 1943, 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; revised, 1977, 609 § 2. (See 1975, 400 § 79.)

SECT. 13 revised, 1977, 609 § 2.

SECT. 15 revised, 1975, 400 § 19. (See 1975, 400 § 79.)

SECT. 16 revised, 1975, 400 § 20; third sentence revised, 1978, 478 § 96. (See 1975, 400 § 79; 1978, 478 § 343.)

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; 1977, 609 § 3. (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; 1977, 609 § 3. (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. 31, paragraph added, 1977, 238; section amended, 1977, 829 § 12.

SECT. 32 amended, 1975, 400 § 31; revised, 1975, 400 § 32. (See 1975, 400 § 79.)

SECT. 32E added, 1977, 984 § 2.

SECT. 33 revised, 1936, 221 § 1. (See 1936, 221 § 2.)

SECT. 34 revised, 1974, 565; 1975, 400 § 33; 1977, 467. (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. 34C added, 1978, 447 § 1 (providing for notice to law enforcement agencies of certain orders of the court).

SECT. 35 amended, 1950, 57; 1975, 400 § 36. (See 1975, 400 § 79.)

SECT. 36 revised, 1975, 400 § 37; 1977, 495. (See 1975, 400 § 79.)

SECT. 37 revised, 1975, 400 § 38; 1977, 495. (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; 1978, 392 § 3. (See 1939, 32 § 5; 1970, 119 § 5; 1973, 487 § 5; 1974, 750 § 5; 1978, 392 § 5.)

SECTS. 22-23 repealed, 1971, 423 § 18.

SECT. 24 revised, 1971, 423 § 19.

SECT. 27 repealed, 1977, 581 § 3.

SECT. 28 revised, 1977, 581 § 4.

SECT. 30 revised, 1975, 400 § 43; 1977, 400. (See 1975, 400 § 79.)

SECT. 32, sentence added, 1938, 136; section revised, 1968, 370; 1974, 230; 1975, 400 § 44; 1977, 609 § 4; two paragraphs added, 1977, 984 § 1. (See 1975, 400 § 79; 1977, 984 § 3.)

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. 32E added, 1977, 984 § 2 (further regulating support orders). (See 1977, 984 § 3.)

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 209A. — Abuse Prevention.

New chapter inserted, 1978, 447 § 2.

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; section amended, 1978, 552 § 33; (affected, 1973, 560).

SECT. 2A added, 1954, 649 § 1 (providing certain requirements relative to petitions for adoption); paragraph (A) amended, 1978, 552 § 34; paragraph (E) revised, 1957, 184; amended, 1978, 552 § 35. 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; paragraph (b) amended, 1978, 552 § 36. (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; amended, 1978, 552 § 37.

SECT. 4A added, 1976, 421 (providing for certain rights of fathers of children born out of wedlock); amended, 1978, 552 § 38.

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; section amended, 1978, 552 § 39; second paragraph amended, 1978, 552 § 40.

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; revised, 1978, 552 § 41; second sentence amended, 1975, 858 § 5B.

SECT. 12 revised, 1977, 869 § 3. (See 1977, 869 § 5.)

SECT. 13, first paragraph amended, 1948, 247; revised, 1966, 342 § 1; paragraph added, 1943, 155 § 2; revised, 1977, 869 § 4. (See 1977, 869 § 5.)

SECT. 14 revised, 1966, 342 § 2; 1976, 486 § 25. (See 1976, 486 § 31.)

Chapter 211. — The Supreme Judicial Court.

SECT. 2A added, 1978, 478 § 97 (requiring chief justice to prepare certain expense statements). (See 1978, 478 § 343.)

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; amended, 1977, 234 §§ 133-135; revised, 1977, 872 §§ 130-132; section revised, 1978, 478 § 98. (See 1977, 234 § 198; 872 § 204; 1978, 478 § 343.)

SECT. 3B revised, 1960, 424; first sentence revised, 1970, 567; section revised, 1978, 478 § 98. (See 1978, 478 § 343.)

SECTS. 3C-3F repealed, 1978, 478 § 99. (See 1978, 478 § 343.)

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; clause (2) revised, 1978, 478 § 100. (See 1973, 1114 § 351; 1978, 478 § 343.)

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; first sentence revised, 1977, 234 §§ 136-138; 872 §§ 133-135; 1978, 478 §§ 101, 102. (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; 1977, 234 § 198, 872 § 204; 1978, 478 § 343.)

SECTS. 23-24 revised, 1978, 478 § 103. (See 1978, 478 § 343.)

Chapter 211A. — Appeals Court.**New Chapter inserted, 1972, 740 § 1.**

SECT. 1 revised, 1978, 478 § 104. (See 1978, 478 § 343.)

SECT. 2, first sentence revised, 1973, 428 § 4, 856 § 3; 1974, 558 § 3; 1977, 234 §§ 139-141; 1977, 872 §§ 136-138; 1978, 478 §§ 105-106. (See 1973, 428 § 19, 856 § 17; 1974, 558 § 20; 1977, 234 § 198; 872 § 204; 1978, 478 § 343.)

SECT. 6 revised, 1974, 784; second paragraph, third sentence revised, 1977, 234 §§ 142-144, 872 §§ 139-141; section revised, 1978, 478 § 107. (See 1977, 234 § 198, 872 § 204; 1978, 478 § 343.)

SECT. 7 revised, 1978, 478 § 108. (See 1978, 478 § 343.)

SECT. 16 added, 1978, 478 § 109 (relative to the assignment of certain retired justices). (See 1978, 478 § 343.)

Chapter 211B. — Trial Court of the Commonwealth.**New chapter inserted, 1978, 478 § 110. (See 1978, 478 § 343.)**

SECT. 1 revised, 1978, 478 § 111. (See 1978, 478 § 343.)

SECT. 2 revised, 1978, 478 § 112. (See 1978, 478 § 343.)

SECT. 4 revised, 1978, 478 § 113. (See 1978, 478 § 343.)

Chapter 211C. — Commission on Judicial Conduct.**New chapter inserted, 1978, 478 § 114. (See 1978, 478 § 343.)****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; 1978, 478 § 115; first paragraph amended, 1978, 478 § 116. (See 1978, 478 § 343.)

SECT. 2 revised, 1978, 478 § 115. (See 1978, 478 § 343.)

SECT. 3 amended, 1973, 1114 § 51. (See 1973, 1114 § 351.)

SECT. 6 amended, 1953, 319 § 24; first sentence revised, 1978, 478 § 117. (See 1953, 319 §§ 39, 40; 1978, 478 § 343.)

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; revised, 1978, 478 § 118. (For prior temporary legislation, see 1927, 306; 1928, 228.) (See 1973, 1114 § 351; 1978, 478 § 343.)

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; 1977, 234 §§ 145-147, 872 §§ 142-144. (See 1963, 772 § 3; 1973, 428 § 19, 856 § 17; 1974, 558 § 20; 1977, 234 § 198, 872 § 204.)

SECT. 14F added, 1975, 861 § 2 (providing for temporary service by certain retired justices of the Superior Court). (See 1975, 861 § 4.)

SECTS. 14B-14F repealed, 1978, 478 § 119. (See 1978, 478 § 343.)

SECTS. 15-18 repealed, 1932, 144 § 3.

SECT. 19 revised, 1978, 478 § 120. (See 1978, 478 § 343.)

SECT. 20A added, 1949, 139 (relative to central pools of jurors summoned for attendance upon the superior court); second paragraph amended, 1967, 541; section revised, 1978, 478 § 121. (See 1978, 478 § 343.)

SECT. 21, first sentence revised, 1978, 478 § 122. (See 1978, 478 § 343.)

SECT. 22 amended, 1934, 287; 1943, 135 § 1; first and second sentences stricken out and one sentence inserted, 1978, 478 § 123; sentence added, 1943, 244 § 3. (See 1943, 145 § 2; 1978, 478 § 343.)

SECT. 23 revised, 1978, 478 § 124. (See 1978, 478 § 343.)

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; first sentence revised, 1977, 234 §§ 148-150, 872 §§ 145-147. (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; 1977, 234 § 198, 872 § 204.)

SECT. 28 revised, 1963, 787.

SECTS. 27-28 repealed, 1978, 478 § 125. (See 1978, 478 § 343.)

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; last sentence revised, 1978, 478 § 126. (See 1973, 1114 § 351; 1978, 478 § 343.)

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.

SECT. 8 revised, 1978, 478 § 127. (See 1978, 478 § 343.)

**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); amended, 1977, 691 § 14. (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. 1 revised, 1978, 478 § 128. (See 1978, 478 § 343.)

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; section revised, 1978, 478 § 129. (See 1964, 631 § 2; 1978, 478 § 343.)

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; revised, 1978, 304 § 1. (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; repealed, 1978, 478 § 130. (See 1978, 478 § 343.)

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 to 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. 34B added, 1977, 973 (relative to certain contempt procedures in the probate court).

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. 53 revised, 1978, 478 § 131. (See 1978, 478 § 343.)

SECTS. 54-56 revised, 1978, 478 § 132. (See 1978, 478 § 343.)

SECT. 56A revised, 1975, 400 § 72; third sentence revised, 1978, 478 § 133. (See 1975, 400 § 79; 1978, 478 § 343.)

SECT. 56B added, 1971, 947 (authorizing the appointment of a guardian ad litem to institute contempt proceedings involving minors); revised, 1975, 400 § 73; second sentence revised, 1978, 478 § 134. (See 1975, 400 § 79; 1978, 478 § 343.)

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, introductory paragraph revised, 1978, 478 § 135; paragraph in lines 4-6 revised, 1972, 489; 1975, 243; paragraph in lines 11-16 revised, 1950, 108 § 1; 1969, 773; paragraph in lines 17-20 revised, 1932, 107; 1936, 241; 1956, 159; 1966, 300; sixth paragraph revised, 1967, 120; 1975, 381; paragraph in lines 21-25 revised, 1964, 453; paragraph in lines 26-28 revised, 1951, 514; 1960, 388; paragraph in lines 29-33 revised, 1934, 24; paragraph in lines 34-37 amended, 1934, 54; same paragraph revised, 1934, 175 § 1; 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; 1978, 478 § 343.)

SECT. 63 revised, 1978, 478 § 136. (See 1978, 478 § 343.)

Chapter 216. — Courts of Insolvency.

SECT. 14 amended, 1973, 705 § 2.

SECT. 149 amended, 1978, 514 § 229. (See 1978, 514 § 287.)

Chapter repealed, 1978, 478 § 137. (See 1978, 478 § 343.)

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; 1978, 478 § 138. (See 1978, 478 § 343.)

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; section repealed, 1978, 478 § 139. (See 1967, 841 § 3; 1978, 478 § 343.)

SECT. 3, sentence added, 1949, 436 § 1; revised, 1951, 517; section revised, 1963, 756 § 1B; 1975, 862 § 1; repealed, 1978, 478 § 140. (See 1975, 862 § 12; 1978, 478 § 343.)

SECT. 3A added, 1975, 820 § 2 (providing for temporary service by retired judges of probate and insolvency); repealed, 1978, 478 § 141. (See 1975, 820 § 5; 1978, 478 § 343.)

SECT. 3B added, 1978, 478 § 142 (providing for a special judge of probate and insolvency in the county of Hampshire). (See 1978, 478 § 343.)

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; repealed, 1978, 478 § 143. (See 1975, 862 § 12; 1978, 478 § 343.)

SECT. 6A added, 1978, 478 § 144 (prohibiting certain justices from receiving fees, emoluments and other benefits). (See 1978, 478 § 343.)

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.

SECTS. 8-8A revised, 1978, 478 § 145. (See 1978, 478 § 343.)

SECT. 9 revised, 1975, 400 § 76. (See 1975, 400 § 79.)

SECT. 15, second sentence revised, 1978, 478 § 146. (See 1978, 478 § 343.)

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. 15C added, 1978, 391.

SECT. 16 amended, 1975, 684 § 82; 1978, 514 § 230. (See 1975, 684 § 97; 1978, 514 § 287.)

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. 23 revised, 1978, 478 § 147. (See 1978, 478 § 343.)

SECT. 23A added, 1978, 478 § 148 (providing for the appointment of assistant registers of probate). (See 1978, 478 § 343.)

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.)

SECTS. 24-24B, 25-25A repealed, 1978, 478 § 149. (See 1978, 478 § 343.)

SECT. 27A revised, 1978, 478 § 150. (See 1978, 478 § 343.)

SECT. 28 amended, 1977, 678; revised, 1978, 478 § 151. (See 1978, 478 § 343.)

SECT. 29, first sentence revised, 1978, 393 § 40; sentence added, 1958, 539; 1978, 478 § 152. (See 1978, 393 § 45, 478 § 343.)

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. 29A, sentence added, 1978, 478 § 153. (See 1978, 478 § 343.)

SECT. 29B, sentence added, 1978, 478 § 154. (See 1978, 478 § 343.)

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; 1978, 478 § 155. (See 1935, 313 § 3; 1936, 252 § 2; 1941, 226 § 2; 1960, 575 § 2; 1978, 478 § 343.)

SECT. 31 amended, 1951, 793 § 2; revised, 1978, 478 § 156. (See 1978, 478 § 343.)

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

*Void for non-acceptance.

§ 2; revised, 1969, 845 § 4; 1971, 680 § 2; 1973, 428 § 7, 856 § 6; 1974, 558 § 6; 1975, 862 § 3; 1977, 234 §§ 151-153A, 872 §§ 148-151. (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; 1977, 234 § 198; 872 § 204.)

SECTS. 31A, 32, 32A-32C, 34 repealed, 1978, 478 § 157. (See 1978, 478 § 343.)

SECT. 34A added, 1978, 478 § 158 (establishing the salary of a certain judge for Dukess county); repealed, 1978, 478 § 159. (See 1978, 478 § 343.)

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; section revised, 1977, 234 §§ 154-156, 872 §§ 152-154; 1978, 478 §§ 159A, 160. (See 1951, 713 § 3; 1955, 638 § 3; 1956, 671 § 3; 1969, 845 § 12; 1973, 428 § 19, 856 § 17; 1974, 558 § 20; 1977, 234 § 198; 1977, 872 § 204; 1978, 478 § 343.)

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; section revised, 1977, 234 §§ 157-159, 872 §§ 155-157; 1978, 478 § 161. (See 1951, 713 § 3; 1955, 638 § 3; 1956, 671 § 3; 1977, 234 § 198, 872 § 204; 1978, 478 § 343.)

SECT. 38 repealed, 1937, 408 § 2.

SECT. 39 revised, 1978, 478 § 162. (See 1978, 478 § 343.)

SECT. 40 revised, 1937, 408 § 6; 1963, 819 § 4; 1967, 644; 1971, 680 § 3; repealed, 1975, 862 § 4; 1978, 478 § 163. (See 1937, 408 § 9; 1975, 862 § 12; 1978, 478 § 343.)

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; section revised, 1978, 478 § 164. (See 1978, 478 § 343.)

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, introductory paragraph stricken out and two paragraphs inserted, 1978, 478 § 165; 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; twelve paragraphs under caption "*Middlesex*" revised, 1978, 478 § 171; 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; six paragraphs under caption "*Berkshire*" stricken out and three paragraphs inserted, 1978, 478 § 166; 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; 1978, 478 § 169; third paragraph under caption "*Worcester*" revised, 1971, 821 § 2; sixth paragraph under caption "*Worcester*" revised, 1968, 342 § 1; 1970, 713 § 2; eighth paragraph under caption "*Worcester*" revised, 1978, 478 § 170; seventh paragraph under caption "*Suffolk*" revised, 1965, 659 § 4; seventh, eighth and ninth paragraphs under caption "*Suffolk*" revised, 1978, 478 § 167; paragraph inserted after ninth paragraph under caption "*Suffolk*", 1978, 478 § 168; 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; third paragraph under caption "*Plymouth*" revised, 1977, 697; 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; 1978, 478 § 343.)

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; 1977, 234 §§ 160-162, 872 §§ 158-160; fourth paragraph revised, 1971, 688; amended, 1972, 702; first sentence revised, 1973, 428 § 10, 856 § 9; 1974, 558 § 8; 1975, 862 § 5; 1977, 234 §§ 163-165, 872 §§ 161-163; second sentence revised, two sentences added after second sentence, 1975, 587 § 2; section revised, 1978, 478 §§ 172-173. (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; 1977, 234 § 198; 872 § 204; 1978, 478 § 343.)

SECT. 6A added, 1975, 862 § 6 (providing for temporary service by certain retired justices of the superior court); revised, 1978, 478 § 174. (See 1978, 478 § 343.)

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; section revised, 1978, 478 § 175. (See 1961, 526 § 3; 1978, 478 § 343.)

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; first paragraph amended, 1977, 445 § 1; 446 § 1; 819 § 1; second paragraph amended, 1977, 445 § 2; last paragraph revised, 1975, 318 § 2; paragraph added, 1975, 587 § 5; section revised, 1978, 478 § 176. (See 1978, 478 § 343.)

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; section revised, 1978, 478 § 177. (See 1961, 526 § 3; 1978, 478 § 343.)

SECT. 12, last sentence revised, 1978, 478 § 178. (See 1978, 478 § 343.)

SECT. 13 revised, 1937, 59; first paragraph stricken out, 1939, 157 § 1; section revised, 1978, 478 § 179. (See 1939, 157 § 4; 1978, 478 § 343.)

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; 1978, 478 § 180. (See 1939, 230 § 2; 1947, 460 § 2; 1956, 738 §§ 13, 14; 1978, 478 § 343.)

SECT. 16 revised, 1937, 219 § 3; 1939, 214 § 5; first sentence revised, 1978, 478 § 181. (See 1978, 478 § 343.)

SECT. 17, sentence added, 1956, 738 § 12; section revised, 1978, 478 § 182. (See 1956, 738 §§ 13, 14; 1978, 478 § 343.)

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); first paragraph amended, 1978, 478 § 183; second paragraph, first sentence revised, 1975, 377 § 6. (See 1969, 419 § 2; 1975, 377 § 164; 1978, 478 § 343.)

SECT. 19C added, 1970, 582 (providing certain equity powers to district courts); second paragraph revised, 1978, 478 § 184. (See 1978, 478 § 343.)

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; section revised, 1978, 478 § 185. (See 1964, 496 § 2; 1967, 21 § 2; 1970, 106 § 2; 1971, 271 § 2; 1975, 377 § 164; 1976, 266 § 23; 1978, 478 § 343.)

SECT. 22 amended, 1937, 310; first sentence revised, 1954, 328 § 1; 1971, 858 § 2; 1975, 377 § 9; fifth sentence amended, 1975, 377 § 10;

paragraph added, 1978, 478 § 186. (See 1954, 328 § 4; 1975, 377 § 164; 1978, 478 § 343.)

SECT. 23 amended, 1950, 500 § 1; revised, 1973, 748 § 2; first paragraph, sentence inserted after second sentence, 1976, 266 § 22; first paragraph amended, 1977, 979 § 2; fifth sentence amended, 1974, 166 § 1; second paragraph, first sentence revised, 1974, 377 § 11; fourth paragraph amended, 1974, 166 § 2. (See 1975, 377 § 164; 1977, 979 § 4.)

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; revised, 1978, 478 § 187. (See 1937, 301 § 2; 1938, 365 § 2; 1978, 478 § 343.)

SECT. 26A added, 1978, 478 § 188 (providing for trials by a jury of six in the district court department and the Boston municipal court). (See 1978, 478 § 343.)

SECT. 27A added, 1972, 620 § 1 (providing for trial by a jury of six of certain criminal cases in certain district courts); revised, 1978, 478, 189. (See 1972, 620 § 2; 1978, 478 § 343.)

SECT. 29 amended, 1932, 55; repealed, 1964, 308 § 10.

SECT. 30 amended, 1941, 194 § 19; 1970, 888 § 25. (See 1970, 888 § 31.)

SECT. 31 amended, 1978, 478 § 190. (See 1978, 478 § 343.)

SECT. 32 amended, 1958, 48 § 1.

SECT. 33 revised, 1978, 478 § 191. (See 1978, 478 § 343.)

SECT. 35, sentence added, 1964, 201; paragraph added, 1975, 552; amended, 1978, 478 § 192. (See 1978, 478 § 343.)

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; three paragraphs added, 1978, 478 § 193. (See 1943, 349 § 2; 1978, 478 § 343.)

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; 1978, 478 § 194. (See 1978, 478 § 343.)

SECT. 39 revised, 1963, 810 § 4; 1978, 478 § 195. (See 1978, 478 § 343.)

SECT. 40, fourth sentence revised, 1948, 398 § 1; section revised, 1963, 810 § 5; 1975, 862 § 7; 1978, 478 § 196. (See 1978, 478 § 343.)

SECT. 42A added, 1978, 478 § 197 (establishing the administrative head of the district court department). (See 1978, 478 § 343.)

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).

SECTS. 43-43B revised, 1978, 478 § 198. (See 1978, 478 § 343.)

SECT. 43C, first sentence amended, 1971, 867 § 1; section repealed, 1978, 478 § 199. (See 1978, 478 § 343.)

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); revised, 1978, 478 § 200. (See 1967, 852 § 4; 1978, 478 § 343.)

SECT. 44 amended, 1978, 478 § 201. (See 1978, 478 § 343.)

SECTS. 45-46 repealed, 1975, 377 § 15. (See 1975, 377 § 164.)

SECT. 47 revised, 1978, 478 § 202. (See 1978, 478 § 343.)

SECT. 49, second sentence revised, 1978, 478 § 203. (See 1978, 478 § 343.)

SECT. 50 revised, 1963, 810 § 9; first paragraph, two sentences added, 1975, 587 § 7; section revised, 1978, 478 § 204. (See 1963, 810 § 20; 1978, 478 § 343.)

SECT. 51 repealed, 1978, 478 § 205. (See 1978, 478 § 343.)

SECT. 51A added, 1978, 478 § 206 (establishing the administrative head of the Boston municipal court department). (See 1978, 478 § 343.)

SECT. 52, third sentence amended, 1948, 398 § 2, sixth sentence revised, 1949, 462; 1961, 534; 1970, 623; 1975, 587 § 8; section revised, 1978, 478 § 207. (See 1978, 478 § 343.)

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; section revised, 1978, 478 § 208. (See 1978, 478 § 343.)

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; section revised, 1978, 478 § 209. (See 1978, 478 § 343.)

SECT. 54 revised, 1975, 377 § 16; 836 § 1. (See 1975, 377 § 164.)

SECT. 55 amended, 1964, 533 § 1; revised, 1978, 478 § 210. (See 1964, 533 § 2; 1978, 478 § 343.)

SECT. 56 revised, 1978, 478 § 211. (See 1978, 478 § 343.)

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; section revised, 1978, 478 § 212. (See 1965, 659 § 7; 1978, 478 § 343.)

SECT. 57A added, 1978, 478 § 212 (establishing the administrative head of the juvenile court department). (See 1978, 478 § 343.)

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; 1977, 241 § 1;

sentence added, 1975, 506; second paragraph revised, 1974, 534; section revised, 1978, 478 § 213. (See 1936, 282 § 3; 1963, 810 § 21; 1977, 241 § 4; 1978, 478 § 343.)

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. 58C added, 1978, 478 § 214 (requiring full-time duty of certain special justices). (See 1978, 478 § 343.)

SECT. 59, paragraph added, 1948, 248 § 1; section revised, 1969, 859 § 16A; second paragraph revised, 1978, 478 § 215. (See 1978, 478 § 343.)

SECT. 60, first sentence amended, 1962, 722 § 9; section revised, 1964, 308 § 11; 1965, 659 § 6; 1969, 859 § 17; second sentence revised, 1978, 478 § 216. (See 1964, 308 § 13; 1978, 478 § 343.)

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, 1972, 649 § 4; 1973, 1027 § 6; second paragraph amended, 1972, 605 § 1; section revised, 1974, 731; clause (8) amended, 1977, 729 § 1; clause (9) amended, 1977, 729 § 2; second paragraph revised, 1978, 565. (See 1935, 71 § 2; 1946, 264 § 2; 1953, 138 § 2; 1955, 633 § 2; 1970, 93 § 2; 1971, 566 § 2; 1972, 605 § 2; 1977, 729 § 4.)

SECT. 62A added, 1972, 211 (providing for additional court officers in the municipal court of the city of Boston); revised, 1974, 509; amended, 1978, 478 § 217. (See 1978, 478 § 343.)

SECT. 63, revised, 1935, 341; 1969, 81; 1978, 478 § 218. (See 1978, 478 § 343.)

SECT. 64 amended, 1978, 478 § 219. (See 1978, 478 § 343.)

SECT. 65, last sentence stricken out, 1949, 621.

SECT. 67 amended, 1978, 478 § 220. (See 1978, 478 § 343.)

*Void for non-acceptance.

SECT. 69 revised, 1977, 478 § 221. (See 1978, 478 § 343.)

SECT. 70, sentence added, 1969, 859 § 18; revised, 1972, 731 § 17; section revised, 1978, 478 § 222. (See 1978, 478 § 343.)

SECT. 74 revised, 1963, 810 § 11; 1978, 478 § 223. (See 1978, 478 § 343.)

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; 1977, 234 §§ 166-168, 872 §§ 164-166. (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; 1977, 234 § 198, 872 § 204.)

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; 1977, 234 §§ 169-171, 872 §§ 167-169. (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; 1977, 234 § 198, 872 § 204.)

SECT. 75B added, 1977, 769 § 2 (relative to salaries of certain first assistant clerks). (See 1977, 769 § 3.)

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; 1977, 234 §§ 172-174, 872 §§ 170-172. (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; 1977, 234 § 198, 872 § 204.)

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; 1977, 234 §§ 175-177, 872 §§ 173-175. (See 1973, 428 § 19, 856 § 17; 1974, 558 § 20, 741 § 3; 1977, 234 § 198, 872 § 204.)

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; first paragraph amended, 1977, 234 §§ 178-180; revised, 1977, 234 § 181; amended, 1977, 872 §§ 176-178. (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; 1977, 234 § 198, 872 § 204.)

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; 1977, 234 §§ 182-184, 872 §§ 179-181. (See 1969, 845 § 12; 1973, 428 § 19, 856 § 17; 1974, 558 § 20; 1977, 234 § 198, 872 § 204.)

SECTS. 75-77B repealed, 1978, 478 § 224. (See 1978, 478 § 343.)

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; 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; first paragraph revised, 1977, 234 §§ 185-187. (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; 1977, 234 § 198, 872 § 204.)

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; section revised, 1978, 478 §§ 225-226. (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; 1978, 478 § 343.)

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; two paragraphs added, 1978, 478 § 227. (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; 1978, 478 § 343.)

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; 1978, 478 § 228. (See 1947, 400 §§ 3, 4; 1951, 288 § 2; 1978, 478 § 343.)

SECT. 81 revised, 1939, 296 § 1; amended, 1956, 738 § 7; revised, 1963, 810 § 17; 1978, 478 § 229. (See 1939, 296 § 3; 1956, 738 §§ 13, 14; 1978, 478 § 343.)

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. 1 revised, 1978, 478 § 230. (See 1978, 478 § 343.)

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; 1978, 478 § 231. (See 1935, 89 § 2; 1937, 158 § 2; 1943, 336 § 3; 1955, 354 § 2; 1961, 355 § 2; 1978, 478 § 343.)

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; section revised, 1978, 478 § 232. (See 1943, 336 § 3; 1958, 327 § 2; 1963, 502 § 2, 746 § 2, 1966, 532 § 2; 1970, 511 § 2; 1978, 478 § 343.)

SECT. 5A added, 1978, 478 § 233 (requiring full-time duty for certain assistant clerks). (See 1978, 478 § 343.)

SECT. 6 amended, 1954, 342 § 1; 1957, 555 § 1; 1964, 710 § 1; revised, 1973, 1114 § 74; repealed, 1978, 478 § 234. (See 1964, 710 § 2; 1973, 1114 § 351; 1978, 478 § 343.)

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; amended, 1978, 478 § 235. (See 1949, 774 § 5; 1973, 1114 § 351; 1978, 478 § 343.)

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; amended, 1978, 478 § 236. (See 1973, 1114 § 351; 1978, 478 § 343.)

SECT. 6C added, 1970, 593 (providing for the designation of an assistant clerk for criminal business in the Essex Superior Court); amended, 1978, 478 § 237. (See 1978, 478 § 343.)

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. 6E amended, 1978, 478 § 238. (See 1978, 478 § 343.)

SECT. 6F amended, 1978, 478 § 239. (See 1978, 478 § 343.)

SECT. 6G amended, 1978, 478 § 240. (See 1978, 478 § 343.)

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); amended, 1978, 478 § 241. (See 1978, 478 § 343.)

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); amended, 1978, 478 § 242. (See 1978, 478 § 343.)

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); amended, 1978, 478 § 243. (See 1978, 478 § 343.)

SECT. 6M added, 1977, 439 (providing for the designation of an assistant clerk of courts for the county of Bristol to perform certain duties).

SECT. 12 revised, 1937, 219 § 4; 1939, 214 § 6; second sentence stricken out, two sentences inserted, 1978, 478 § 244. (See 1978, 478 § 343.)

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. 32 revised, 1978, 478 § 245. (See 1978, 478 § 343.)

SECT. 34A revised, 1977, 698; 1978, 478 § 246. (See 1978, 478 § 343.)

SECT. 34C amended, 1947, 601; last sentence revised, 1970, 755.

SECT. 34D added, under caption, 1960, 565 § 1 (establishing the Massachusetts defenders committee); revised, 1962, 366 § 1; second paragraph, sentence added, 1970, 369. (See 1960, 565 § 2; 1962, 366 § 2.)

SECT. 34E added, 1973, 893 (providing for legal assistance to the indigent mentally ill).

SECT. 35 amended, 1949, 574 § 1.

SECT. 36 amended, 1945, 157; last sentence revised, 1957, 748 § 1.

SECT. 36A added, 1945, 261 (relative to educational requirements for admission to the bar of persons serving in the armed forces in World War II).

SECT. 37, first sentence revised, 1973, 925 § 73; third sentence stricken out and two sentences inserted, 1957, 748 § 2; third sentence amended, 1972, 684 § 121; fourth sentence amended, 1972, 684 § 122. (See 1972, 684 § 136; 1973, 925 § 84.)

SECT. 43 revised, 1939, 197 § 1.

SECTS. 44A AND 44B added, 1939, 197 § 2 (prohibiting employees and other persons connected with hospitals from furnishing certain information about certain personal injury cases to attorneys at law).

SECT. 44A amended, 1943, 293.

SECT. 46 revised, 1935, 346 § 1; paragraph added, 1963, 654 § 4.

SECTS. 46A AND 46B added, 1935, 346 § 2 (prohibiting individuals, not members of the bar from practicing law or attempting so to do and providing a means of restraining unauthorized practice of law).

SECT. 46B amended, 1947, 75; 1955, 697 § 2.

SECT. 46C added, 1955, 697 § 1 (relative to debt pooling plans).

SECT. 46D added, 1969, 421 § 1 (providing that credit counseling corporations shall not be deemed to be illegally practicing law).

SECT. 47 repealed, 1935, 346 § 3.

SECT. 49 repealed, 1935, 346 § 3.

SECT. 50 stricken out, and sections 50, 50A, 50B inserted, 1945, 397 § 1. (See 1945, 397 § 3.)

SECT. 53 amended, 1939, 151; 1954, 385 § 1. (See 1954, 385 § 2.)

SECT. 55 revised, 1978, 478 § 247. (See 1978, 478 § 343.)

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. 61 revised, 1978, 478 § 248. (See 1978, 478 § 343.)

SECT. 62A revised, 1973, 1114 § 82; 1978, 478 § 249. (See 1973, 1114 § 351; 1978, 478 § 343.)

SECTS. 62B-62C added, 1978, 478 § 250 (providing for the title of magistrate in certain court departments). (See 1978, 478 § 343.)

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. 66 revised, 1978, 478 § 251. (See 1978, 478 § 343.)

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, first sentence revised, 1977, 264; 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.)

SECTS. 69-73 revised, 1978, 478 § 252. (See 1978, 478 § 343.)

SECT. 73A added, 1938, 347 § 2; amended, 1941, 448 § 2; repealed, 1945, 388 § 2. (See 1938, 347 § 3; 1941, 448 § 3.)

SECT. 73A added, 1978, 478 § 252 (relative to salaries of certain court officers). (See 1978, 478 § 343.)

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.)

SECTS. 75-80 revised, 1978, 478 § 253. (See 1978, 478 § 343.)

SECT. 82, sentence added, 1973, 562.

SECT. 86 revised, 1967, 316.

SECT. 88 amended, 1947, 179; 1957, 85; revised, 1958, 56; 1969, 261; 1978, 478 § 254. (See 1978, 478 § 343.)

SECT. 90A, last sentence revised, 1951, 82; 1962, 312.

SECT. 91 revised, 1947, 469 § 2; 1972, 492 § 2. (See 1947, 468 §§ 4, 5.)

SECTS. 90A, 91 revised, 1978, 478 § 255. (See 1978, 478 § 343.)

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; 1977, 234 §§ 188-190, 872 §§ 185-187. (See 1977, 234 § 198, 872 § 204.)

SECTS. 92-93 revised, 1978, 478 § 256. (See 1978, 478 § 343.)

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; under caption of Supreme Judicial Court for Suffolk County, four paragraphs revised, 1977, 234 §§ 191-193, 872 §§ 188-190; two subdivisions for superior court Suffolk revised, 1977, 423 § 1, 872 §§ 191-193; second paragraph amended, 1973, 988 § 2; section revised, 1978, 478 §§ 257-258. (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; 1977, 423 § 2, 234 § 198, 872 § 204; 1978, 478 § 343.)

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.)

SECT. 99 revised, 1978, 478 § 259. (See 1978, 478 § 343.)

SECT. 100 revised, 1978, 478 § 260. (See 1978, 478 § 343.)

SECT. 102 revised, 1978, 478 § 261. (See 1978, 478 § 343.)

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; first paragraph revised, 1977, 685. (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; 1973, 699 § 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.)

SECT. 85Q added, 1977, 259 (defining the standards of care owed to children by certain landowners).

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; first sentence amended, 1977, 655 § 2. (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; section revised, 1978, 478 § 262. (See 1958, 369 § 4; 1967, 767 § 4; 1973, 1114 § 351; 1975, 377 § 164; 1978, 478 § 343.)

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; 1978, 478 § 263. (See 1975, 123 § 2; 377 § 164; 1978, 478 § 343.)

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; first two paragraphs revised, 1978, 478 § 264; 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; 1978, 478 § 343.)

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; 1977, 405. (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; definition of "Psychotherapist" revised, 1977, 817.

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. 21B added, 1977, 110 (regulating the admissibility of certain evidence in rape cases).

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; revised, 1977, 144.
- 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; second paragraph amended, 1978, 302 § 1, 478 § 265; paragraph added, 1978, 302 § 2. (See 1935, 257 § 12, 1949, 347 § 5; 1973, 925 § 84; 1978, 478 § 343.)

SECT. 1A added, 1949, 347 § 2 (relative to excusing certain persons from jury service); second paragraph revised, 1978, 41 § 1. (See 1949, 347 § 5; 1978, 41 § 2.)

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 234A. — Selection and Management of Jurors for Middlesex County.

New chapter inserted, 1977, 415 § 2. (See 1977, 415 § 14.)

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; 1978, 392 § 4. (See 1939, 32 § 5; 1970, 119 § 5; 1973, 487 § 5; 1974, 750 § 5; 1975, 407 § 5; 1978, 392 § 5.)
- SECTS. 38-40 revised, 1973, 1114 § 224. (See 1973, 1114 § 351.)
- SECT. 41, second sentence revised, 1973, 1114 § 225. (See 1973, 1114 § 351.)
- SECT. 49A added, 1953, 455 § 1 (relative to the dissolution of certain levies on execution on real estate by operation of law). (See 1953, 455 § 2.)
- SECT. 51 revised, 1973, 1114 § 226; 1975, 377 § 122. (See 1973, 1114 § 351; 1975, 377 § 164.)
- SECT. 55 repealed, 1971, 423 § 20.

Chapter 237. — Writs of Entry.

- SECTS. 1-18 revised, 1973, 1114 § 227. (See 1973, 1114 § 351.)
- SECT. 19 repealed, 1973, 1114 § 228. (See 1973, 1114 § 351.)
- SECTS. 20-22 revised, 1973, 1114 § 229. (See 1973, 1114 § 351.)
- SECT. 23 amended, 1973, 1114 § 230. (See 1973, 1114 § 351.)
- SECT. 24 amended, 1973, 1114 § 231. (See 1973, 1114 § 351.)
- SECTS. 25-31 revised, 1973, 1114 § 232. (See 1973, 1114 § 351.)
- SECT. 32 amended, 1973, 1114 § 233. (See 1973, 1114 § 351.)
- SECTS. 33-38 revised, 1973, 1114 § 234. (See 1973, 1114 § 351.)

SECT. 39 amended, 1973, 1114 § 235. (See 1973, 1114 § 351.)

SECT. 41 revised, 1973, 1114 § 236. (See 1973, 1114 § 351.)

SECTS. 43 AND 44 revised, 1973, 1114 § 237. (See 1973, 1114 § 351.)

Chapter 238. — Writs of Dower.

SECT. 1 amended, 1973, 1114 § 238. (See 1973, 1114 § 351.)

SECT. 8 revised, 1973, 1114 § 239. (See 1973, 1114 § 351.)

SECT. 10 revised, 1973, 1114 § 240. (See 1973, 1114 § 351.)

Chapter 239. — Summary Process for Possession of Land.

SECT. 1 amended, 1941, 242 § 1; first sentence amended, 1952, 151 § 1; 1953, 106.

SECT. 1A added, 1973, 778 § 3 (regulating evictions by lessors of residential land or tenements).

SECT. 2 amended, 1973, 488; revised, 1975, 377 § 123; revised, 1977, 636. (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; 1978, 149 § 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; 1977, 655 § 1. (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; section revised, 1977, 963.

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; stricken out, 1977, 829 § 14. (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; 1977, 629.

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; amended, 1978, 514 § 231. (See 1973, 1114 § 352; 1975, 377 § 164; 1978, 514 § 287.)

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 Fourth amended, 1975, 377 § 136; 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 248. — Habeas Corpus and Personal Liberty.

- SECT. 40 revised, 1978, 478 § 266. (See 1978, 478 § 343.)

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; repealed, 1978, 512 § 14. (See 1978, 512 § 16.)

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. 2A added, 1977, 414 (relative to the consolidation of arbitration proceedings).

SECT. 7, paragraph (e) added, 1978, 314 § 1 (relative to the production of documents and things).

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; 1977, 641; third sentence amended, 1975, 706 § 298. (See 1976, 706 § 312.)

SECT. 4, first sentence revised, 1972, 36 § 3.

SECT. 5, second paragraph amended, 1964, 550 § 1.

SECT. 5A, sentence added, 1960, 199.

SECT. 5B, first sentence revised, 1965, 699; fourth sentence revised, 1964, 550 § 2; section revised, 1974, 349 § 2.

SECT. 6A added, 1962, 283 (authorizing reclamation districts to provide insurance to indemnify its employees against liability for injuries or property damage); revised, 1971, 258.

SECT. 22 revised, 1948, 550 § 44.

SECT. 24 added, under caption, 1948, 391 § 1 (providing for the establishment of greenhead fly control projects); revised, 1954, 388 § 1; 1955, 433. (See 1948, 391 § 2; 1954, 388 § 2.)

Chapter 253. — Mills, Dams and Reservoirs.

SECT. 4 revised, 1973, 1114 § 298. (See 1973, 1114 § 351.)

SECTS. 5-6 repealed, 1973, 1114 § 299. (See 1973, 1114 § 351.)

SECTS. 7-9 revised, 1973, 1114 § 300. (See 1973, 1114 § 351.)

SECT. 10 amended, 1973, 1114 § 301. (See 1973, 1114 § 351.)

SECT. 11 revised, 1973, 1114 § 302. (See 1973, 1114 § 351.)

SECT. 12 amended, 1973, 1114 § 303. (See 1973, 1114 § 351.)

SECT. 13 amended, 1973, 1114 § 304. (See 1973, 1114 § 351.)

SECT. 14 amended, 1973, 1114 § 305. (See 1973, 1114 § 351.)

SECT. 18 revised, 1973, 1114 § 306. (See 1973, 1114 § 351.)

SECTS. 21-22 revised, 1973, 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.)
 SECTS. 28-30 revised, 1973, 1114 § 312. (See 1973, 1114 § 351.)
 SECT. 31 repealed, 1973, 1114 § 313. (See 1973, 1114 § 351.)
 SECT. 32 revised, 1973, 1114 § 314. (See 1973, 1114 § 351.)
 SECT. 33 amended, 1970, 595 § 1; revised, 1975, 706 § 299. (See 1975, 706 § 312.)
 SECTS. 35-38 stricken out and sections 35-38 inserted, 1970, 595 § 2.
 SECT. 43 amended, 1973, 1114 § 315. (See 1973, 1114 § 351.)
 SECTS. 44-49 stricken out and sections 44-49 inserted, 1970, 595 § 3.
 SECT. 50 revised, 1973, 1114 § 316. (See 1973, 1114 § 351.)
 SECT. 61 amended, 1973, 1114 § 317. (See 1973, 1114 § 351.)

Chapter 254. — Liens on Buildings and Land.

- SECT. 2 amended, 1972, 774 § 6; 1973, 801 § 1. (See 1972, 774 § 12.)
 SECT. 3 revised, 1972, 774 § 7. (See 1972, 774 § 12.)
 SECT. 4, first paragraph amended, 1972, 774 § 8; third paragraph amended, 1973, 801 § 2; paragraph added, 1959, 594 § 2. (See 1972, 774 § 12.)
 SECT. 5 amended, 1954, 461 § 2; first sentence revised, 1963, 493 § 3; section revised, 1973, 1114 § 318. (See 1954, 461 §§ 3, 4; 1972, 774 § 12; 1973, 1114 § 351.)
 SECT. 7 revised, 1973, 801 § 3.
 SECT. 11 amended, 1973, 1114 § 319. (See 1973, 1114 § 351.)
 SECT. 12 revised, 1972, 774 § 9; amended, 1973, 801 § 4. (See 1972, 774 § 12.)
 SECT. 14 revised, 1972, 774 § 10; amended, 1973, 1114 § 320. (See 1972, 774 § 12; 1973, 1114 § 351.)
 SECT. 15 amended, 1973, 1114 § 321. (See 1973, 1114 § 351.)
 SECT. 16 repealed, 1973, 1114 § 322. (See 1973, 1114 § 351.)
 SECT. 20 revised, 1959, 594 § 1.
 SECTS. 23-24 revised, 1973, 1114 § 323. (See 1973, 1114 § 351.)
 SECT. 26 revised, 1973, 1114 § 324. (See 1973, 1114 § 351.)
 SECT. 30 added, 1953, 405 § 1 (providing for the recording of liens for labor and notices of contract by the registers of deeds).
 SECT. 31 added, 1961, 530 (granting prior payment protection to subcontractors and suppliers on construction work); amended, 1973, 1114 § 325. (See 1973, 1114 § 351.)
 SECT. 32 added, 1972, 774 § 11 (providing that certain agreements to bar the filing of certain notices of contract or enforcement of certain liens are void and unenforceable); amended, 1973, 801 § 5. (See 1972, 774 § 12.)

Chapter 255. — Mortgages, Conditional Sales and Pledges of Personal Property, and Liens thereon.

- SECT. 1. See 1933, 142 (recording of federal crop loans to farmers). See also 1936, 264 subsection 20 (relative to trust receipt and pledge transactions); repealed, 1957, 765 § 2. (See 1957, 765 § 21.)

SECT. 2 repealed, 1957, 765 § 2. (See 1957, 765 § 21.)

SECT. 3 amended, 1935, 86 § 2; revised, 1948, 550 § 45; 1949, 404 § 4; repealed, 1957, 765 § 2. (See 1957, 765 § 21.)

SECTS. 4-7 repealed, 1957, 765 § 2. (See 1957, 765 § 21.)

SECTS. 7A-7E added, 1935, 86 § 1 (relative to the mortgaging of crops and certain other classes of personal property).

SECTS. 7A-7C repealed, 1957, 765 § 2. (See 1957, 765 § 21.)

SECTS. 7E-10 repealed, 1957, 765 § 2. (See 1957, 765 § 21.)

SECT. 11 revised, 1939, 509 § 1; repealed, 1957, 765 § 2. (See 1957, 765 § 21.)

SECT. 12 revised, 1939, 509 § 1; 1943, 410 § 1; 1956, 158; 1957, 765 § 10; sentence added, 1958, 674 § 2; 1959, 580 § 20; section stricken out, 1966, 284 § 4. (See 1943, 410 § 2; 1957, 765 §§ 18, 21; 1966, 284 § 5.)

SECT. 12A added, 1950, 81 (providing that notice relative to finance charges be printed in certain contracts of sale); revised, 1957, 765 § 11; sentence added, 1959, 580 § 21; section stricken out, 1966, 284 § 4. (See 1957, 765 §§ 18, 21; 1966, 284 § 5.)

SECT. 12B added, 1955, 455 (relative to prepayment of contracts of conditional sales of personal property); revised, 1957, 765 § 12; amended, 1958, 674 § 3; revised, 1959, 593; section stricken out, 1966, 284 § 4. (See 1957, 765 §§ 18, 21; 1966, 284 § 5.)

SECT. 12C added, 1961, 595 (providing that promissory notes executed in connection with the sale of consumer goods on credit shall not be negotiable instruments).

SECT. 12D added, 1962, 309 (providing for rebates in certain installment payment transactions); stricken out, 1966, 284 § 4. (See 1966, 284 § 5.)

SECT. 12E added, 1968, 394 § 1 (limiting liability of owner of credit card or other like credit device); revised, 1970, 665; 1972, 712; 1976, 119; first paragraph, definition of "Credit card" revised, 1977, 52 § 22; definition of "Accepted credit card" revised, 1977, 52 § 12. (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); amended, 1978, 533 § 1.

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. 23 repealed, 1977, 284 § 2.

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; 1977, 284 § 3.

SECT. 31A, first sentence revised, 1968, 330; 1975, 143; 1977, 592.

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 lience).

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; last sentence revised, 1978, 346 § 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; section 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); revised, 1978, 429.

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, 1966, 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; 1978, 346 § 4; 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; definition 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; definition 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; fourth sentence

revised, 1978, 346 § 5; paragraph added, 1975, 170 § 5. (See 1973, 1149 § 33.)

SECT. 5 amended, 1973, 1149 § 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 D ½ 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. 10A added, 1978, 490 (prohibiting discrimination against a cash buyer).

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, 1969, 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); subsections (3) and (4) added, 1977, 96.

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 C, clause (3) revised, 1977, 52 § 24; subsection D amended, 1977, 52 § 25; clauses (1)-(3) revised, 1977, 52 § 26; subsection E, clause (1) revised, 1977, 52 § 27; 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 stricken out and new chapter 258 (with new title) inserted, 1978, 512 § 15. (See 1978, 512 § 16.)

For prior changes see Table of Changes contained in Acts and Resolves of 1977.

Chapter 258A. — Compensation of Victims of Violent Crimes.

SECT. 6, first paragraph amended, 1978, 478 § 267. (See 1978, 478 § 343.)

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 counter-claims). (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.)

SECT. 27B, first paragraph amended, 1977, 142; section revised, 1978, 478 § 268. (See 1978, 478 § 343.)

SECTS. 27C-27G revised, 1978, 478 § 269. (See 1978, 478 § 343.)

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; 1978, 478 § 270. (See 1978, 478 § 343.)

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; revised, 1977, 140.

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; two sentences added, 1977, 415 § 9; section revised, 1978, 478 § 271. (See 1945, 236 § 2; 1977, 415 § 14; 1978, 478 § 343.)

SECT. 26 revised, 1978, 478 § 272. (See 1978, 478 § 343.)

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; 1978, 478 § 273. (See 1978, 478 § 343.)

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; clauses (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; clauses (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; revised, 1978, 478 § 274. (See 1978, 478 § 343.)

SECT. 51 revised, 1951, 605; amended, 1958, 48 § 5; revised, 1978, 478 § 275. (See 1978, 478 § 343.)

SECT. 52 repealed, 1978, 478 § 276. (See 1978, 478 § 343.)

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; revised, 1978, 478 § 277. (See 1978, 478 § 343.)

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; 1978, 379 § 1.

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; 1978, 379 § 2. (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); first paragraph revised, 1977, 975.

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; amended, 1977, 979 § 3; paragraph (4) added, 1967, 817 § 1. (See 1945, 282 § 5; 1977, 979 § 4.)

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; revised, 1978, 447 § 3; 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. 127 revised, 1978, 544.

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. 135 revised, 1978, 478 § 278. (See 1978, 478 § 343.)

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. 6 amended, 1978, 514 § 232. (See 1978, 514 § 287.)
- SECT. 6A added, 1964, 444 (penalizing the making of false written reports by public officers or employees).
- SECT. 6B added, 1969, 293 (providing criminal penalty for false statements by process servers regarding service of process).
- SECT. 7 repealed, 1962, 779 § 3. (See 1962, 779 § 4.)
- SECT. 8 repealed, 1962, 779 § 3. (See 1962, 779 § 4.)
- SECT. 8A repealed, 1962, 779 § 3. (See 1962, 779 § 4.)
- SECT. 8B added, 1961, 342 (providing a penalty for compelling or coercing any person to refuse an appointment or promotion in the classified civil service).
- SECT. 9 repealed, 1962, 779 § 3. (See 1962, 779 § 4.)
- SECT. 9A added, 1962, 633 (prohibiting the sale of tickets to, or the solicitation of contributions for testimonial dinners and like functions for certain public officers and employees).
- SECTS. 10-12 repealed, 1962, 779 § 3. (See 1962, 779 § 4.)
- SECT. 13A added, 1950, 109 (prohibiting the picketing of courts and certain other places).
- SECT. 13B added, 1969, 460 (providing criminal penalty for intimidation of persons giving information to public agencies conducting criminal investigations); revised, 1970, 177.
- SECT. 13C added, 1971, 524 (making it a criminal offense to disrupt court proceedings).
- SECT. 14A added, 1936, 168 (imposing a penalty for depriving employees of their employment because of jury service).
- SECT. 15 amended, 1955, 770 § 81. (See 1955, 770 §§ 117, 123.)
- SECT. 16 revised, 1934, 344; last sentence stricken out, 1941, 344 § 28; section amended, 1943, 19 § 1; 1955, 770 § 82; revised, 1973, 1062 § 1. (See 1955, 770 §§ 117, 123.)
- SECT. 16A added, 1943, 19 § 2 (relative to the penalty for escapes or attempted escapes from the reformatory for women); amended, 1955, 770 § 83; repealed, 1973, 1062 § 2. (See 1955, 770 §§ 90, 117, 123.)
- SECT. 26 amended, 1934, 328 § 24; 1955, 770 § 84; revised, 1957, 777 § 33. (See 1955, 770 §§ 117, 123.)
- SECT. 27 amended, 1934, 328 § 25.
- SECT. 28 amended, 1955, 770 § 85; revised, 1957, 777 § 34; 1965, 407. (See 1955, 770 §§ 117, 123.)

SECT. 29 amended, 1934, 328 § 26; 1955, 770 § 86. (See 1955, 770 §§ 117, 123.)

SECT. 30 amended, 1955, 770 § 87. (See 1955, 770 §§ 117, 123.)

SECT. 31 amended, 1955, 770 § 88; revised, 1957, 777 § 35; 1962, 747. (See 1955, 770 §§ 117, 123.)

SECT. 32 amended, 1970, 278.

SECT. 32A added, 1966, 289 (prohibiting interference with fire fighting operation); revised, 1968, 82.

SECT. 33 amended, 1935, 440 § 44; 1941, 71; 1945, 400 § 7; 1971, 150.

SECT. 37 amended, 1955, 770 § 89; repealed, 1962, 779 § 3. (See 1955, 770 §§ 117, 123; 1962, 779 § 4.)

SECT. 38 repealed, 1962, 779 § 3. (See 1962, 779 § 4.)

**Chapter 268A. — Conduct of Public Officials and Employees
(former title, Code of Ethics).**

New chapter inserted, 1961, 610 § 1.

Chapter stricken out and new chapter 268A (with new title) inserted, 1962, 779 § 1. (See 1962, 779 §§ 2, 4.)

The following references are to chapter 268A, as so inserted:

SECT. 1, definition of "County employee" revised, 1969, 350 § 1; definition of "Municipal employee" revised, 1966, 734 § 2; definition of "Special municipal employee" revised, 1965, 351; definition of "State employee" revised, 1969, 350 § 2; amended, 1977, 245.

SECT. 2, clause (d) revised, 1964, 287.

SECT. 4, fifth paragraph revised, 1978, 210 § 4; ninth paragraph amended, 1978, 210 § 5. (See 1978, 210 § 22.)

SECT. 5, clause (d) stricken out and clauses (d) and (e) inserted, 1978, 210 § 6; third paragraph amended, 1978, 210 § 8; last paragraph stricken out, 1978, 210 § 7. (See 1978, 210 §§ 22, 27.)

SECT. 6, second paragraph revised, 1978, 210 § 9. (See 1978, 210 § 22.)

SECT. 6A added, 1978, 210 § 10 (relative to reporting of certain potential conflicts of interest). (See 1978, 210 § 22.)

SECT. 7, third paragraph amended, 1978, 210 § 11; paragraph added, 1968, 446. (See 1978, 210 § 22.)

SECT. 8A added, 1964, 314 (prohibiting members of state commissions or boards from being appointed by the other members thereof to certain positions).

SECT. 9, second paragraph revised, 1978, 210 § 12. (See 1978, 210 § 22.)

SECT. 10 revised, 1978, 210 § 13. (See 1978, 210 § 22.)

SECT. 11, eighth paragraph amended, 1978, 210 § 14. (See 1978, 210 § 22.)

SECT. 12, third paragraph amended, 1978, 210 § 15. (See 1978, 210 § 22.)

SECT. 13, second paragraph revised, 1978, 210 § 16. (See 1978, 210 § 22.)

SECT. 14, third paragraph amended, 1978, 210 § 17. (See 1978, 210 § 22.)

SECT. 15, paragraph (b) revised, 1978, 210 § 18. (See 1978, 210 § 22.)

SECT. 15A added, 1967, 887 § 1 (prohibiting members of county commissions to be appointed to other positions by other members of said commissions).

SECT. 16 repealed, 1978, 210 § 19. (See 1978, 210 § 22.)

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 268B. — Financial Disclosure by certain Public Officials and Employees.

New chapter inserted, 1978, 210 § 20. (See 1978, 210 § 22.)

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; second sentence amended, 1978, 175 § 1; subsection (b) revised, 1975, 585 § 1; subsection (c) amended, 1978, 175 § 2; subsection (l) added, 1975, 113 § 3. (See 1936, 227 § 2; 1937, 250 § 2; 1968, 737 § 18; 1974, 649 § 3; 1975, 113 § 5.)

SECT. 10A amended, 1957, 688 § 24.

SECT. 10B added, 1934, 359 § 2 (further regulating the sale, rental and leasing of rifles and shotguns); repealed, 1957, 688 § 25.

SECT. 10C added, 1969, 342 (providing criminal penalty for use of chemical mace or similar device or instrument in the commission of a crime); revised, 1973, 892 § 9; 1974, 789.

SECT. 11 revised, 1957, 688 § 26.

SECTS. 11A-11D added, under caption, 1937, 199 (relative to certain firearms, the serial or identification numbers of which have been removed, defaced, altered, obliterated or mutilated).

SECT. 11B, sentence added, 1957, 688 § 27.

SECT. 11C, amended and sentence added, 1957, 688 § 28.

SECT. 11D repealed, 1957, 688 § 29.

SECT. 11E added, 1968, 737 § 15 (further regulating the sale of firearms); revised, 1969, 799 § 17. (See 1969, 799 § 18.)

SECT. 12 revised, 1951, 219; 1952, 286; amended, 1956, 280; 1957, 688 § 30; revised, 1975, 585 § 2.

SECTS. 12A AND 12B added, 1951, 263 (regulating the sale and use of air rifles or so-called BB guns).

SECT. 12A revised, 1959, 296 § 9.

SECT. 12B revised, 1957, 688 § 31; third sentence revised, 1968, 737 § 16.

SECT. 12C added, 1951, 296 (prohibiting the sale or possession of certain knives having a spring release); repealed, 1957, 688 § 32.)

SECT. 12D added, 1957, 688 § 33 (imposing a penalty upon persons carrying a rifle or shotgun in a public way without a valid license to do so); second sentence revised, 1968, 737 § 17.

SECT. 12E added, 1971, 223 (prohibiting the discharge of a firearm within a certain distance of a building); revised, 1972, 261.

SECT. 13 revised, 1968, 122; amended, 1970, 391; revised, 1971, 408.

SECT. 14 added, 1957, 210 (imposing a penalty upon persons making false reports relative to the location of explosives or other dangerous substances); revised, 1958, 322; 1971, 784 § 2.

SECT. 14A added, 1964, 688 (making it a criminal offense to use the telephone to make annoying calls); revised, 1965, 521; 1978, 379 § 3.

SECT. 15 added, 1965, 29 (prohibiting the sale of stink bombs).

SECT. 16 added, 1977, 240 (prohibiting the sale of certain arrowheads).

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. 8A added, 1977, 861 (imposing a penalty on persons who distribute, sell or give anyone certain food containing a foreign substance).

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 non-criminal disposition of violations of the anti-litter laws); amended, 1973, 1107; fourth paragraph amended, 1978, 478 § 279. (See 1978, 478 § 343.)

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); definition of "Bazaar" revised, 1977, 279; eighth and ninth paragraphs revised, 1976, 415 § 96; 1977, 219 § 6. (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. 36 amended, 1978, 514 § 233. (See 1978, 514 § 287.)

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; sentence added, 1978, 367 § 54E. (See 1978, 367 § 72.)

SECT. 44 added, 1950, 166 § 1 (making certain settlements and releases obtained from injured persons confined in hospitals invalid). (See 1950, 116 § 2.)

SECT. 45 added, 1952, 346 (prohibiting the charging of fees solely for the registration of prospective tenants of dwellings).

SECT. 46 added, 1953, 187 (regulating the disposal of containers used for refrigerative purposes); revised, 1954, 191 § 1; 1958, 604; amended, 1959, 107; revised, 1959, 431 § 1. (See 1954, 191 § 2.)

SECT. 47 added, 1958, 347 (relative to reinstallation of telephones used in connection with gambling); amended, 1973, 793 § 5.

SECT. 48 added, 1962, 91 (regulating advertisements and contracts of schools or persons offering civil service courses).

SECT. 49 added, 1970, 826 (reestablishing the crime of usury); paragraph (e) revised, 1971, 368.

SECT. 50 added, 1973, 874 (regulating the sale of certain themes or papers and prohibiting the taking of certain examinations for another).

Chapter 272. — Crimes against Chastity, Morality, Decency and Good Order.

SECTS. 1-3 revised, 1978, 379 § 4.

SECT. 5 revised, 1948, 137; 1977, 588.

SECT. 6 revised, 1978, 379 § 5.

SECT. 7 revised, 1977, 589.

SECT. 9 amended, 1959, 313 § 9; revised, 1978, 379 § 6.

SECT. 12 amended, 1969, 59 § 3.

SECTS. 12-14 revised, 1978, 379 § 7.

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).

SECTS. 21-23 revised, 1977, 848 § 1.

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. 29A added, 1977, 917 § 2 (providing for the protection and welfare of certain children).

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. 30D added, 1977, 917 § 3 (granting the superior court power to enjoin the dissemination of certain visual material).

SECT. 31 amended, 1967, 364 § 1; last sentence revised, 1970, 348 § 1; amended, 1972, 802 § 62; section revised, 1974, 430 § 12; amended, 1977, 917 § 4; definition of "Nudity", sentence added, 1977, 217 § 4; definition of "Visual material" added, 1977, 917 § 6. (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; amended, 1977, 917 § 7. (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); amended, 1978, 469.

SECT. 42A added, 1978, 563 (prohibiting certain picketing).

SECT. 43A added, 1947, 358 (providing a penalty for smoking in public conveyances); revised, 1968, 310.

SECTS. 44-50 repealed, 1971, 1076 § 11. (See 1971, 1076 § 22.)

SECT. 45 amended, 1946, 274; revised, 1947, 409; 1959, 313 § 10.

SECT. 47 amended, 1959, 313 § 11.

SECT. 48 revised, 1956, 714 § 20; amended, 1970, 888 § 29. (See 1970, 888 § 31.)

SECTS. 51 AND 52 stricken out, 1957, 660 § 2. (See 1957, 660 §§ 6, 7.)

SECT. 53 revised, 1943, 377; amended, 1956, 715 § 21; revised, 1959, 304 § 1; amended, 1973, 1073 § 20.

SECT. 62 amended, 1956, 715 § 22.

SECT. 63, first sentence revised, 1966, 343.

SECT. 64 amended, 1951, 119 § 1; 1956, 715 § 23; revised, 1957, 315.

SECT. 66 amended, 1939, 451 § 67; 1951, 119 § 2; revised, 1969, 782.

SECT. 67 amended, 1959, 313 § 12.

SECT. 68 revised, 1967, 367.

SECT. 69 amended, 1959, 313 § 13.

SECT. 72 amended, 1974, 170.

SECT. 73 revised, 1958, 352; 1966, 312; amended, 1972, 552 § 2.

SECT. 73A added, 1973, 448 (authorizing the removal of gravestones and memorials for repair or reproduction).

SECT. 75 amended, 1971, 407.

SECT. 77 amended, 1968, 59; revised, 1972, 46; 1977, 921 § 2.

SECT. 77A added, 1978, 287 (providing a penalty for injuring police dogs and horses).

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. 80F added, 1977, 112 (prohibiting the offering of animals as prizes).

SECT. 84 amended, 1951, 34 § 1.

SECT. 85 repealed, 1951, 34 § 2.

SECT. 85A 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; second paragraph, clause (10) revised, 1978, 331.

SECT. 94 amended, 1975, 31 § 1; revised, 1978, 111.

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.); revised, 1978, 93, 458 § 2.

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; section revised, 1977, 848 § 2. (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. 3 revised, 1977, 848 § 3; 1978, 552 § 42.

SECT. 4 amended, 1959, 313 § 16; revised, 1977, 848 § 3.

SECT. 5 revised, 1977, 848 § 3; 1978, 552 § 43.

SECT. 7 revised, 1977, 848 § 4.

SECT. 8, sentence added, 1953, 505; revised, 1970, 791.

SECT. 9 repealed, 1938, 219 § 1.

SECT. 10 revised, 1938, 219 § 2.

SECT. 11 repealed, 1977, 848 § 7.

SECT. 12 revised, 1977, 848 § 5.

SECT. 12A added, 1954, 232 (providing for blood grouping tests to aid in the determination of paternity); 1977, 848 § 6.

SECT. 13 revised, 1977, 848 § 5.

SECT. 14, sentence added, 1943, 13.

SECT. 15 revised, 1977, 848 § 6.

SECT. 16 revised, 1977, 848 § 6.

SECT. 17 revised, 1953, 163; 1977, 848 § 6.

SECT. 18 revised, 1977, 848 § 6.

SECT. 19 repealed, 1977, 848 § 7.

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, 1957, 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. 9 amended, 1978, 478 § 280. (See 1978, 478 § 343.)
 SECT. 10 amended, 1978, 478 § 281. (See 1978, 478 § 343.)
 SECT. 11 amended, 1978, 478 § 282. (See 1978, 478 § 343.)
 SECT. 13 amended, 1978, 478 § 283. (See 1978, 478 § 343.)
 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; clause (d) revised, 1977, 556 § 4. (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. 20M revised, 1978, 478 § 284. (See 1978, 478 § 343.)

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; first sentence revised, 1978, 447 § 4.

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; revised, 1978, 478 § 285. [For prior legislation, see G.L. chapter 277 §§ 48, 49, repealed, 1932, 180 § 44.] (See 1978, 478 § 343.)

SECT. 42A added, 1978, 447 § 5 (permitting petition to be filed before any available court justice who may grant relief to plaintiff when the court is unavailable after the close of business at the end of the week).

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; sixth paragraph revised, 1978, 478 § 286. (See 1970, 499 § 4; 1978, 478 § 343.)

SECT. 61 amended, 1959, 313 § 25.

SECT. 61B, eighth sentence revised, 1972, 294; three paragraphs inserted after first paragraph, 1977, 786.

SECT. 65, second sentence stricken out and two sentences inserted, 1970, 499 § 2; section revised, 1971, 473 § 2; amended, 1978, 478 § 287. (See 1970, 499 § 4; 1978, 478 § 343.)

SECT. 68, second sentence revised, 1962, 356; 1964, 316; 1970, 499 § 3. (See 1970, 499 § 4.)

SECT. 78 revised, 1978, 478 § 288. (See 1978, 478 § 343.)

SECT. 79 amended, 1959, 313 § 26.

SECT. 80 amended, 1959, 313 § 27; revised, 1978, 478 § 289. (See 1978, 478 § 343.)

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; 1978, 364 § 65; 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; section revised, 1978, 478 § 290. (See 1949, 783 §§ 3, 4; 1951, 774 § 3; 1955, 735 § 3; 1956, 263, 731 §§ 29-33; 1970, 875 § 8; 1978, 367 § 72, 478 § 343.)

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; revised, 1978, 71 § 1; section revised, 1978, 478 § 291. (See 1947, 655 § 3; 1956, 731 §§ 29-33; 1978, 71 § 2, 478 § 343.)

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; repealed, 1977, 97.

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; section revised, 1978, 478 § 292. (See 1956, 731 §§ 29-33; 1978, 478 § 343.)

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; last paragraph revised, 1978, 45; section revised, 1978, 478 § 292. (See 1956, 731 §§ 29-33; 1959, 526 § 2; 1978, 478 § 343.)

SECT. 89A added, 1967, 401 (authorizing appointment of unpaid deputy probation officers to serve as counsellors to juvenile offenders); revised, 1978, 478 § 292. (See 1978, 478 § 343.)

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.

SECTS. 93-95 revised, 1978, 478 § 293. (See 1978, 478 § 343.)

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; section revised, 1978, 478 § 294. (See 1956, 731 §§ 29-33; 1969, 766 § 48; 1970, 875 § 8; 1978, 478 § 343.)

SECT. 99, sentence inserted after third sentence, 1952, 348; section revised, 1956, 731 § 20; first paragraph, sixth sentence revised, 1972, 396 § 2; section revised, 1978, 478 § 294. (See 1956, 731 §§ 29-33; 1978, 478 § 343.)

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; section revised, 1978, 478 § 294. (See 1956, 731 §§ 29-33; 1970, 875 § 8; 1978, 478 § 343.)

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; 1977, 234 §§ 194-196, 872 §§ 194-196; subdivision (5), sentence added,

1978, 478 § 295. (See 1970, 875 § 8; 1971, 909 § 5; 1972, 600 § 3; 1973, 772 § 4; 1974, 558 § 20; 1977, 234 § 198, 872 § 204; 1978, 478 § 343.)

SECT. 99C added, 1972, 680 (authorizing the appointment of three supervisors of court probation services and certain clerical assistants); first paragraph revised, 1977, 785; section repealed, 1978, 478 § 296. (See 1978, 478 § 343.)

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; 1978, 478 § 297. (See 1956, 731 §§ 29-33; 1978, 478 § 343.)

SECT. 102 amended, 1947, 364 § 2; 1956, 731 § 25. (See 1956, 731 §§ 29-33.)

SECT. 103 revised, 1956, 731 § 26; 1978, 141. (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; amended, 1977, 315 § 1; revised, 1977, 862 § 1; 1978, 323 § 1. (See 1964, 326 §§ 3-5; 1966, 415 §§ 6, 7; 1973, 464 § 6; 1977, 315 § 5.)

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; sentence added, 1977, 415 § 310. (See 1966, 415 §§ 6, 7; 1977, 415 § 14.)

SECT. 2B revised, 1966, 235 § 4, 415 § 4; 1977, 415 § 11. (See 1966, 415 §§ 6, 7; 1977, 415 § 14.)

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. 2E added, 1977, 315 § 2 (providing that grand jurors in Worcester county serve for six months); revised, 1978, 518 § 1. (See 1977, 315 § 5; 1978, 518 § 2.)

SECT. 2F added, 1977, 862 § 2 (providing for the impanelling of grand jurors for the county of Norfolk for two settings for terms of six months).

SECT. 2G added, 1978, 323 § 2 (relative to issuing writs of venire facias).

SECT. 3, sentence added, 1977, 415 § 12. (See 1977, 415 § 14.)

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; amended, 1977, 315 § 3; revised, 1977, 862 § 3. (See 1966, 415 §§ 6, 7; 1973, 464 § 6; 1977, 315 § 5.)

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. 4 sentence added, 1977, 415 § 13. (See 1977, 415 § 14.)

SECT. 14A added, 1977, 770 (authorizing counsel to be present at grand jury hearings).

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 "adultery" revised, 1978, 379 § 8; definition of "fornication" revised, 1978, 379 § 9; 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; second sentence revised, 1978, 478 § 298. (See 1965, 617 §§ 2, 3, 756 § 3; 1978, 478 § 343.)

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. 56 revised, 1978, 478 § 299. (See 1978, 478 § 343.)

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.

SECT. 73 revised, 1978, 478 § 300. (See 1978, 478 § 343.)

SCHEDULE OF FORMS OF PLEADINGS at end of chapter amended, 1934, 328 § 29; paragraph entitled "Abduction" revised, 1978, 379 § 10; paragraph entitled, "Accessory after the fact" amended by striking out all after word "punishment" in line 5, 1943, 488 § 2; paragraph entitled "Adultery" revised, 1978, 379 § 11; paragraphs entitled "Assault to rape" revised, 1978, 379 § 12; paragraph entitled "Escape" revised, 1955, 770 § 90; paragraph entitled "Fornication" revised, 1978, 379 § 13; paragraph entitled "Illegitimacy" stricken out, 1978, 379 § 14; paragraph entitled "Manslaughter by negligence" revised, 1978, 379 § 15; paragraph entitled "Neglect of wife or minor child" revised, 1978, 379 § 16; paragraphs entitled "Polygamy" revised, 1978, 379 § 18; paragraph entitled "Prostitute", inserted, 1959, 304 § 2; revised, 1978, 379 § 17; paragraphs entitled "Rape" revised, 1978, 379 § 19. (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. 16C added, 1978, 316 (relative to protecting the parties at a rape or incest trial).

SECT. 17 amended, 1978, 478 § 301. (See 1978, 478 § 343.)

SECT. 18 amended, 1955, 131 § 8; revised, 1973, 657; amended, 1974, 167; revised, 1978, 478 § 302. (See 1978, 478 § 343.)

SECT. 18A added, 1966, 697 § 2 (providing for a jury trial for misdemeanors in the municipal court of the city of Boston); repealed, 1978, 478 § 303. (See 1978, 478 § 343.)

SECT. 19 amended, 1955, 131 § 9.

SECT. 20 amended, 1974, 827 § 29; revised, 1978, 478 § 304. (See 1978, 478 § 343.)

SECT. 21 stricken out, 1955, 131 § 10.

SECT. 22 amended, 1955, 131 § 11.

SECT. 25 amended, 1937, 311; 1955, 131 § 12.

SECTS. 22-25 revised, 1978, 478 § 305. (See 1978, 478 § 343.)

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; third and fourth paragraphs revised, 1978, 478 § 306. (See 1945, 255 § 4; 1978, 478 § 343.)

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; 1978, 478 § 307. (See 1978, 478 § 343.)

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. 29D added, 1978, 383 (relative to conviction upon plea of guilty or nolo contendere).

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; 1978, 478 § 308. (See 1973, 1114 § 351; 1978, 478 § 343.)

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; amended, 1978, 428 § 309. (See 1934, 205 § 3; 1978, 478 § 343.)

SECT. 2 amended, 1949, 584; revised, 1969, 838 § 64. (See 1969, 838 § 74.)

SECT. 3, first sentence revised, 1972, 251; section revised, 1974, 300; paragraph added, 1978, 478 § 310. (See 1978, 478 § 343.)

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 §§ 117, 123.)

SECT. 4A, sentence added, 1950, 145 § 2; 1968, 333 § 1.

SECT. 6 amended, 1955, 770 § 93. (See 1955, 770 §§ 117, 123.)

SECT. 6A added, 1977, 537 (providing for special sentence of imprisonment in the case of certain offenders).

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, 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; section revised, 1978, 478 § 311. (See 1934, 364 § 3; 1935, 303 § 2; 1953, 319 §§ 39, 40; 1978, 478 § 343.)

SECT. 4, paragraph added, 1974, 694 § 5; section revised, 1978, 478 § 312. (See 1974, 694 § 6; 1978, 478 § 343.)

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; revised, 1977, 363A § 67. (See 1977, 363A § 76.)

SECTS. 7-11 revised, 1978, 478 § 313. (See 1978, 478 § 343.)

SECT. 13 revised, 1978, 478 § 314. (See 1978, 478 § 343.)

SECT. 15 revised, 1978, 478 § 315. (See 1978, 478 § 343.)

SECT. 16 amended, 1953, 319 § 38; revised, 1978, 478 § 316. (See 1953, 319 §§ 39, 40; 1978, 478 § 343.)

The Commonwealth of Massachusetts

OFFICE OF THE SECRETARY, BOSTON, April 23, 1979

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.

MICHAEL JOSEPH CONNOLLY

Secretary of the Commonwealth.

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