

**ACTS**  
AND  
**RESOLVES**  
PASSED BY THE  
**General Court of Massachusetts**  
IN THE YEAR  
**1979**

TOGETHER WITH  
TABLES SHOWING CHANGES IN THE STATUTES, ETC.

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PUBLISHED BY  
**Michael Joseph Connelly**  
SECRETARY OF STATE

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**ACTS**  
AND  
**RESOLVES**  
OF  
**Massachusetts**

---

**1979**

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The General Court, which was chosen November 7, 1978, assembled on Wednesday, the third day of January, 1979, for its first annual session.

The oaths of office were taken and subscribed by His Excellency Edward J. King and His Honor Thomas P. O'Neill, III, on Thursday, the fourth day of January, in the presence of the two Houses assembled in convention.

# ACTS

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Chap. 1. AN ACT RELATIVE TO CLAIMS AGAINST THE  
COMMONWEALTH NOT ARISING IN TORT.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to clarify the law relating to claims against the commonwealth not arising in tort, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

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

SECTION 1. Chapter 258 of the General Laws, as amended by section 15 of chapter 512 of the acts of 1978, is hereby further amended by inserting after section 11 the following section:-

Section 12. Claims against the commonwealth, except as otherwise expressly provided in this chapter or by any general or special provision of law, may be enforced in the superior court.

SECTION 2. Section 18 of chapter 512 of the acts of 1978 is hereby amended by adding the following sentence:- Nothing contained in this chapter shall be construed as limiting or restricting any liability with respect to claims not arising in tort to which the commonwealth may have been subject prior to the effective date of this chapter or to which the commonwealth would thereafter have been subject if this chapter had not been adopted.

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

Approved January 5, 1979.

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Chap. 2. AN ACT AUTHORIZING THE TOWN OF ADAMS TO  
CONTRACT WITH THE CITY OF NORTH ADAMS  
FOR THE USE OF ITS SEWERAGE SYSTEM BY  
SAID TOWN.

Be it enacted, etc., as follows:

SECTION 1. The town of Adams is hereby authorized to enter into an agreement, subject to the approval of the emergency finance board, with the city of North Adams to accept from said city certain sewage generated at the so-called "William Burke land", to be processed at the wastewater treatment plant in said town provided that the said city shall construct at its own expense a sewerage system for the carrying of said sewage from the Adams-North Adams line to the said wastewater treatment plant. After such system has been constructed by the city of North Adams within said town of Adams such system shall be owned by the town of Adams but maintained by the city of North Adams.

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

Approved February 5, 1979.

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Chap. 3. AN ACT VALIDATING THE PROCEEDINGS AT A  
SPECIAL TOWN MEETING OF THE TOWN OF

IPSWICH IN THE YEAR NINETEEN HUNDRED  
AND SEVENTY-EIGHT.

Be it enacted, etc., as follows:

SECTION 1. All actions taken by the town of Ipswich at its special town meeting held September twenty-fifth and October sixteenth, nineteen hundred and seventy-eight, and all actions subsequently taken pursuant thereto are hereby validated and confirmed notwithstanding the failure to post the warrant for said meeting fourteen days prior to said meeting.

SECTION 2. This act shall take effect upon its passage.  
Approved February 16, 1979.

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Chap. 4. 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 68 of the acts of 1978, 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 two million and thirty thousand dollars.

SECTION 2. This act shall take effect upon its passage.  
Approved February 16, 1979.

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Chap. 5. AN ACT AUTHORIZING THE COUNTY COMMISSIONERS OF NORFOLK COUNTY TO APPROPRIATE MONEY FOR THE PAYMENT OF, AND TO PAY CERTAIN UNPAID BILLS.

Be it enacted, etc., as follows:

SECTION 1. The county commissioners of Norfolk county are hereby authorized to appropriate money for the payment of, and after such appropriation, the treasurer of said county is hereby authorized to pay, such of the unpaid bills incurred by said

county and totaling fifty-one thousand six hundred forty-six dollars and ninety-nine cents as are set forth in a list on file in the office of the director of accounts in the department of corporations and taxation for goods supplied and services rendered to said county during the years nineteen hundred and seventy-three through nineteen hundred and seventy-seven, which bills are legally unenforceable against said county by reason of their being incurred in excess of available appropriations.

SECTION 2. No bill shall be approved by the county commissioners of said county or paid by said county treasurer under the authority of this act unless and until a statement has been signed by the appropriate justice, official or employee of said county and filed with the treasurer of said county stating under the penalties of perjury, that the goods and services for which said bill was submitted were ordered by a justice, official or employee of said county and that such goods were delivered and actually received by said county or that such services were rendered to said county.

SECTION 3. This act shall take effect upon its passage.  
Approved February 16, 1979.

Chap. 6. AN ACT AUTHORIZING AND DIRECTING THE  
TREASURER OF ESSEX COUNTY TO REIMBURSE  
THE CHIEF PROBATION OFFICER OF THE DIS-  
TRICT COURT OF EASTERN ESSEX ON ACCOUNT  
OF MONEY STOLEN FROM HIS OFFICE.

Be it enacted, etc., as follows:

The treasurer of Essex county, with the approval of the county commissioners, is hereby authorized and directed to pay from any available funds a sum not to exceed four hundred dollars to the chief probation officer of the district court of eastern Essex to indemnify him for losses sustained by him resulting from funds being stolen from the vault in the probation office of said court between two-thirty post meridian on March twenty-eighth, nineteen hundred and seventy-eight and eight-thirty ante meridian on March twenty-ninth, nineteen hundred and seventy-eight. 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 February 16, 1979.

Chap. 7. AN ACT AUTHORIZING THE TOWN OF ANDOVER  
TO PAY A CERTAIN UNPAID BILL TO C. R.  
SWANEY CO., INC.

Be it enacted, etc., as follows:

SECTION 1. For the purpose of discharging a moral obligation, the town of Andover is hereby authorized to appropriate money for the payment of, and after such appropriation, the treasurer of said town is hereby authorized to pay an unpaid bill incurred by said town in the amount of four thousand four hundred

eighty-one dollars and fifty-two cents to C. R. Swaney Co., Inc. for materials and services, which bill is legally unenforceable against said town.

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

Approved March 1, 1979.

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Chap. 8. AN ACT PROVIDING FOR THE ANNUAL OBSERVANCE OF LICENSED PRACTICAL NURSE WEEK.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to proclaim Licensed Practical Nurse Week during the month of April, 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 6 of the General Laws is hereby amended by inserting after section 15KK, inserted by chapter 318 of the acts of 1978, the following section:-

Section 15LL. The governor shall annually issue a proclamation setting apart the second last full week in April as Licensed Practical Nurse Week and recommending that said week be observed in the appropriate manner by the people.

Approved March 8, 1979.

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Chap. 9. AN ACT INCREASING THE AMOUNT OF MONEY THE COUNTY COMMISSIONERS OF BRISTOL COUNTY MAY EXPEND FOR THE PURPOSE OF PROMOTING THE RECREATIONAL, VACATION AND CONVENTION, COMMERCIAL AND INDUSTRIAL RESOURCES OF SAID COUNTY.

Be it enacted, etc., as follows:

SECTION 1. Section 2 of chapter 48 of the acts of 1970 is hereby amended by striking out the first sentence, as most recently amended by chapter 248 of the acts of 1973, and inserting in place thereof the following sentence:- The county commissioners of Bristol county may, for the purpose of promoting the recreational, vacation and convention, commercial and industrial resources of said county, expend such sums, not exceeding, in the aggregate, two hundred thousand dollars in any one year, as may be appropriated therefor; provided, that such expenditures from money so appropriated shall not at any time be more than three times the sum which shall have been contributed by public subscription or by donation deposited with the county treasurer for the pur-

pose aforesaid.

SECTION 2. This act shall take effect upon its passage.  
Approved March 8, 1979.

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Chap. 10. AN ACT AUTHORIZING THE EXTENSION OF A  
LEASE BY THE TOWN OF WATERTOWN OF CER-  
TAIN PARK LAND TO THE BOYS' CLUB OF  
WATERTOWN, INC.

Be it enacted, etc., as follows:

SECTION 1. Chapter 431 of the acts of 1967 is hereby amended  
by striking out, in line 4, the word "twenty-five" and inserting  
in place thereof the word:- fifty.

SECTION 2. This act shall take effect upon its passage.  
Approved March 8, 1979.

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Chap. 11. AN ACT AUTHORIZING THE TOWN OF HOPEDALE  
TO BORROW MONEY TO FUND CERTAIN PAY-  
MENTS.

Be it enacted, etc., as follows:

SECTION 1. The town of Hopedale may borrow, at one time  
prior to the fixing of the tax rate for the fiscal year ending June  
thirtieth, nineteen hundred and eighty, the sum of two hundred  
nine thousand one hundred and eighty-eight dollars to eliminate  
the overlay deficit incurred by said town during the fiscal year  
which ended June thirtieth, nineteen hundred and seventy-eight,  
and may issue bonds or notes therefor.

SECTION 2. Bonds or notes issued under this act shall bear  
on their face the words, Town of Hopedale Funding Loan, Act of  
1979. 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 town 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 antici-  
pation of the issue of bonds or notes.

SECTION 3. Sums equal to the amounts borrowed under section  
one shall be credited to the nineteen hundred and seventy-eight  
deficit account to the amount of two hundred nine thousand one  
hundred and eighty-eight dollars.

SECTION 4. For each fiscal year beginning with the fiscal year  
ending on June thirtieth, nineteen hundred and eighty, the over-  
lay to be assessed for the town under section twenty-five of chap-  
ter fifty-nine of the General Laws shall be not less than three  
per cent.

SECTION 5. 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 town to incur an emergency loan to meet expenses or liabilities of the town, such a deficiency may be treated as an emergency appropriation under said clause (9).

SECTION 6. The provisions of sections four and five shall be in effect whether or not any loan issued under this act is outstanding.

SECTION 7. This act shall take effect upon its passage.

Approved March 8, 1979.

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Chap. 12. AN ACT AUTHORIZING THE COUNTY COMMISSIONERS OF BARNSTABLE COUNTY TO CONTRACT WITH THE CLEARING HOUSE FOR VOLUNTEERS OF CAPE COD INC. TO PROVIDE OPPORTUNITIES FOR PERSONS TO PERFORM CERTAIN VOLUNTARY SERVICES.

Be it enacted, etc., as follows:

SECTION 1. The county commissioners of Barnstable county are hereby authorized to pay such funds as may be appropriated therefor to the Clearing House for Volunteers of Cape Cod Inc. to provide opportunities for persons to perform voluntary services in their community.

SECTION 2. Financial reports on forms approved by the county treasurer of Barnstable county, shall be submitted quarterly to the county commissioners of said county by the Clearing House for Volunteers of Cape Cod Inc. documenting the expenditure of all funds provided by said county to carry out the provisions of section one.

Approved March 8, 1979.

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Chap. 13. AN ACT DESIGNATING A PORTION OF STATE HIGHWAY ROUTE 52 LOCATED IN THE COUNTY OF WORCESTER AS THE HONORABLE JOSEPH F. GIBNEY HIGHWAY.

Be it enacted, etc., as follows:

State highway, route 52 from the boundary line of the state of Connecticut to the junction of the Massachusetts Turnpike shall be designated and known as The Honorable Joseph F. Gibney highway in memory of Joseph F. Gibney, a former selectman in the town of Webster, a former majority leader in the state senate and former clerk of the second district court of southern Worcester. The department of public works shall erect suitable markers along said highway bearing said designation, in compliance with the standards of said department and as authorized by the federal highway administration.

Approved March 8, 1979.

Chap. 14. AN ACT RELATIVE TO THE AMOUNT OF MONEY THAT THE COUNTY COMMISSIONERS OF 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 most recently amended by chapter 74 of the acts of 1978, 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, such sums as may be appropriated annually thereafter.

Approved March 8, 1979.

Chap. 15. AN ACT INCREASING TO TWENTY YEARS THE AGE REQUIREMENT OF A PERSON LICENSED TO SELL OR ALLOWED TO PURCHASE ALCOHOL OR ALCOHOLIC BEVERAGES.

Be it enacted, etc., as follows:

SECTION 1. Section 1 of chapter 138 of the General Laws is hereby amended by striking out the definition of "Minor", as appearing in section 1 of chapter 929 of the acts of 1977.

SECTION 2. The first sentence of the first paragraph of section 12 of said chapter 138 is hereby amended by striking out the word "eighteen", inserted by section 1 of chapter 241 of the acts of 1973, and inserting in place thereof the word:- twenty.

SECTION 3. The third sentence of the fourth paragraph of said section 12 of said chapter 138 is hereby amended by striking out the word "eighteen", inserted by section 2 of said chapter 241, and inserting in place thereof the word:- twenty.

SECTION 4. The second sentence of the first paragraph of section 14 of said chapter 138 is hereby amended by striking out the word "eighteen", inserted by section 3 of said chapter 241, and inserting in place thereof the word:- twenty.

SECTION 5. Said chapter 138 is hereby further amended by striking out section 30E, as amended by section 29 of chapter 440 of the acts of 1935, and inserting in place thereof the following section:-

Section 30E. Every retail pharmacist licensed under section thirty A shall keep a book in which he shall enter, at the time of every such sale, the date thereof, the name of the purchaser, the kind, quantity and price of said beverage, the purpose for which it was sold, and the residence by street and number if any, of said purchaser. If such sale is made upon the prescription of a physician, the book shall also contain the name of the physician and shall state the use for which said beverage is prescribed and the quantity to be used for such purpose, and the



prescription shall be cancelled in the manner provided in the preceding section with reference to certificates. Said book shall be in form substantially as follows:

Date.	Name of Purchaser.	Residence.	Kind and Quantity.	Purpose of Use.	Price.	Name of Physician.
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The certificate mentioned in the preceding section shall be a part of said book and shall not be detached therefrom, and shall be in form substantially as follows:

#### CERTIFICATE

I wish to purchase \_\_\_\_\_ and I certify that I am not a person under age twenty and that the same is to be used for  
 \*Mechanical \*Chemical \*Medicinal purpose.

(\*Draw a line through the words which do not indicate the purpose of the purchase.)

Signature  
 Cancelled

SECTION 6. Said chapter 138 is hereby further amended by striking out section 34, as most recently amended by section 14 of chapter 929 of the acts of 1977, and inserting in place thereof the following section:-

Section 34. No person shall receive a license or permit under this chapter who is under twenty years of age. Whoever being licensed under this chapter makes a sale or delivery of any alcoholic beverages or alcohol to any person under twenty years of age, either for his own use or for the use of his parent or any other person, or whoever, being a patron of an establishment licensed under section twelve or fifteen, delivers or procures to be delivered in any public room or area of such establishment if licensed under said section twelve, fifteen, or nineteen B, or in any area of such establishment if licensed under said section fifteen or nineteen B, any such beverages or alcohol to or for the use of a person whom he knows or has reason to believe to be under twenty years of age or whoever procures any such beverages or alcohol for a person under twenty years of age who is not his child, ward or spouse shall be punished by a fine of not more than two hundred dollars or by imprisonment for not more than six months, or both. Nothing in this section shall prohibit any person licensed under this chapter from employing any person eighteen years of age or older for the direct handling and selling of alcoholic beverages or alcohol.

Notwithstanding the provisions of clause fourteen of section sixty-two of chapter one hundred and forty-nine, any licensee under this chapter may employ a person under the age of eighteen who does not directly handle, sell, mix or serve alcohol or alcoholic beverages.

SECTION 7. Said chapter 138 is hereby further amended by striking out section 34A, as most recently amended by chapter 859 of the acts of 1977, and inserting in place thereof the following section:-

Section 34A. Any person under twenty years of age who purchases alcoholic beverages or alcohol, or makes arrangements with any person to purchase or in any way procure such beverages, or who willfully misrepresents his age, or in any way alters, defaces or otherwise falsifies his identification offered as proof of

age, with the intent of purchasing alcoholic beverages, either for his own use or for the use of any other person shall be punished by a fine of three hundred dollars and whoever knowingly makes a false statement as to the age of a person who is under twenty years of age in order to procure a sale or delivery of such beverages or alcohol to such person under twenty years of age, either for the use of the person under twenty years of age or for the use of some other person, and whoever induces a person under twenty years of age to make a false statement as to his age in order to procure a sale or delivery of such beverages or in order to procure a sale or delivery of such beverages or alcohol to such person under twenty years of age, shall be punished by a fine of three hundred dollars.

The commission shall prepare and distribute to business establishments which sell, serve or otherwise dispense alcohol or alcoholic beverages to the general public, posters to be displayed therein in a conspicuous place. Said posters shall contain a summary and explanation of this section.

SECTION 8. Section 34B of said chapter 138, as most recently amended by section 3 of chapter 155 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:-

Any person who shall have attained age twenty may apply for a liquor purchase identification card. Such cards shall be issued by the registry of motor vehicles upon the payment of a fee of five dollars, and shall bear the name, signature, date of birth, address and photograph of such person. The commission with the advice and consent of the registrar of motor vehicles shall prescribe rules and regulations governing uniformity of form of said card and the manner in which an applicant for such a card shall be required to identify himself.

Any licensee, or agent or employee thereof, under this chapter who reasonably relies on such a liquor purchase identification card or motor vehicle license issued pursuant to section eight of chapter ninety for proof of a person's identity and age shall not suffer any modification, suspension, revocation or cancellation of such license nor shall he suffer any criminal liability for delivering or selling alcohol or alcoholic beverages to a person under twenty years of age, provided that, nothing herein shall affect the applicability of section sixty-nine of said chapter one hundred and thirty-eight.

SECTION 9. Said chapter 138 is hereby further amended by striking out section 34C, as amended by chapter 377 of the acts of 1967, and inserting in place thereof the following section:-

Section 34C. Whoever, being under twenty years of age and unaccompanied by his parent or legal guardian, knowingly transports or carries on his person any alcohol or alcoholic beverages shall be punished by a fine of not more than fifty dollars; provided that, this section shall not apply to any person eighteen or nineteen years of age who knowingly transports or carries on his person alcohol or alcoholic beverages in the course of his employment. A police officer may arrest without a warrant any person who violates this section. A conviction of a violation of this section shall be reported forthwith to the registrar of motor

vehicles by the court if, at the time of the violation, the defendant was operating a motor vehicle upon a public way or a way to which the public had a right of access as invitees or licensees, and said registrar may suspend for not more than three months the license of such person to operate a motor vehicle.

SECTION 10. Section 64 of said chapter 138 is hereby amended by striking out the second sentence, inserted by chapter 64 of the acts of 1964, and inserting in place thereof the following sentence:- If at any hearing a licensee is charged with serving or selling alcohol or alcoholic beverages to a person under twenty years of age, written notice of said allegations shall be sent by the licensing authorities to the parent or guardian of such person.

SECTION 11. A special commission to consist of six members of the senate to be appointed by the president of the senate and eleven members of the house of representatives to be appointed by the speaker of the house is hereby established for the purpose of making an investigation and study relative to educational programs in the public schools on alcohol and alcohol abuse and the penalties for violations of all Massachusetts statutes dealing with alcohol or alcoholic beverages, public and traffic safety.

Said commission shall hold hearings, make findings and file a report with the clerk of the senate not later than July first, nineteen hundred and seventy-nine.

SECTION 12. The provisions of this act shall take effect on April first, nineteen hundred and seventy-nine.

Approved March 8, 1979.

EMERGENCY LETTER - April 16, 1979 @ 2:00 A.M.

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Chap. 16. AN ACT AUTHORIZING THE TOWN OF WINCHESTER TO USE CERTAIN PARK LAND IN SAID TOWN FOR PUBLIC WORKS PURPOSES.

Be it enacted, etc., as follows:

The town of Winchester is hereby authorized to use for public works purposes a certain parcel of park land in said town located within the town's public works complex, said parcel of land being bounded and described as follows:-

A parcel of land, with buildings thereon, situated between Lake and Linden Streets and also lying off Main and Clark Streets, containing about 6.6 acres and bounded as follows:

Southeasterly by Lake Street, 292.33';

Southerly by Linden Street, 426.50';

Westerly by land now or formerly of Georgia Kaponika and Town of Winchester 232.07';

Southerly by land of Town of Winchester, 459.58';

Westerly by land of Town of Winchester, 38.56';

Northerly in several courses by land now or formerly Robert A. & Audrey B. Goldstein, James N. and Marcella A. Cogan, Alexander & Mary E. Milley, Andrew J. Sr. & Margaret M. Donohue, Catherine A. O'Brien, Helen E. & Marjorie E. Nowell; Norman J. and Dorothy W. Delorey, Marion C. Reilly, Rose M. Bruno and Robert G. Naughton, Trs. J. & R. Realty Trust, 473.89';

Easterly in several courses by land now or formerly of J. & R. Realty Trust and Lane Funeral Service, Inc., 431.72';

Southeasterly by land now or formerly Thomas S. & Lois M. Erickson and a R.O.W., 37.64';

Northeasterly in several courses by land of said Erickson and R.O.W., Dorothy E. Foley, Leonard J. Sortino and George W. Blanchard & Company, 388.24'; said line being the easterly line of the Public layout of Horn Pond Brook Road.

Approved March 8, 1979.

Chap. 17. AN ACT AUTHORIZING THE CITY OF WALTHAM TO LEASE A CERTAIN PARCEL OF LAND TO THE DR. C. BENJAMIN FULLER HOME & INFIRMARY, INC.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any contrary provisions of law, the city of Waltham is hereby authorized to lease to the Dr. C. Benjamin Fuller Home & Infirmary, Inc., for the purpose of constructing and maintaining long term care facilities, upon such terms and conditions as may be determined by the mayor, with the approval of the city council, for a term not to exceed ninety-nine years a certain parcel of land located at 250 South street in said city and identified as Lot #3 on Block #14 of the Atlas of the City of Waltham, dated 1975, on file in the assessors office of said city.

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

Approved March 12, 1979.

Chap. 18. AN ACT VALIDATING ACTIONS TAKEN BY THE TOWN OF PROVINCETOWN AT A SPECIAL MEETING HELD IN THE YEAR NINETEEN HUNDRED AND SEVENTY-EIGHT.

Be it enacted, etc., as follows:

SECTION 1. All acts and proceedings of the town of Provincetown at its special town meeting held November thirteenth, nineteen hundred and seventy-eight and at the adjourned sessions thereof, and all acts taken in pursuance thereof, are hereby ratified, validated and confirmed to the same extent as if the warrant for the meetings had been posted at all of the public places designated therein as required by the by-laws of said town.

SECTION 2. The treasurer of the town of Provincetown, with the approval of the selectmen, is hereby authorized to borrow from time to time on behalf of the town the sum of two hundred and fifty thousand dollars for the purpose of removing gasoline from the vicinity of the South Hollow wellfield in the town of Truro and reclaiming the wellfield as a source of water supply for said town of Provincetown and may issue bonds or notes therefor, which shall bear on their face the words, Provincetown Wellfield Loan, Act of 1979, pursuant to the vote adopted by said town under Article 13 of the warrant for its special town meeting

held on November thirteenth, nineteen hundred and seventy-eight. Each authorized issue shall constitute a separate loan and each such loan shall be payable in not more than fifteen years from their dates. Indebtedness incurred hereunder shall be in excess of the statutory limit provided in chapter forty-four of the General Laws, but shall, except as otherwise provided herein, be subject to the provisions of said chapter forty-four.

SECTION 3. This act shall take effect upon its passage.  
Approved March 12, 1979.

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Chap. 19. AN ACT AMENDING CERTAIN REGULATORY REQUIREMENTS FOR BANKS.

Be it enacted, etc., as follows:

SECTION 1. Section 24 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:- In order to encourage saving among school children, such corporation may arrange for the collection by collectors or by the school principal or teachers, of savings from school children of private schools and, with the approval of the school committee of the town or regional district wherein the school is situated, from school children of public schools.

SECTION 2. Section 53 of said chapter 168 is hereby amended by striking out paragraph 2, as most recently amended by chapter 59 of the acts of 1973, and inserting in place thereof the following paragraph:-

2. Commissioner's Approval. - Notwithstanding the provisions of this section, a bank may exceed the limits provided for herein with the approval of the commissioner when the amount so expended is for the construction of disaster facilities in said real estate.

Approved March 15, 1979.

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Chap. 20. AN ACT ELIMINATING CERTAIN APPROVAL OF THE COMMISSIONER OF BANKS WITH RESPECT TO BANKING QUARTERS OF CO-OPERATIVE BANKS.

Be it enacted, etc., as follows:

Chapter 170 of the General Laws is hereby amended by striking out section 30, as most recently amended by chapter 82 of the acts of 1973, and inserting in place thereof the following section:-

Section 30. Any such corporation may invest its funds in and hold real estate suitable for the convenient transaction of its business. The aggregate amount invested in such real estate, owned by such corporation, including the cost of land and buildings, and of alterations, improvements and additions, shall not exceed, in the aggregate, its guaranty fund, surplus account and unallocated reserves or three and one-half per cent of its total assets, whichever is the lesser. Any such corporation may

expend sums not exceeding, in the aggregate, its guaranty fund, surplus account and unallocated reserves or one per cent of its total assets, whichever is the lesser, for alterations, improvements, and additions to any premises leased by it for the convenient transaction of its business. Notwithstanding the provisions of this section, a bank may exceed the limits provided for herein with the approval of the commissioner when the amount so expended is for the construction of disaster facilities in said real estate.

In determining the aggregate amounts considered to be invested and expended under this section, from time to time, there shall be deducted therefrom any sums that may be recovered through the sale or other disposal of real estate or any part thereof held under this section, together with such sums as are taken on account of depreciation, obsolescence, amortization or for other reasons, with respect to such investments in real estate and with respect to expenditures on leased premises.

Approved March 16, 1979.

Chap. 21. AN ACT REQUIRING THE RECORDING OF CERTAIN EMERGENCY CLOSINGS OF BANKS.

Be it enacted, etc., as follows:

The third paragraph of section 52 of chapter 167 of the General Laws, as appearing in chapter 135 of the acts of 1970, is hereby amended by striking out the last sentence and inserting in place thereof the following sentence:- A bank closing an office or offices pursuant to this section shall enter in the records of the next following meeting of the board of directors and board of investment the cause and time of such closing.

Approved March 16, 1979.

Chap. 22. AN ACT PROVIDING THAT A TOWN MAY DELAY THE CALLING OF ITS TOWN MEETING IN THE CURRENT YEAR.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is, in part, to provide immediately for a town to delay its annual town meeting for 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:

Notwithstanding the provisions of section nine of chapter thirty-nine of the General Laws or any other general or special law, by-law or charter to the contrary, any town by a vote of its selectmen may delay the calling of its annual town meeting for the current year; provided that such annual town meeting is called on a date prior to and including May thirty-first, nineteen hundred and seventy-nine. The provisions of this act shall not apply to any portion of the annual town meeting which provides for the election and certification of officers and other matters to be determined by ballot for the current year. The calls for the

annual town meeting and for the election and certification of officers shall be provided by the issuance of one or more warrants as provided in sections nine A and ten of chapter thirty-nine of the General Laws.

Approved March 19, 1979.

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Chap. 23.      AN ACT AUTHORIZING THE COUNTY TREASURER  
OF ESSEX COUNTY TO PAY CERTAIN UNPAID  
BILLS.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any general or special law to the contrary, the county treasurer of Essex county is hereby authorized to pay from any available funds in the county treasury such of the unpaid bills of said county, incurred twelve months or more prior to the passage of chapter three hundred and ninety-four of the acts of nineteen hundred and seventy-eight, as appear on a list approved by the director of accounts totaling two hundred thirty-eight thousand seven hundred sixty-seven dollars and eighty-nine cents.

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

SECTION 3. Any person who knowingly files a certificate required by section two, which is false, and who thereby receives payment for goods or services which were not received by or rendered to said county shall be punished by imprisonment for not more than one year or by a fine of not more than three hundred dollars, or both.

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

Approved March 19, 1979.

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Chap. 24.      AN ACT DESIGNATING THE BRIDGE ON ROUTE  
52 OVER ROUTE 16 IN THE TOWN OF WEBSTER  
AS THE DISABLED AMERICAN VETERANS BRIDGE.

Be it enacted, etc., as follows:

The bridge on state highway route 52 over state highway route 16 in the town of Webster shall be designated and known as the "Disabled American Veterans Bridge", in recognition of the significant contribution to the nation and the commonwealth rendered by disabled American veterans. The department of public works shall erect a suitable marker bearing said designation in compliance with the standards of said department, and as authorized by the federal highway administration.

Approved March 19, 1979.

Chap. 25. AN ACT RELATIVE TO MEMBERSHIP ON THE  
STUDENT ADVISORY COUNCIL AND THE  
STUDENT REGIONAL COUNCIL.

Be it enacted, etc., as follows:

Section 1E of chapter 15 of the General Laws is hereby amended by striking out the eighth paragraph, as appearing in section 1 of chapter 1009 of the acts of 1971, and inserting in place thereof the following paragraph:-

No person shall be eligible to be elected to a student regional council unless at the time of his election he is enrolled as a student in a secondary school within the commonwealth. If at any time during his term of office a member of a student regional council ceases to be so enrolled, his membership shall be terminated and his position shall be terminated and his position shall be deemed vacant. A vacancy on the student advisory council prior to the expiration of a term shall be filled for the remainder of the term in the same manner as elections to full terms. A vacancy on a student regional council shall be filled by a majority vote of the entire membership of said regional council. The terms of the elected members of the student advisory council and of the student regional council shall be not more than three years, but no member shall be prevented from running for election for three successive terms. Members of student regional councils shall serve without compensation except that they shall be reimbursed for necessary expenses incurred in travelling to and from meetings.

Approved March 20, 1979.

Chap. 26. AN ACT INCREASING THE AMOUNT AND TERM  
OF YEARS THAT A CREDIT UNION CAN LOAN  
ON MOBILE HOMES.

Be it enacted, etc., as follows:

Subdivision (E) 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 clauses (c) and (d) and inserting in place thereof the following two clauses:- (c) The principal amount of such loan, excluding interest and other costs, shall not exceed eighty per cent of the purchase price of such mobile home, excluding any taxes, transportation expenses, insurance premiums, registration fees and other costs paid or required to be paid by the purchaser in connection with such purchase, or fifteen thousand dollars, whichever is less; (d) such loan is required to be repaid in substantially equal monthly instalments within a period of not more than fifteen years after the date of such purchase.

Approved March 20, 1979.

Chap. 27. AN ACT INCREASING THE AMOUNT OF REAL ES-  
TATE MORTGAGES WHICH CREDIT UNIONS MAY  
GRANT.



Be it enacted, etc., as follows:

Subsection (b) of subdivision B of section 24 of chapter 171 of the General Laws is hereby amended by striking out paragraph 8, as most recently amended by chapter 22 of the acts of 1977, and inserting in place thereof the following paragraph:-

8. A credit union having assets of not more than five hundred thousand dollars may loan upon any one parcel of real estate an amount not exceeding twenty thousand dollars and the total liability of any one member as borrower upon loans so secured shall not exceed five per cent of the assets of the credit union or forty thousand dollars, whichever is less.

A credit union which is insured in full under federal or state law and having assets of five hundred thousand dollars or more, may loan upon any one parcel of real estate to an amount not exceeding fifty thousand dollars, and the total liability of any one member as borrower on loans so secured shall not exceed one hundred thousand dollars.

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 loan upon any one parcel of real estate to an amount not exceeding seventy thousand dollars, and the total liability of any one member as borrower on loans so secured shall not exceed one hundred and twenty thousand dollars.

Approved March 20, 1979.

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Chap. 28.      AN ACT ELIMINATING APPROVALS BY THE COMMISSIONER OF BANKS OF CERTAIN DEPOSIT INSTRUMENTS.

Be it enacted, etc., as follows:

SECTION 1. Subsection 2 of section 13 of chapter 170 of the General Laws is hereby amended by striking out the third sentence, as appearing in chapter 204 of the acts of 1957, and inserting in place thereof the following sentence:- A passbook or other instrument as evidence of the holder's account may be issued to the holders of paid up shares.

SECTION 2. Paragraph (b) of subsection 3 of said section 13 of said chapter 170, as most recently amended by chapter 1012 of the acts of 1973, is hereby further amended by striking out the first sentence and inserting in place thereof the following sentence:- A passbook or other instrument as evidence of the holder's account shall be issued to the holder of a savings share account and the corporation may accept payments, to be held by the corporation in such accounts, subject, however, to withdrawals therefrom by the holder from time to time.

SECTION 3. Said subsection 3 of said section 13 of said chapter 170 is hereby further amended by striking out paragraph (d), as amended by chapter 123 of the acts of 1970, and inserting in place thereof the following paragraph:-

(d) Any of the savings share deposits authorized by this subsection may be received in a separate class of account on which interest shall be credited at the time when and for the same dis-

tribution period as that for which any ordinary interest is credited. Interest on such accounts shall be credited at the distribution date from the day of deposit to the day of withdrawal on sums withdrawn before the distribution date, so long as the account in which such sums were on deposit shall remain open until the distribution date with a balance of at least ten dollars; and from the date of deposit to the distribution date on all sums remaining on deposit on such date.

SECTION 4. Subsection 4 of said section 13 of said chapter 170 is hereby amended by striking out paragraph (c), as appearing in section 1 of chapter 371 of the acts of 1950, and inserting in place thereof the following paragraph:-

(c) School Savings Accounts: Such corporation may arrange for the collection of payments on shares or other accounts referred to in this section from school children by collectors or by the principal or teachers of such schools. In the case of public schools such corporation shall obtain the written consent of the school committee of the city or town wherein the school is situated.

Approved March 20, 1979.

Chap. 29. AN ACT RELATIVE TO THE DATE OF THE ANNUAL MEETING OF THE CO-OPERATIVE CENTRAL BANK.

Be it enacted, etc., as follows:

Section 5 of chapter 45 of the acts of 1932 is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- The annual meeting of the central bank shall be held within the commonwealth within ninety days following the close of the fiscal year of the central bank and shall be called by the clerk at a time and place to be designated by the directors.

Approved March 20, 1979.

Chap. 30. AN ACT AUTHORIZING THE DEPARTMENT OF PUBLIC WORKS TO GIVE NOTICE BY CERTIFIED MAIL OF ITS INTENT TO ENTER UPON PRIVATE PROPERTY FOR THE PURPOSE OF MAKING CERTAIN SURVEYS, SOUNDINGS AND DRILLINGS.

Be it enacted, etc., as follows:

Section 7F of chapter 81 of the General Laws, inserted by chapter 582 of the acts of 1958, is hereby amended by inserting after the word "registered", in line 5, the words:- or certified.

Approved March 20, 1979.

Chap. 31. AN ACT RELATIVE TO MEETINGS OF CORPORATORS, TRUSTEES AND THE BOARD OF INVESTMENT OF SAVINGS BANKS.

Be it enacted, etc., as follows:

Chapter 168 of the General Laws is hereby amended by striking out section 7, as appearing in section 1 of chapter 432 of the acts of 1955, and inserting in place thereof the following section:-

Section 7. Meetings of the corporators and of the board of trustees of such corporation may be held in the town wherein the main office of the corporation is located, or in a town within the same county wherein such main office is located. Meetings of the board of investment of such corporation shall be held in the building wherein its main office is located, or at any other place within the same county wherein such main office is located.

Approved March 20, 1979.

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Chap. 32.        AN ACT RELATIVE TO SHARE AND ACCOUNT  
                     LOANS IN CO-OPERATIVE BANKS.

Be it enacted, etc., as follows:

Section 25 of chapter 170 of the General Laws, as amended by section 4 of chapter 184 of the acts of 1968, is hereby further amended by striking out the first sentence and inserting in place thereof the following sentence:- Any such corporation may make or acquire loans upon shares and accounts of any class of such corporation or of other co-operative banks, if such shares or accounts are not already pledged or subject to a notice or order as provided in section seventeen, to an amount not exceeding the withdrawal value of such shares or accounts at the time of the loan, on such terms and conditions and at such rate of interest as may be determined by or acceptable to the corporation; provided, however, that no corporation shall make a loan to one of its own special notice account shareholders secured by the pledge of the passbook evidencing such shareholder's special notice account unless such loan either is made pursuant to the provisions of section twenty-five A or is for a period of not less than six months.

Approved March 20, 1979.

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Chap. 33.        AN ACT AUTHORIZING THE CITY OF PITTSFIELD  
                     TO BORROW MONEY FOR THE CONSTRUCTION  
                     OF AN OFF-STREET PARKING FACILITY AND  
                     TO ENTER INTO LEASES AND OTHER AGREE-  
                     MENTS FOR THE USE, OPERATION AND MAIN-  
                     TENANCE OF THE SAME.

Be it enacted, etc., as follows:

SECTION 1. The city of Pittsfield is hereby authorized to borrow, at one time or from time to time not exceeding, in the aggregate, the sum of eight million five hundred thousand dollars, and may issue bonds or notes therefor which shall bear on their face the words, City of Pittsfield Inner City Revitalization Program, Act of 1979 for the purposes of acquiring land and air space within that area of the city of Pittsfield which is generally bounded

by the westerly side of North street, the southerly side of West street, the easterly side of Center street and the southerly side of Columbus avenue and also certain land and air space adjacent to the southerly side of West street near its intersection with Edwin street; constructing and equipping an off-street parking facility upon the land and within the air space acquired; constructing improvements to public ways in the immediate proximity of the said off-street parking facility; and meeting incurred and anticipated costs of the Jubilee Urban Renewal Project, as amended, Project No. Mass. R-68.

Each authorized issue shall constitute a separate loan and each such loan shall be paid in not more than thirty years from date of issue. Indebtedness incurred under this act shall be outside the statutory limit provided for in chapter forty-four of the General Laws and shall, except as provided herein, be otherwise subject to the provisions of said chapter forty-four.

SECTION 2. The mayor of the city of Pittsfield, with the approval of the city council of said city, is hereby authorized to enter into leases and other agreements for the use, operation and maintenance of the off-street parking facility referred to in section one for a period not in excess of sixty years.

SECTION 3. Any action taken pursuant to sections one and two is hereby ratified, validated and confirmed to the same extent as if this act was in effect at the time of the posting or publishing of the notice of the meeting of the city council of the city of Pittsfield held on December twentieth, nineteen hundred and seventy-eight.

SECTION 4. This act shall take effect upon its passage.  
Approved March 22, 1979.

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Chap. 34.      AN ACT AUTHORIZING NONPARTISAN PRELIMINARY ELECTIONS IN THE TOWN OF FRAMINGHAM.

Be it enacted, etc., as follows:

SECTION 1. Chapter one hundred and sixty-six of the acts of nineteen hundred and sixty-two is hereby repealed.

SECTION 2. Any person who is qualified to vote in the town of Framingham may be a candidate for an elective town office therein and shall be entitled to have his name as such candidate printed on the official ballot to be used at a preliminary election; provided, that he files nomination papers provided by the town clerk containing no less than five signatures certified as voters of said town. The preliminary election shall be held on the twenty-eighth day preceding every regular or special town election.

SECTION 3. No primary or caucus for the nomination of town officers shall be held. No ballot used at any preliminary, regular or special election in said town shall have printed thereon any party or political designation or mark, and there shall not be appended to the name of any candidate any such political design-

nation or mark.

SECTION 4. Nomination papers shall be filed with the town clerk not later than five o'clock in the afternoon of the twenty-first day preceding the preliminary election. Every nomination paper shall be submitted to the registrars of voters for certification of the names thereon on or before five o'clock in the afternoon on the seventh day preceding the day on which it shall be filed with said clerk.

SECTION 5. The election officer shall, immediately upon the closing of the polls at the preliminary election, count the ballots and ascertain the number of votes cast in the several voting places for each candidate, and forthwith make return thereof upon blanks to be furnished, as in regular elections, to the town clerk who shall canvass said returns and shall forthwith determine the result thereof.

SECTION 6. The two persons receiving at a preliminary election the highest number of votes for nomination for an office shall be the sole candidates for that office whose names may be printed on the official ballot to be used at the regular or special election at which such office is to be filled, and no acceptance of a nomination at a preliminary election shall be necessary to its validity.

If two or more persons are to be elected to the same office at such regular or special election the several persons in number equal to twice the number so to be elected receiving at such preliminary election the highest number of votes for nomination for that office shall be the sole candidates for that office whose names may be printed on the official ballot.

If the preliminary election results in a tie vote among candidates for the nomination receiving the lowest number of votes, which, but for said tie vote, would entitle a person receiving the same to have his name printed upon the official ballot for the election, all candidates participating in said tie vote shall have their names printed upon the official ballot, although in consequence there be printed thereon name of candidates to a number exceeding twice the number to be elected.

SECTION 7. If at the expiration of the time for filing nomination papers of candidates to be voted for at any preliminary election, not more than twice as many such papers have been filed with the town clerk for at least one office as there are persons to be elected to such office, the candidates whose nomination papers have been filed shall be deemed to have been nominated to said office, and their names shall be voted on for such office, at the succeeding regular or special election, as the case may be, and the preliminary election will not be held. If there is at least one office where more than twice as many nomination papers have been filed then the preliminary election will be held and all offices will be listed on the ballot.

Nominations that are written in on the ballot for the preliminary election must be five in number, and meet the requirements of section six to be listed as nominees on the ballot for the regular or special election.

SECTION 8. The laws of the commonwealth governing town

elections, special elections of town officers, and special elections in town shall, so far as applicable, govern such elections in the town of Framingham.

SECTION 9. Chapter 143 of the acts of 1949 is hereby amended by striking out section 4 and inserting in place thereof the following section:-

Section 4. Nominations of candidates for town meeting members to be elected under this act shall be made by nomination papers, which shall bear no political designation, shall be signed by not less than twenty-five voters in the precinct in which the candidate resides, and shall be filed with the town clerk not later than five o'clock in the afternoon of the twenty-eighth day preceding the town election. Every such nomination paper shall be submitted to the registrars of voters for certification of the names thereon on or before five o'clock in the afternoon of the seventh day preceding the day on which it must be filed with the town clerk. Incumbent town meeting members may become candidates for reelection by giving written notice to the town clerk not later than fourteen days prior to the last day and hour for filing town meeting nomination papers. No such nomination paper shall be valid for any candidate whose written acceptance is not thereon or attached thereto when filed, or which purports to nominate a person elected or appointed to some other town office.

SECTION 10. This act shall take effect upon its passage.  
Approved March 23, 1979.

Chap. 35. AN ACT RELATIVE TO HOME IMPROVEMENT  
LOANS BY SAVINGS BANKS.

Be it enacted, etc., as follows:

Paragraph 10 of section 35 of chapter 168 of the General Laws, as most recently amended by section 3 of chapter 73 of the acts of 1978, is hereby further amended by striking out the third sentence and inserting in place thereof the following sentence:- The loan shall be payable not more than fifteen years and thirty-two days 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.

Approved March 23, 1979.

Chap. 36. AN ACT RELATIVE TO SCHOOL COMMITTEES  
PROVIDING BEHIND-THE-WHEEL TRAINING IN  
DRIVER EDUCATION.

Be it enacted, etc., as follows:

Section two of chapter four hundred and fifty-six of the acts of nineteen hundred and seventy-eight is hereby repealed.

Approved March 23, 1979.

Chap. 37. AN ACT DESIGNATING THE METROPOLITAN DIS-  
TRICT COMMISSION PARK LOCATED ALONG THE

CHARLES RIVER IN THE TOWN OF WATERTOWN  
AS THE THOMAS J. CANNALONGA MEMORIAL  
PARK.

Be it enacted, etc., as follows:

The metropolitan district commission park located along the Charles river in the town of Watertown and known as Pequossette park, shall be designated and known as the Thomas J. Cannalonga Memorial park, in memory of Thomas J. Cannalonga, the first Italo-American from said town who was killed in action while a member of the armed forces of the United States during World War II. A suitable marker bearing said designation shall be attached thereto by the said commission.

Approved March 23, 1979.

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Chap. 38.      AN ACT INCREASING THE AMOUNT A CREDIT  
UNION MAY EXPEND FOR NECESSARY ALTERA-  
TIONS, IMPROVEMENTS AND ADDITIONS TO  
REAL ESTATE WHICH IT OWNS OR LEASES.

Be it enacted, etc., as follows:

The second 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 (p) and inserting in place thereof the following paragraph:-

(p) A credit union whose assets aggregate one million dollars or more may, during any period of twenty-four consecutive months, expend a sum not exceeding, in the aggregate, ten thousand dollars on any one parcel of real estate leased by it and twenty thousand dollars on any one parcel of real estate owned by it for necessary alterations, improvements or additions for the convenient trans-  
action of its business.

Approved March 23, 1979.

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Chap. 39.      AN ACT PERMITTING CREDIT UNIONS TO ELIMI-  
NATE FROM THE TWO PER CENT RESERVE CER-  
TAIN HOME IMPROVEMENT LOANS.

Be it enacted, etc., as follows:

Paragraph (1) of section 20 of chapter 171 of the General Laws, as amended by chapter 200 of the acts of 1978, is hereby further amended by striking out the first sentence and inserting in place thereof the following sentence:- 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, and under subdivisions B, C and 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

which are insured by insurance companies that are authorized to do business in the commonwealth by the commissioner of insurance 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.

Approved March 23, 1979.

Chap. 40. AN ACT INCREASING THE AMOUNT FROM FIVE HUNDRED TO FIVE THOUSAND DOLLARS WHICH SHALL BE REPORTED TO THE COMMISSIONER OF BANKS RELATIVE TO BANK SHORTAGES.

Be it enacted, etc., as follows:

Section 11C of chapter 167 of the General Laws, inserted by chapter 368 of the acts of 1950, is hereby amended by striking out, in line 1, the word "hundred" and inserting in place thereof the word:- thousand.

Approved March 23, 1979.

Chap. 41. AN ACT RELATIVE TO THE NUMBER OF ASSISTANT TREASURERS IN A CO-OPERATIVE BANK.

Be it enacted, etc., as follows:

The second paragraph of section 10 of chapter 170 of the General Laws is hereby amended by striking out the first sentence, as appearing in section 1 of chapter 371 of the acts of 1950, and inserting in place thereof the following sentence:- Such corporation may provide in its by-laws for assistant treasurers.

Approved March 23, 1979.

Chap. 42. AN ACT FURTHER REGULATING THE AUTHORITY OF TRUST COMPANIES TO TAKE SECOND MORTGAGES AS COLLATERAL SECURITY FOR LOANS.

Be it enacted, etc., as follows:

Section 48A of chapter 172 of the General Laws, as amended by section 1 of chapter 657 of the acts of 1975, is hereby further amended by striking out clause (a) and inserting in place thereof the following clause:-

(a) residential property as security for a noncommercial or nonbusiness loan not exceeding twenty-five thousand dollars; or.

Approved March 23, 1979.

Chap. 43. AN ACT INCREASING THE AMOUNT A CREDIT UNION MAY LEND ON CERTAIN REAL ESTATE MORTGAGES.

Be it enacted, etc., as follows:



Subsection (a) of subdivision (B) of section 24 of chapter 171 of the General Laws is hereby amended by striking out paragraph 4, as most recently amended by chapter 46 of the acts of 1978, and inserting in place thereof the following paragraph:-

4. 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-five years from the date of the note; provided, that such loan shall not exceed sixty 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-five years; and provided, further, that the portion of the loan exceeding forty-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. Each such monthly payment shall be applied first to interest and the balance to principal. Interest upon each such loan shall be computed monthly on the unpaid balance. The note or mortgage shall contain a provision requiring the payment each month of a proportionate part of the estimated real estate taxes and betterment assessments. The aggregate amount which any credit union may make or acquire under this subsection shall not exceed fifteen per cent of the aggregate balance of the shares, deposits, guaranty fund, reserve fund and undivided earnings of such credit union.

Approved March 23, 1979.

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Chap. 44.      AN ACT RELATIVE TO THE MEMBERSHIP OF THE  
                 SOLDIERS' MEMORIAL COMMISSION OF THE CITY  
                 OF HOLYOKE.

Be it enacted, etc., as follows:

SECTION 1. Section 1 of chapter 113 of the acts of 1929 is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- For the purpose of establishing and maintaining a memorial or memorials in the city of Holyoke to the men and women who served with the armed forces of the United States or of any nation allied or associated with

the United States in any war, there is hereby established in said city an unpaid commission to be known as the Soldiers' Memorial Commission of the city of Holyoke, hereinafter called the commission, to consist of the mayor and city treasurer, ex officio, and seven other members, four of whom, as long as available, shall be residents in said city who were honorably discharged or released from active service in any of the armed services of the United States or any nation allied with or associated with the United States in any war including but not limited to the first and second world wars, and the Korean and Vietnam conflicts, and two of whom shall be veterans of the Second World War, who shall be appointed in the manner and for the terms hereinafter provided.

SECTION 2. Chapter three hundred and thirty-six of the acts of nineteen hundred and forty-nine is hereby repealed.

Approved March 23, 1979.

Chap. 45. AN ACT AUTHORIZING THE CITY OF BOSTON TO APPROPRIATE MONEY FOR THE PAYMENT OF AND TO PAY A CERTAIN UNPAID BILL TO THE BOSTON EDISON COMPANY.

Be it enacted, etc., as follows:

SECTION 1. The city of Boston is hereby authorized to appropriate the sum of thirty-three thousand nine hundred seventy-two dollars and forty-one cents for payment of, and after such appropriation the treasurer of said city is hereby authorized to pay, an unpaid bill in said amount to the Boston Edison Company for electricity supplied to the Suffolk county court house and being legally unenforceable against said city.

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

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

Approved March 26, 1979.

Chap. 46. AN ACT MAKING A CORRECTIVE CHANGE IN THE LAW RELATIVE TO LOST PASSBOOKS.

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 lost passbooks, 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 20 of chapter 167 of the General Laws, as most recently amended by section 1 of chapter 129 of the acts of 1978, is hereby further amended by striking out the second and third sentences and inserting in place thereof the following two sentences:- The application shall include an affidavit signed and sworn to that the person or persons making such application is a lawful owner or are the lawful owners of said passbook, that said passbook has been lost, stolen or destroyed, and that no lawful owner has in any way transferred, pledged or assigned said passbook or any interest in the deposits therein. The application shall further include an agreement in writing, 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 by the payment of amounts due on said passbook or by the issuance of a duplicate book therefor.

Approved March 26, 1979.

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Chap. 47.      AN ACT RELATIVE TO CREDIT INSURANCE  
WRITTEN IN CONNECTION WITH RETAIL INSTAL-  
MENT SALES OF MOTOR VEHICLE CONTRACTS  
SUBJECT TO THE SUPERVISION OF THE COMMIS-  
SIONER OF BANKS.

Be it enacted, etc., as follows:

Section 10 of chapter 255B of the General Laws, as most recently amended by chapter 216 of the acts of 1968, is hereby further amended by adding the following sentence:- The holder of the retail instalment contract shall cause to be processed any application for the refund of the unearned charge for such credit life and accident and health insurance in the event of prepayment and of all death benefit and accident and health insurance claims, and after such processing shall cause to be paid to the buyer or beneficiary such refund or claim.

Approved March 26, 1979.

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Chap. 48.      AN ACT TRANSFERRING CERTAIN FUNDS TO  
PROVIDE LOW COST LUNCHEONS FOR THE EL-  
DERLY.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any provisions of law to the contrary, the sum of three hundred thousand dollars is hereby transferred from item 7053-1909 of section two of chapter three hundred and sixty-seven of the acts of nineteen hundred and seventy-eight to item 7053-1910 of said chapter to be expended in accordance with the provisions of said item; and the sum of one hundred and fifty-eight thousand dollars is hereby transferred from item 7053-1909 of section two of chapter three hundred and sixty-seven of the acts of nineteen hundred and seventy-eight to item 1599-2025 of said chapter to be expended in accordance with the provisions of said item.

SECTION 2. This act shall take effect upon its passage.  
Approved March 27, 1979.

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Chap. 49. AN ACT TRANSFERRING CERTAIN FOREST LAND  
IN THE TOWN OF EASTON FROM THE TOWN FOR-  
EST COMMITTEE IN SAID TOWN TO THE CONSER-  
VATION COMMISSION IN SAID TOWN.

Be it enacted, etc., as follows:

The selectmen of the town of Easton are hereby authorized to transfer the care, custody, management and control of a certain parcel of land in said town from the forest committee in said town to the conservation commission in said town and that such land shall be used for conservation purposes under the provisions of section eight C of chapter forty of the General Laws. Said land is bounded and described as follows:

Beginning at a conc. bound at the intersection of Bay Road and Randall Street and running N 80-27-14 E by land N/F of Richard J. Saquet two hundred thirty-two and 45/100 feet (232.45) to a conc. bound; thence N 01-32-43 W by land N/F of Saquet and Alfonsas & Patricia Baika Jr. one hundred eighty-five and 47/100 feet (185.47) to a conc. bound; thence N 79-23-57 E by land N/F of Martin W. & Arlene L. Staigis three hundred fifty-eight and 98/100 feet (358.98) to a conc. bound; thence S 09-58-27 E by land N/F of Carl R. & Emily Fitton ten and 00/100 feet (10.00); thence N 69-36-24 E by land N/F of Fitton three hundred fifty and 62/100 feet (350.62) to a conc. bound; thence S 57-36-00 E by land N/F of John & Mary Graca forty-four and 14/100 feet (44.14) to a conc. bound; thence S 14-54-00 W by land N/F of Graca two hundred thirty-one and 30/100 feet (231.30) to a conc. bound; thence N 66-11-34 E by land N/F of Graca, Richard & Elsie A. Shalowski, Gordon & Louise Mills, and Roger A. & Jeanette E. Conant one thousand twelve and 00/100 feet (1012.00) to a conc. bound; thence S 41-26-12 E by land N/F of Davis Family Realty Trust two hundred seventy-three and 96/100 feet (273.96) to a conc. bound; thence N 87-43-55 E by land N/F of Davis Family Realty Trust one hundred twenty-eight and 25/100 feet (128.25) to a drill hole in a stone wall; thence S 04-59-55 E along the wall by land N/F of Inhabitants of Town of Easton three hundred thirty and 11/100 feet (330.11) to a drill hole in the wall; thence S 05-12-54 W by land N/F of Town of Easton four hundred fifty and 62/100 feet (450.62) to a drill hole at the intersection of two stone walls; thence S 04-55-47 W by land N/F of Frank A. Shukis and Friends' Community Development Corp. six hundred seventy and 51/100 feet (670.51) to a conc. bound; thence S 76-18-05 E by land N/F of Friends' Community Development Corp. eight hundred thirty and 10/100 feet (830.10) to a drill hole at the intersection of two stone walls; thence S 06-56-55 W by land N/F of Friends' Community Development Corp. one hundred thirty-two and 00/100 feet (132.00) to a conc. bound; thence S 05-56-05 E by land N/F of Friends' Community Development Corp. two hundred twenty-seven and 10/100 feet (227.10) to a conc. bound; thence N 88-

45-53 W by land N/F of Easton Associates Trust three hundred forty-two and 63/100 feet (342.63) to a conc. bound; thence S 35-20-14 W by land N/F of Easton Associates Trust three hundred eight and 25/100 feet (308.25) to a conc. bound; thence S 47-22-30 E by land N/F of Easton Associates Trust one hundred forty and 22/100 feet (140.22) to a drill hole; thence S 80-37-30 W by land N/F of Easton Associates Trust three hundred sixty-two and 35/100 feet (362.35) to a conc. bound; thence N 48-29-25 W by land N/F of Easton Associates Trust four hundred twenty-three and 25/100 feet (423.25) to a conc. bound; thence N 32-15-33 W by land N/F of Daniel W. Davis one hundred ten and 10/100 feet (110.10) to a conc. bound; thence N 33-31-33 W by land N/F of Ralph K. & Mary T. Michel one hundred forty-two and 50/100 feet (142.50) to a conc. bound; thence N 33-15-53 W by land N/F of Arthur Z. & Barbara A. Hovagimian, Paul J. & Virginia M. Spagna, Charles A. & Susan M. Senechal, Robert D. & E. Bernice Andrews, and Richard E. & Judy A. Gill six hundred ninety-four and 39/100 feet (694.39) to a drill hole in a stone wall; thence N 18-58-00 W along the wall by land N/F of Gill and Hazel Andrews reserved a life estate two hundred sixty-two and 82/100 feet (262.82) to a drill hole in the wall; thence N 27-40-30 W along the wall by land N/F of Hazel Andrews reserved a life estate one hundred thirty-eight and 47/100 feet (138.47) to a drill hole in the wall; thence N 23-12-30 W along the wall by land N/F of Hazel Andrews reserved a life estate one hundred and 03/100 feet (100.03) to a drill hole in the wall; thence N 26-00-45 W along the wall by land N/F of Andrews four hundred fourteen and 94/100 feet (414.94) to a drill hole at the intersection of two stone walls; thence S 45-36-35 W along the wall by land N/F of Andrews one hundred sixty-six and 50/100 feet (166.50) to a drill hole in the wall; thence N 20-43-14 W by land N/F of Thomas M. & Marion Canty five hundred sixty-nine and 80/100 feet (569.80) to a drill hole in the wall; thence S 80-40-57 W by land N/F of Canty one hundred forty and 39/100 feet (140.39) to a drill hole in the wall; thence S 80-24-43 W by land N/F of Canty sixty-three and 71/100 feet (63.71) to a drill hole in the wall; thence S 81-57-27 W by land N/F of Canty one hundred twenty-four and 54/100 feet (124.54) to a drill hole in the wall; thence S 77-52-09 W by land N/F of Canty thirty-five and 14/100 feet (35.14) to a drill hole at the intersection of two stone walls; thence N 28-26-10 W by Randall Street fifteen and 10/100 feet (15.10); thence N 05-44-10 W by Bay Road twenty-seven and 39/100 feet (27.39) to the point of beginning; as described in a Plan of Land in Easton, owned by the town of Easton for the conservation commission of said town, dated October 28, 1965 by Hayward-Hayward & Boynton Engineers-Surveyors.

Approved March 27, 1979.

Chap. 50.

AN ACT AUTHORIZING THE COUNTY COMMISSIONERS OF WORCESTER COUNTY TO EXPEND A SUM OF MONEY FOR THE PURPOSE OF INSTALLING FIRE DOORS AT WORCESTER COUNTY HOSPITAL.

Be it enacted, etc., as follows:

SECTION 1. For the purpose of installing fire doors at Worcester county hospital, the county commissioners of Worcester county are hereby authorized to expend from any available funds such sums as may be necessary, not exceeding, in the aggregate, sixty thousand dollars.

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

(The foregoing was laid before the Governor on the fourteenth day of March, 1979 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. 51.      AN ACT CLARIFYING THE AUTHORITY OF  
SAVINGS BANKS TO PARTICIPATE IN TRANS-  
ACTIONS WITH CERTAIN FEDERAL AGENCIES.

Be it enacted, etc., as follows:

SECTION 1. Paragraph 3 of section 34 of chapter 168 of the General Laws is hereby amended by striking out the third paragraph, as most recently amended by section 1 of chapter 843 of the acts of 1974, and inserting in place thereof the following paragraph:-

In determining the maximum amount of mortgage limits specified in this paragraph (a) there shall be included loans on leases authorized by paragraph 6 of section thirty-eight and (b) there shall be excluded (i) mortgages taken on the sale of foreclosed real estate as provided by section fifty-four, (ii) mortgages taken pursuant to the authority contained in paragraph 13 of section thirty-five, (iii) mortgages backing any security in the issuance of which such corporation participates pursuant to sections sixty-six A and sixty-six C and (iv) mortgages which the Federal Home Loan Mortgage Corporation has entered into a written commitment to purchase from such corporation or as to which the Federal Home Loan Mortgage Corporation has entered into a written participation loan agreement with such corporation, but in either case only to the extent of such purchase or participation.

SECTION 2. Paragraph 6 of section 42 of said chapter 168 is hereby amended by adding the following two clauses:-

(i) certificates issued by the Federal Home Loan Mortgage Corporation representing interests in mortgage loans made, acquired or participated in by the said Federal Home Loan Mortgage Corporation.

(j) System-wide obligations issued under the provisions of the Farm Credit Act of 1971 (Public Law 92-181 Sec. 4.2) by institutions included in the federal Farm Credit System.

SECTION 3. Said chapter 168 is hereby further amended by striking out section 66A, inserted by section 2 of chapter 92 of the acts of 1971, and inserting in place thereof the following section:-

Section 66A. Any such corporation may issue or participate with other persons in the issuance of mortgage-backed securities which are guaranteed as to principal and interest by the United States or by an agency of the United States and are backed in whole or in part by mortgages held by such corporation, and may sell, assign or transfer to the United States or any agency of the United States any mortgage loan or interest in any mortgage loan held by such corporation; and in connection therewith such corporation may enter into and perform such agreements relating to the custody and servicing of such mortgages and to other matters as may be required pursuant to applicable regulations of any such agency. For purposes of this section, the Government National Mortgage Association and the Federal Home Loan Mortgage Corporation shall be deemed to be agencies of the United States.

Approved March 28, 1979.

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Chap. 52.      AN ACT EXTENDING THE TIME FOR THE SUBMISSION OF THE ANNUAL BUDGET IN CITIES IN THE YEAR NINETEEN HUNDRED AND SEVENTY-NINE.

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-nine, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

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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-nine submit to the city council the annual budget for the fiscal year nineteen hundred and eighty.

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-nine 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 eighty 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 29, 1979.

Chap. 53. AN ACT DESIGNATING A CERTAIN BRIDGE OVER INTERSTATE HIGHWAY ROUTE 495 IN THE TOWN OF RAYNHAM AS THE SECOND LIEUTENANT JAMES BRIAN MCGARRY MEMORIAL BRIDGE.

Be it enacted, etc., as follows:

The bridge over interstate highway route 495 on state highway route 138 in the town of Raynham shall be designated and known as the Second Lieutenant James Brian McGarry Memorial bridge, in memory of James Brian McGarry, who was killed in action while a member of the United States Marine Corps in the Vietnam conflict. A suitable marker bearing said designation shall be attached thereto by the department of public works in compliance with the standards of said department and as authorized by the federal highway administration.

Approved March 29, 1979.

Chap. 54. AN ACT ELIMINATING NOTIFICATION TO THE COMMISSIONER OF BANKS OF CERTAIN BORROWINGS BY CO-OPERATIVE BANKS.

Be it enacted, etc., as follows:

The first paragraph of section 31 of chapter 170 of the General Laws, as most recently amended by chapter 211 of the acts of 1964, is hereby further amended by striking out the last sentence.

Approved March 29, 1979.

Chap. 55. AN ACT RELATIVE TO THE CONFIDENTIALITY OF CERTAIN TRADE SECRETS SUBMITTED TO THE DEPARTMENT OF PUBLIC HEALTH CONCERNING AIR POLLUTION.

Be it enacted, etc., as follows:

The third paragraph of section 142B of chapter 111 of the General Laws, as amended by chapter 800 of the acts of 1971, is hereby further amended by striking out the last sentence and inserting in place thereof the following sentence:- Notwithstanding the provisions of any law to the contrary, any information, record, or particular part thereof, other than emission data, submitted to the department pursuant to this section, shall, upon request, be kept confidential and not considered to be a public record when it is deemed by the commissioner that such information, record, or report relates to secret processes, methods of manufacture, or production or that such information, record, or report if made public would divulge a trade secret.

Approved March 29, 1979.

Chap. 56. AN ACT INCREASING THE MAXIMUM LOAN TO VALUE RATIO OF CERTAIN MORTGAGES MADE BY CO-OPERATIVE BANKS.



Be it enacted, etc., as follows:

Subsection 3 of section 23 of chapter 170 of the General Laws is hereby amended by striking out the first sentence, as amended by chapter 797 of the acts of 1975, and inserting in place thereof the following sentence:- Each loan hereunder shall be for an amount not in excess of eighty per cent of the value of the real estate securing the loan and for a term not in excess of three years; provided, that during such time as the principal balance is in excess of seventy-five per cent of such value, amortization shall be required at an annual rate of not less than two per cent of the original amount of the loan.

Approved March 31, 1979.

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Chap. 57. AN ACT PROVIDING THAT AN ALIEN MAY BE  
LICENSED AS A PHARMACIST.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to cause the law relative to the regulation of alien pharmacists to immediately conform to federal 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 24 of chapter 112 of the General Laws, as amended by section 22 of chapter 684 of the acts of 1972, is hereby further amended by striking out the ninth and tenth sentences.

Approved April 2, 1979.

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Chap. 58. AN ACT CHANGING THE NAME OF THE BOARD  
OF REGISTRATION AND DISCIPLINE IN MEDICINE.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is, in part, to change the name of the board of registration and discipline in medicine, 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:

SECTION 1. The first paragraph of section 10 of chapter 13 of the General Laws, as appearing in section 1 of chapter the acts of 1975, is hereby amended by striking out, in line and 2, the words "and discipline".

SECTION 2. The first paragraph of section 2 of chapter 112 of the General Laws, as appearing in section 2 of said chapter 362, is hereby amended by striking out, in line 3, the words "and discipline".

Approved April 2, 1979.

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Chap. 59. AN ACT RELATIVE TO THE RETIREMENT OF  
DIRECTORS OF CREDIT UNIONS.

Be it enacted, etc., as follows:

SECTION 1. Section 14 of chapter 171 of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by striking out the fifth sentence and inserting in place thereof the following sentence:- Directors shall be elected for not less than one nor more than three years, as the by-laws shall provide; provided, however, that each director shall not have reached the age of seventy-two years at the time of election.

SECTION 2. Said section 14 of said chapter 171, as so appearing, is hereby further amended by adding the following two sentences:- The by-laws may authorize the continuance, as honorary directors, of those persons who shall have served as directors for ten years or more. No such honorary director shall be deemed to be an officer or member of the board of directors of such corporation, nor shall he receive compensation or be required to attend meetings or be authorized to perform any duties.

SECTION 3. Notwithstanding the provisions of section fourteen of chapter one hundred and seventy-one of the General Laws, as amended by section one of this act, any director holding office on the effective date of this act shall be eligible for re-election to succeeding terms of office.

Approved April 2, 1979.

Chap. 60. AN ACT RELATIVE TO CERTIFICATION OF CO-OPERATIVE BANKS BY THE COMMISSIONER OF BANKS.

Be it enacted, etc., as follows:

Section 4 of chapter 73 of the acts of 1934 is hereby amended by inserting after the first sentence the following sentence:- Within seven days after such notice by the corporation to the commissioner and to the bank, the commissioner shall send a written statement setting forth the reasons for such certification to the executive officer, treasurer, each director of such bank, and to the corporation.

Approved April 2, 1979.

Chap. 61. AN ACT REQUIRING DIRECTIONAL SIGNALS TO BE INCLUDED IN PERIODIC INSPECTIONS.

Be it enacted, etc., as follows:

SECTION 1. The first sentence of section 7A of chapter 90 of the General Laws is hereby amended by inserting after the word "lights", the first time it appears, in line 7, as appearing in chapter 136 of the acts of 1971, the words:- , directional signals if such vehicle was originally equipped with such signals.

SECTION 2. Section 14B of said chapter 90, inserted by chapter 649 of the acts of 1951, is hereby amended by striking out the first sentence and inserting in place thereof the following

sentence:- Every person operating a motor vehicle, before stopping said vehicle or making any turning movement which would affect the operation of any other vehicle, shall give a plainly visible signal by activating the brake lights or directional lights or signal as provided on said vehicle; and in the event electrical or mechanical signals are not operating or not provided on the vehicle, a plainly visible signal by means of the hand and arm shall be made.

Approved April 2, 1979.

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Chap. 62. AN ACT ABOLISHING THE REQUIREMENT THAT THE DIRECTOR OF THE BUREAU OF WOMEN IN THE DEPARTMENT OF COMMERCE AND DEVELOPMENT SHALL BE A WOMAN.

Be it enacted, etc., as follows:

The second paragraph of section 5 of chapter 23A of the General Laws, as appearing in section 1 of chapter 636 of the acts of 1964, is hereby amended by striking out the last sentence.

Approved April 2, 1979.

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Chap. 63. AN ACT VALIDATING THE PROCEEDINGS TAKEN BY THE TOWN OF ROCHESTER AT A SPECIAL TOWN MEETING IN THE YEAR NINETEEN HUNDRED AND SEVENTY-NINE.

Be it enacted, etc., as follows:

SECTION 1. The proceedings of the special town meeting held in the town of Rochester on January eighth, nineteen hundred and seventy-nine, are hereby ratified, validated and confirmed, notwithstanding the failure of said town to comply with its by-laws relative to the posting of the warrant for said meeting.

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

Approved April 6, 1979.

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Chap. 64. AN ACT RELATING TO INVESTMENTS OF SAVINGS AND INSURANCE BANKS.

Be it enacted, etc., as follows:

Section 9 of chapter 178 of the General Laws, as amended by section 2 of chapter 810 of the acts of 1965, is hereby further amended by inserting after the word "fifteen", in line 10, the words:- ; provided, however, that such funds may be deposited in the savings department of its own or any other savings bank.

Approved April 6, 1979.

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Chap. 65. AN ACT RELATIVE TO THE SIGNING OF SAVINGS BANK LIFE INSURANCE POLICIES.

Be it enacted, etc., as follows:

Chapter 178 of the General Laws is hereby amended by striking out section 22, as appearing in the Tercentenary Edition, and inserting in place thereof the following section:-

Section 22. Life insurance policies and annuity contracts may be signed on behalf of the savings and insurance banks by the treasurer or assistant treasurer, or by such other officer or employee of the savings and insurance banks or the Savings Bank Life Insurance Council, established by section thirty-two, as the trustees may from time to time determine.

Approved April 6, 1979.

Chap. 66. AN ACT MAKING A CORRECTIVE CHANGE RELATIVE TO CERTAIN FEES FOR SERVICES IN INDUSTRIAL ACCIDENT CASES.

Be it enacted, etc., as follows:

Section 13 of chapter 152 of the General Laws, as most recently amended by chapter 424 of the acts of 1978, is hereby further amended by striking out the third sentence and inserting in place thereof the following sentence:- 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 seven.

Approved April 6, 1979.

Chap. 67. AN ACT RELATIVE TO THE ADMISSIBILITY OF MEDICAL REPORTS OF DECEASED PHYSICIANS AT CERTAIN HEARINGS BEFORE THE INDUSTRIAL ACCIDENT BOARD.

Be it enacted, etc., as follows:

Section seven D of chapter one hundred and fifty-two of the General Laws is hereby repealed.

Approved April 6, 1979.

Chap. 68. AN ACT RELATIVE TO THE FILING OF PRELIMINARY AND FINAL REPORTS BY CITY AND TOWN CHARTER COMMISSIONS.

Be it enacted, etc., as follows:

SECTION 1. Section 6 of chapter 43B of the General Laws is hereby amended by adding the following paragraph:-

If a majority of the votes cast upon the question is in the affirmative, the city or town clerk shall notify the commissioner of community affairs of such affirmative vote and the commis-

sioner shall notify such commission of the dates for submission of their reports and the available date or dates that such report can be placed on its ballots.

SECTION 2. Said chapter 43B is hereby further amended by striking out section 9, as most recently amended by section 18 of chapter 163 of the acts of 1975, and inserting in place thereof the following section:-

Section 9. (a) Within forty-five days after its election, the charter commission shall hold a public hearing.

(b) Within sixteen months after its election, the charter commission shall prepare a preliminary report including the text of the charter or charter revision which the commission intends shall be submitted to the voters and any explanatory information the commission deems desirable, shall cause such report to be published in a newspaper having general circulation in the city or town, shall provide sufficient copies of the preliminary report to the city or town clerk to permit its distribution to each registered voter requesting the same, and shall furnish two copies to the attorney general and two copies to the department of community affairs. Within four weeks after such publication, the commission shall hold one or more public hearings upon the report. Within four weeks after his receipt of the report, the attorney general shall furnish the commission with a written opinion setting forth any conflict between the proposed charter or charter revision and the constitution and laws of the commonwealth. A copy of the opinion shall at the same time be furnished to the department of community affairs.

(c) Within eighteen months after its election, the charter commission shall submit to the city council or board of selectmen its final report, which shall include the full text and an explanation of the proposed new charter or charter revision, such comments as the commission deems desirable, an indication of the major differences between the current and proposed charters, and a statement of not more than one thousand words by the commission minority, if any, provided such statement is filed with the chairman of the commission within forty-eight hours after the commission's vote approving such report. A copy of said final report shall also be submitted to the department of community affairs and to the attorney general.

(d) All public hearings before a charter commission shall be held within the city or town at such time and place as may be specified in a notice published at least ten days prior to the hearing in a newspaper having general circulation in the city or town, but hearings may be adjourned from time to time without further published notice.

Approved April 6, 1979.

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Chap. 69.      AN ACT RELATIVE TO CERTAIN LOANS INSURED  
BY THE MASSACHUSETTS INDUSTRIAL FINANCE  
AGENCY.

Be it enacted, etc., as follows:

Paragraph 4 of section 35 of chapter 168 of the General Laws is hereby amended by striking out the first sentence, as most recently amended by section 1 of chapter 364 of the acts of 1976, and inserting in place thereof the following sentence:- A mortgage loan not exceeding eighty per cent of the value of the real estate, or, in the case of a mortgage loan on a leasehold interest created pursuant to section twenty-two E of chapter forty, or chapter three hundred and fifty-four of the acts of nineteen hundred and fifty-two, seventy per cent of the value of such leasehold interest, payable not more than thirty-five years from the date of the note; provided, however, that in the event a mortgage loan is proposed wherein the Massachusetts Industrial Finance Agency agrees to insure that portion of the loan exceeding eighty per cent of the value of the real estate, a mortgage loan may be made under this paragraph for eighty per cent of the value of the real estate plus that portion over eighty per cent so insured, but no such loan shall be made for more than ninety per cent of the value of the real estate, even if insured by said agency.

Approved April 6, 1979.

Chap. 70.      AN ACT TO EXEMPT THE TOWN OF MASHPEE  
FROM INTEREST PAYMENTS ON CERTAIN  
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-nine of the General Laws, the town of Mashpee during fiscal year nineteen hundred and seventy-nine 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 April 6, 1979.

Chap. 71.      AN ACT RELATIVE TO THE ELECTION OF OFFI-  
CERS OF A CREDIT UNION.

Be it enacted, etc., as follows:

Section 15 of chapter 171 of the General Laws is hereby amended by striking out the first sentence, as amended by chapter 94 of the acts of 1952, and inserting in place thereof the following sentence:- The directors at their first meeting after the annual meeting shall elect a president and shall elect from their own number a chairman of the board, one or more vice-presidents, a clerk, a treasurer and such other officers as may be necessary for the transaction of the business of the credit union, who shall be the officers of the corporation, a credit committee of not less than three members and an auditing committee of three members, all of whom shall hold office until their successors are qualified unless sooner removed as hereafter provided.

Approved April 6, 1979.

Chap. 72. AN ACT FURTHER DEFINING THE JURISDICTION  
OF THE HOUSING COURT DEPARTMENT.

Be it enacted, etc., as follows:

SECTION 1. Section 9 of chapter 93A of the General Laws is hereby amended by striking out paragraph (1), as most recently amended by section 45 of chapter 478 of the acts of 1978, and inserting in place thereof the following paragraph:-

(1) Any person who purchases or leases goods, services or property, real or personal, primarily for personal, family or household purposes and thereby suffers any loss of money or property, real or personal, as a result of the use or employment by another person of an unfair or deceptive act or practice declared unlawful by section two or by any rule or regulation issued under paragraph (c) of said section two may, as hereinafter provided, bring an action in the superior court, or in the housing court as provided in section three of chapter one hundred and eighty-five C, whether by way of original complaint, counterclaim, cross-claim or third-party action for damages and such equitable relief, including an injunction, as the court deems to be necessary and proper.

SECTION 2. Section 11 of said chapter 93A is hereby amended by striking out the first paragraph, as amended by section 47 of said chapter 478, and inserting in place thereof the following paragraph:-

Any person who engages in the conduct of any trade or commerce and who suffers any loss of money or property, real or personal, as a result of the use or employment by another person who engages in any trade or commerce of an unfair method of competition or an unfair or deceptive act or practice declared unlawful by section two or by any rule or regulation issued under paragraph (c) of section two may, as hereinafter provided, bring an action in the superior court, or in the housing court as provided in section three of chapter one hundred and eighty-five C, whether by way of original complaint, counterclaim, cross-claim or third-party action for damages and such equitable relief, including an injunction, as the court deems to be necessary and proper. ✓

SECTION 3. Section 3 of chapter 185C of the General Laws, as appearing in section 92 of said chapter 478, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

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 through one hundred and twenty-seven L, inclusive, of chapter one hun-

dred and eleven, so much of chapter ninety-three A, 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, and two hundred and thirty-nine, jurisdiction under the provisions of common law and of equity and any other general or special law, ordinance, by-law, rule or regulation as is concerned directly or indirectly with the health, safety, or welfare of any occupant of any place used, or intended for use, as a place of human habitation and the possession, condition, or use of any particular housing accommodations or household goods or services situated therein or furnished in connection therewith. The divisions of the housing court department shall also have jurisdiction of all housing problems, including all contract and tort actions which affect the health, safety and welfare of the occupants or owners thereof, arising within and affecting residents in the city of Boston, in the case of that division, and Hampden county, in the case of that division, and 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.

SECTION 4. This act shall take effect upon its passage.  
Approved April 6, 1979.

Chap. 73. AN ACT RELATIVE TO RENOVATING A CERTAIN BUILDING AS A COURT HOUSE FOR THE DISTRICT COURT OF WESTERN HAMPDEN.

Be it enacted, etc., as follows:

SECTION 1. Section 1 of chapter 450 of the acts of 1978 is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- 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 after conducting a feasibility study which has determined that the cost of acquisition, renovation and equipping of said building as a court house shall not exceed the sum to be borrowed as set forth in section two of this act. Said study shall provide the costs incurred for the acquisition, renovation and the equipping of said building.

SECTION 2. This act shall take effect upon its passage.  
Approved April 9, 1979.

Chap. 74. 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:

Building Custodians: Robert Burrows, John Connell.

Senior Building Custodian: Michael Diemand.

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

(The foregoing was laid before the Governor on the twenty-sixth day of March, 1979 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.)

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Chap. 75. AN ACT AUTHORIZING THE TOWN OF WATERTOWN TO APPOINT A SPECIAL COMMITTEE TO ARRANGE FOR A CELEBRATION COMMEMORATING THE THREE HUNDRED FIFTIETH ANNIVERSARY OF THE SETTLEMENT OF THE TOWN OF WATERTOWN.

Be it enacted, etc., as follows:

SECTION 1. The selectmen of the town of Watertown are hereby authorized to appoint a committee, consisting of not less than five members, who shall be residents of said town, to devise ways and means of observing the three hundred fiftieth anniversary of the settlement of the town of Watertown and to handle all arrangements in connection with the celebration thereof, and to designate one of said members as treasurer of said committee, who shall deposit all receipts in the special revolving fund established in section three. Said treasurer shall give bond for the faithful performance of his duties in such form and in such amount as the selectmen may determine. The committee shall elect from its membership a chairman and a secretary. Said committee may expend for the aforesaid purposes such sums as it deems necessary, including the expenses for stationery, advertising and stenographic services. The members of said committee shall receive no compensation for their services.

SECTION 2. For the purposes of this act, the town of Watertown may appropriate such sums as it may determine.

SECTION 3. Pursuant to the provisions of clause (27) of section five of chapter forty of the General Laws, and notwithstanding the provisions of section fifty-three of chapter forty-four of the General Laws, the town of Watertown is hereby authorized to establish in its treasury a special revolving fund in which shall be deposited any and all appropriations, receipts, contributions, grants and other monies of the committee established to observe the three hundred and fiftieth anniversary of the settlement of the town of Watertown. Said funds shall be kept separate by the town treasurer from any other money, funds or pro-

perty of the town of Watertown, and the principal and interest thereof shall, from time to time by authorization of the majority of the committee established to plan such celebration, be expended without further appropriation for the purposes of said celebration in the year of such celebration and in the year preceding or succeeding same. All such funds shall be fully accounted for by said committee to the board of selectmen of the town of Watertown at the end of each fiscal year while such fund is in existence and after such celebration is concluded. Any surplus remaining in said special revolving fund after such celebration is concluded, shall be transferred into the treasury of the town of Watertown.

SECTION 4. This act shall take effect upon its passage.  
Approved April 9, 1979.

Chap. 76. 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 March thirty-first, nineteen hundred and eighty.

Approved April 9, 1979.

Chap. 77. AN ACT EXEMPTING SUMMER POLICE OFFICERS IN CERTAIN COUNTIES FROM THE PROVISIONS OF THE CIVIL SERVICE LAW.

Be it enacted, etc., as follows:

SECTION 1. The definition of "Seasonal position" in section 1 of chapter 31 of the General Laws, as appearing in section 1 of chapter 393 of the acts of 1978, is hereby amended by adding the following sentence:- Notwithstanding any provision of this chapter to the contrary, a position of a police officer in a police department within the counties of Barnstable, Bristol, Dukes, Essex, Nantucket, Norfolk, Plymouth and Suffolk employed on

either a full time or less than full time basis, beginning no earlier than May first and ending no later than September thirteenth shall be deemed to be a seasonal position and shall be exempt from the provisions of this chapter.

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

Approved April 9, 1979.

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Chap. 78. AN ACT EXEMPTING THE OFFICE OF CHIEF OF POLICE OF THE TOWN OF DUXBURY FROM THE PROVISIONS OF THE CIVIL SERVICE LAW.

Be it enacted, etc., as follows:

SECTION 1. The office of chief of police of the town of Duxbury shall, upon the completion of service of the present incumbent, be exempt from the provisions of chapter thirty-one of the General Laws.

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

Approved April 9, 1979.

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Chap. 79. AN ACT AUTHORIZING THE COUNTY TREASURER OF BARNSTABLE COUNTY TO PAY CERTAIN UNPAID BILLS.

Be it enacted, etc., as follows:

The county treasurer of Barnstable county is hereby authorized to pay from any available funds to the city of Boston, the sum of three thousand nine hundred dollars and twenty-two cents for services rendered to said county in the years nineteen hundred and seventy-four and nineteen hundred and seventy-six, and the sum of eighty-three dollars and eighty-four cents for expenses incurred by said county in the probate court in Suffolk county in the year nineteen hundred and seventy-seven.

Approved April 9, 1979.

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Chap. 80. AN ACT AUTHORIZING THE COUNTY TREASURER OF BARNSTABLE COUNTY TO PAY CERTAIN UNPAID BILLS.

Be it enacted, etc., as follows:

The county treasurer of Barnstable county is hereby authorized to pay, from any available funds to the Federal Economic Development Administration the sum of two thousand one hundred and fifty-three dollars and two cents for services rendered on project number 01-05-15006-05 in the years nineteen hundred and seventy-four and nineteen hundred and seventy-five.

Approved April 9, 1979.

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Chap. 81. AN ACT FURTHER REGULATING INSTRUCTION IN PHYSICAL EDUCATION IN THE PUBLIC SCHOOLS OF THE COMMONWEALTH.

Be it enacted, etc., as follows:

Chapter 71 of the General Laws is hereby amended by striking out section 3, as most recently amended by chapter 150 of the acts of 1966, and inserting in place thereof the following section:-

Section 3. Physical education shall be taught as a required subject in all grades for all students in the public schools for the purpose of promoting the physical well-being of such students. Instruction in physical education may include calisthenics, gymnastics and military drill; but no pupil shall be required to take part in any military exercise if his parent or guardian is of any religious denomination conscientiously opposed to bearing arms, or is himself so opposed, and the school committee is so notified in writing; and no pupil shall be required to take part in physical education exercises if a licensed physician certifies in writing that in his opinion such physical education exercises would be injurious to the pupil.

Approved April 9, 1979.

Chap. 82. AN ACT RELATIVE TO THE LISTING OF FIRE EXTINGUISHERS.

Be it enacted, etc., as follows:

The first paragraph of section 58 of chapter 148 of the General Laws, as appearing in chapter 112 of the acts of 1978, is hereby amended by striking out clause (c) and inserting in place thereof the following clause:- (c) a firm performing hydrostatic testing of fire extinguishers.

Approved April 9, 1979.

Chap. 83. AN ACT DESIGNATING A CERTAIN BRIDGE IN THE CITY OF HAVERHILL AS THE JOSEPH COMEAU BRIDGE.

Be it enacted, etc., as follows:

The bridge known as the Old Country bridge located at Railroad street and Elm street in the Bradford section of the city of Haverhill shall be designated and known as the Joseph Comeau bridge, in memory of Joseph Comeau, a decorated hero of World War II who dedicated his life to the development of the youth of said city. A suitable marker bearing such designation shall be attached thereto by the department of public works in compliance with the standards of said department.

Approved April 9, 1979.

Chap. 84. AN ACT DESIGNATING A CERTAIN INTERSECTION IN BROCKTON AS THE WILLIAM E. GATT, JR. SQUARE.

Be it enacted, etc., as follows:

The intersection of Pearl street and Pleasant street in the city

of Brockton shall be designated and known as the William E. Gatt, Jr. square. A suitable marker bearing such designation shall be attached thereon by the department of public works in accordance with the standards of said department.

Approved April 9, 1979.

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Chap. 85. AN ACT DESIGNATING THE RAILROAD BRIDGE AT PLYMOUTH STREET IN THE TOWN OF MIDDLEBOROUGH AS THE SERGEANT LEO FORCIER MEMORIAL BRIDGE.

Be it enacted, etc., as follows:

The railroad bridge at Plymouth street in the town of Middleborough shall be designated and known as the Sergeant Leo Forcier Memorial bridge, in memory of Sergeant Leo Forcier, who was killed in action while a member of the armed forces of the United States during World War II. A suitable marker bearing such designation shall be attached thereto by the department of public works in accordance with the standards of said department.

Approved April 9, 1979.

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Chap. 86. AN ACT DESIGNATING A CERTAIN BRIDGE IN THE TOWN OF OXFORD AS THE JAMES N. JUNIER BRIDGE.

Be it enacted, etc., as follows:

The Millbury Road bridge, so-called, in the town of Oxford shall be designated and known as the James N. Junier bridge. A suitable marker bearing said designation shall be attached thereto by the department of public works in compliance with the standards of said department.

Approved April 9, 1979.

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Chap. 87. AN ACT DESIGNATING THE BATHHOUSE AT HOUGHTONS POND WITHIN THE BLUE HILLS RESERVATION AS THE WILLIAM J. SCANNELL BATHHOUSE.

Be it enacted, etc., as follows:

The bathhouse at Houghtons pond within the Blue Hills reservation shall be designated and known as the William J. Scannell bathhouse, in memory of William J. Scannell, a former member of the mounted police unit of the metropolitan district commission police. A suitable marker bearing said designation shall be attached thereto by the metropolitan district commission.

Approved April 9, 1979.

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Chap. 88. AN ACT PROVIDING THAT A PERSON SHALL NOT BE LIABLE FOR CERTAIN COSTS AND OFFICERS' FEES INCURRED BEFORE PRE-

SENTING A CERTIFICATE FOR ABATEMENT  
IF NO TAX IS DUE.

Be it enacted, etc., as follows:

Chapter 60 of the General Laws is hereby amended by striking out section 20, as appearing in the Tercentenary Edition, and inserting in place thereof the following section:-

Section 20. If a person claims the benefit of an abatement, he shall exhibit to the collector demanding his taxes the certificate of such abatement authorized by section seventy of chapter fifty-nine; and he shall be liable for all costs and officers' fees incurred before exhibiting such certificate; provided, however, that if it is found that no tax is due, no such costs or officers' fees shall be collected.

Approved April 9, 1979.

Chap. 89. AN ACT PROVIDING FOR PARTISAN PRIMARY  
ELECTIONS AND PARTISAN TOWN ELECTIONS  
IN THE TOWN OF EAST LONGMEADOW.

Be it enacted, etc., as follows:

SECTION 1. Chapter three hundred and fifty-one of the acts of nineteen hundred and seventy is hereby repealed.

SECTION 2. Primaries for the nomination of candidates of political parties to be voted for at town elections shall be held in the town of East Longmeadow under the provisions of sections twenty-three to forty A, inclusive, and sections fifty-five to sixty-four, inclusive, of chapter fifty-three of the General Laws, except as hereinafter provided.

SECTION 3. Notwithstanding the provisions of section twenty-eight of said chapter fifty-three, town primaries shall be held on the twenty-eighth day preceding the annual town election.

SECTION 4. Notwithstanding the provisions of section sixty-two of said chapter fifty-three, if a person nominated to be voted for at a town primary dies before the day of the primary, or withdraws his name from nomination, or if found ineligible, and there is no other candidate for the party nomination for the office, the vacancy may be filled by the town committee representing the nominated person's party. In cases of vacancies caused by withdrawal, nominations to fill such vacancy shall be filed with the town clerk within twenty-four week-day hours after the last day and hour for such withdrawal, by a certificate filed by the chairman and secretary of said committee. No vacancy caused by withdrawal shall be filled before the withdrawal has been filed. If there is a failure to make a nomination at the town primary by reason of a tie vote, the vacancy shall be filled by the town committee of the respective party within seventy-two week-day hours, by the choice of one of the candidates receiving the tie vote.

SECTION 5. This act shall be submitted for acceptance to the voters of the town of East Longmeadow at the next annual town

meeting in the form of the following question, which shall be placed on the official ballot to be used for the election of town officers at said meeting:- "Shall an act passed by the General Court in the year nineteen hundred and seventy-nine, entitled 'An Act providing for Partisan Primary Elections and Partisan Town Elections in the town of East Longmeadow', 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 April 9, 1979.

Chap. 90. AN ACT EXEMPTING THE OFFICE OF TOWN ACCOUNTANT IN THE TOWN OF HAMILTON FROM THE PROVISIONS OF THE CIVIL SERVICE LAW.

Be it enacted, etc., as follows:

The office of town accountant of the town of Hamilton shall not be subject to the provisions of chapter thirty-one of the General Laws.

(The foregoing was laid before the Governor on the 28th day of March, 1979 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. 91. AN ACT RELATIVE TO THE REMOVAL OF THE SCORE OF ANY GROUP INTELLIGENCE TESTS FROM THE RECORD OF A STUDENT.

Be it enacted, etc., as follows:

Chapter 71 of the General Laws is hereby amended by inserting after section 86 the following section:-

Section 87. The score of any group intelligence test administered to a student enrolled in a public school shall be removed from the record of said student at the end of the school year in which such test was so administered.

(The foregoing was laid before the Governor on the 28th day of March, 1979 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. 92. AN ACT DIRECTING THE BOARD OF REGISTRATION OF HAIRDRESSERS TO ISSUE A HAIRDRESSING LICENSE TO JEANNETTE COZZAGLIO.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section eighty-seven W of chapter one hundred and twelve of the General Laws or any other law to the contrary, the board of registration of hairdressers is hereby authorized and directed to register

Jeannette Cozzaglio as a hairdresser and to issue her a hairdresser's license.

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

(The foregoing was laid before the Governor on the 2nd day of April, 1979 & 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. 93. AN ACT GRANTING A CERTAIN EASEMENT FOR BRIDGE AND ROAD PURPOSES ON METROPOLITAN DISTRICT COMMISSION LAND IN THE TOWN OF RUTLAND.

Be it enacted, etc., as follows:

The metropolitan district commission is hereby authorized to grant to Helen M. Jones and Francis Jones, Jr., of the town of Rutland, a permanent easement over a portion of Ware River watershed land near the River road in the town of Rutland adjacent to property of Francis Jones, Jr., as shown on a plan on file with the said commission by Moulton Manufacturing Company. Said easement shall be a right of way fifty feet wide from the former flow line on the westerly side of the Ware river to the former flow line on the easterly side of said river for the purpose of using and maintaining an existing road and bridge, said easement shall be granted for such consideration and upon such terms as may be acceptable to the metropolitan district commission and shall be located within the following bounded and described property:-

BEGINNING at the northwest corner of lot at a point on River Road, Said point being N. 6° 04' 20" E., 33.00 feet from the southwest corner of Parcel 1 as described in deed of Edward D. and Teresa A. McCabe, Book 4730, Page 486.

Thence S. 83° E., 50.00 feet to a point; Thence N. 64° E. about 240 feet to the East Branch of the Ware River, the last 2 courses by other land of said McCabe; Thence southerly by said river, which is owned by the Metropolitan District Water Supply Commission about 150 feet; Thence S. 65° W., about 350 feet by other land of said McCabe to River Road; Thence N. 17° 27' 30" E., 131.99 feet by River Road to a point; Thence N. 6° 04' 20" E., 68.01 feet by River Road to the point of beginning. Containing about 1.0 acre. Reserving to said McCabe the right to pass through this lot for access to said McCabe's land adjacent to the lot and easterly of the River.

Also another lot beginning N. 65° E., about 80 feet from the southeast corner of first described lot; Thence Northerly about 325 feet by the easterly side of the East Branch of the Ware River; Thence N. 84° E., 300 feet by a stone wall; Thence S. 1° 15' W., about 340 feet; Thence S. 86° 15' W. 280' to point of beginning by other land of said McCabe. Containing 2.2 acres. Reserving to said McCabe a right of way described as follows: Beginning at the same beginning point of the lot, Thence northerly about 325 feet by easterly side of said river; Thence N. 84° E.,



70 feet; Thence S. 86° 15' W. about 325 feet; Thence S. 86° 15' W., 50 feet to the point of beginning.

Being a portion of the same premises conveyed to grantors in deed recorded in Book 4730, Page 486, Worcester district registry of deeds and as in Plan Book 404, Plan 40.

Being the same premises conveyed to the grantors by Edward D. McCabe and Teresa A. McCabe, husband and wife, in a deed dated October 18, 1974 and recorded in the Worcester district registry of deeds, Book 5606, Page 194.

Approved April 17, 1979.

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Chap. 94.        AN ACT RELATIVE TO CERTAIN FIREFIGHTERS  
                  ELIGIBILITY TO TAKE PROMOTIONAL EXAMINA-  
                  TIONS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to regulate forthwith the eligibility of firefighters to take promotional examinations, 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 any rule or law to the contrary, any firefighter who has continuous service as a firefighter prior to his permanent appointment, including service in a provisional appointment on or after January first, nineteen hundred and seventy-three shall have such service deemed to be employment as a permanent firefighter for the purpose of certification for such firefighter's eligibility to take promotional examinations.

Approved April 17, 1979.

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Chap. 95.        AN ACT RELATIVE TO BY-LAWS OF CO-OPERA-  
                  TIVE BANKS.

Be it enacted, etc., as follows:

SECTION 1. The first paragraph of section 6 of chapter 170 of the General Laws, as appearing in section 1 of chapter 371 of the acts of 1950, is hereby amended by striking out the third sentence and inserting in place thereof the following sentence:- All such by-laws, changes, additions and other amendments shall be effective on the date they are filed with the commissioner.

SECTION 2. The second paragraph of said section 6 of said chapter 170, as so appearing, is hereby amended by adding the following clause:-

(h) That the clerk of the corporation shall give notice of all regular and special meetings of the shareholders by publishing notice thereof, at least seven days before the meeting, in one or more newspapers published in the city or town wherein the main office of the corporation is situated or, if there is no newspaper published therein, then in a newspaper published in a nearby city or town in the same county; and for this purpose a newspaper which by its title page purports to be printed or published in such city, town or county and which has a circulation

therein, shall be deemed to have been published therein. Such notice shall state the day, hour and place of the meeting and shall contain a brief statement of the nature of the business to be acted upon, except as may be provided in the by-laws with respect to the removal of officers and directors.

Approved April 17, 1979.

EMERGENCY LETTER - May 25, 1979 @ 3:15 P.M.

Chap. 96.        AN ACT AUTHORIZING TRUST COMPANIES TO  
RECEIVE DEPOSITS IN THE NAME OF TWO OR  
MORE PERSONS AS A JOINT ACCOUNT.

Be it enacted, etc., as follows:

Chapter 172 of the General Laws is hereby amended by striking out section 52, as appearing in section 1 of chapter 493 of the acts of 1961, and inserting in place thereof the following section:-

Section 52. Any such corporation may receive deposits in the name of two or more persons as joint tenants, payable to two or more persons or the survivor or survivors of them, and any part or all of the deposits and interest represented by joint accounts may be withdrawn, assigned or transferred in whole or in part by any of the individual parties. Payments to any of the parties to a joint account while all of them are living shall discharge the liability of the corporation to all persons 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 persons.

Any party to a joint account also may make deposits to an individual account.

The surviving owner or owners of a joint account may maintain the balance of the account in the amount appearing at the time of the decease of a joint owner, and such corporation may allow interest additions and accumulations thereon.

Approved April 17, 1979.

Chap. 97.        AN ACT CHANGING THE BOUNDARIES OF  
OXFORD-ROCHDALE SEWER DISTRICT.

Be it enacted, etc., as follows:

Section 1 of chapter 250 of the acts of 1957 is hereby amended by striking out, the words "interstate route 20; thence westerly along said interstate route 20 to", inserted by chapter 25 of the acts of 1971, and inserting in place thereof the words:- the intersection of said town line with the north right-of-way of the new Massachusetts Turnpike; thence westerly along said north right-of-way to its intersection with.

Approved April 19, 1979.

Chap. 98.        AN ACT FURTHER REGULATING THE INVESTMENT  
OF TRUST FUNDS IN A CITY OR TOWN.

Be it enacted, etc., as follows:

SECTION 1. Chapter 44 of the General Laws is hereby amended by striking out section 54, as most recently amended by chapter 51 of the acts of 1977, and inserting in place thereof the following section:-

Section 54. Trust funds, including cemetery perpetual care funds, unless otherwise provided or directed by the donor thereof, shall be placed at interest in savings banks, trust companies incorporated under the laws of the commonwealth, banking companies incorporated under the laws of the commonwealth which are members of the Federal Deposit Insurance Corporation, or national banks, or invested by cities and towns in participation units in a combined investment fund under section thirty-eight A of chapter twenty-nine, or in paid-up shares and accounts of and in co-operative banks, or in shares of savings and loan associations or in shares or savings deposits of federal savings and loan associations doing business in the commonwealth to an amount not exceeding fifty thousand dollars, or in bonds or notes which are legal investments for savings banks. Cities and towns having such funds in the custody of the treasurer in an aggregate amount in excess of one million dollars may also invest such funds in securities, other than mortgages or collateral loans, which are legal for the investment of funds of savings banks under the laws of the commonwealth; provided, that not more than fifteen per cent of any such trust funds shall be invested in bank stocks and insurance company stocks, nor shall more than one and one-half per cent of such funds be invested in the stock of any one bank or insurance company. This section shall not apply to the city of Boston.

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

Approved April 19, 1979.

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Chap. 99. AN ACT FURTHER REGULATING THE PARTICIPATION OF SAVINGS BANKS IN THE MAKING OR ACQUISITION OF CERTAIN LOANS.

Be it enacted, etc., as follows:

Paragraph 8 of section 35 of chapter 168 of the General Laws is hereby amended by striking out the first sentence, as most recently amended by section 1 of chapter 129 of the acts of 1972, and inserting in place thereof the following sentence:- Any such corporation may, in participation with one or more other such corporations, or with one or more co-operative banks, trust companies, domestic insurance companies authorized to transact life insurance, national banking associations, savings and loan associations, or with one or more other banks or life insurance companies subject to supervision by an agency of any other state, if such institutions are authorized so to do, make or acquire mortgage loans of the classes referred to in paragraphs 1, 2, 3, 4, 6A, 6B, and 6C of this section; provided, however, with respect to paragraph 6A, that at least that portion of the unpaid balance of the loan which exceeds eighty per cent of the value of the

real estate is insured or guaranteed.

Approved April 19, 1979.

Chap. 100. AN ACT CONFORMING THE DEADLINE FOR FILING APPLICATIONS FOR PUBLIC POLICY QUESTIONS IN INDIVIDUAL LEGISLATIVE DISTRICTS WITH DEADLINES FOR STATEWIDE BALLOT QUESTIONS.

Be it enacted, etc., as follows:

Section 21 of chapter 53 of the General Laws is hereby amended by striking out the first sentence, as appearing in section 2 of chapter 237 of the acts of 1945, and inserting in place thereof the following sentence:- Applications shall be filed with the state secretary not later than the first Wednesday of August before the election at which the questions are to be submitted.

Approved April 19, 1979.

Chap. 101. AN ACT RELATIVE TO BORROWING BY OFFICERS OF A BANK OR BY BANK EXAMINERS.

Be it enacted, etc., as follows:

Chapter 172 of the General Laws is hereby amended by striking out section 18, as amended by chapter 186 of the acts of 1966, and inserting in place thereof the following section:-

Section 18. No officer of a trust company shall, except as hereinafter provided, borrow from or otherwise become indebted to a trust company of which he is an officer, and no trust company shall, except as hereinafter provided, make any loan or extend credit in any other manner to any of its own officers; provided, however, that with the prior approval of a majority of the entire board of directors, a trust company may loan or extend credit to any such officer and such officer may become indebted to such trust company, in any amount not exceeding ten thousand dollars on a loan or extension of credit, secured or unsecured and in an amount not exceeding sixty thousand dollars on a loan secured by a mortgage on real estate improved with a single family dwelling which is occupied or which is to be occupied by such officer; and provided, further, that such trust company shall not give a preferential rate of interest, or other preferential terms, on any loan to such officer.

Approved April 19, 1979.

Chap. 102. AN ACT PROVIDING FOR PUBLIC HEARINGS ON CERTAIN PROPOSED SCHEDULE CHANGES BY THE WOODS HOLE, MARTHA'S VINEYARD AND NANTUCKET STEAMSHIP AUTHORITY.

Be it enacted, etc., as follows:

Chapter 701 of the acts of 1960 is hereby amended by inserting after section 15 the following section:-

Section 15A. The Authority shall post and advertise in at least

one newspaper published in each of the towns of Falmouth and Nantucket and the county of Dukes county all proposed schedule changes no later than sixty days prior to the effective date of said proposed changes. In the event that the Authority shall receive, within thirty days of said posting and advertising, a petition signed by no fewer than fifty persons who are residents of the towns of Falmouth, Nantucket or the county of Dukes county requesting a public hearing on said proposed changes. The Authority shall, within fourteen days of receiving said petition, conduct said public hearing.

The location of said hearing shall be either on Martha's Vineyard, Nantucket, or in Falmouth, wherever the greatest number of petitioners reside.

The Authority shall, after considering the testimony at said public hearing, and at least seven days prior to the effective date of the proposed changes issue a report either maintaining its original proposed schedule changes, or making modifications thereto, and explaining their reasons therefor. In the event that modifications are made to a proposed schedule change as a result of a public hearing, said modifications may take effect on the original proposed effective date.

For the purposes of this section, proposed schedule changes shall not include any changes necessitated by weather, equipment failure, or other emergency conditions, but shall include all seasonal schedule changes of said Authority.

Approved April 19, 1979.

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Chap. 103. AN ACT AUTHORIZING CERTAIN LAWS RELATING TO LITTERING TO BE ENFORCED BY LOCAL HEALTH AGENTS, HEALTH OFFICERS AND DIRECTORS OF PUBLIC HEALTH.

Be it enacted, etc., as follows:

The last paragraph of section 16 of chapter 270 of the General Laws, as appearing in chapter 39 of the acts of 1974, is hereby amended by striking out the first sentence and inserting in place thereof the following two sentences:- This section shall be enforced by natural resources officers, by the director of the division of motorboats or his authorized agents, by harbor masters and assistant harbor masters, by members of the state police and inspectors of the registry of motor vehicles and by city, town and metropolitan district commission police officers. A city by majority vote of the city council, with the approval of the mayor, or in a town by a vote of its town meeting may enforce this section by designating its public health agents, health officers and health directors as enforcing officers.

Approved April 19, 1979.

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Chap. 104. AN ACT RELATIVE TO THE TOWN MANAGER FORM OF GOVERNMENT OF THE TOWN OF SAUGUS.

Be it enacted, etc., as follows:

SECTION 1. Chapter 17 of the acts of 1947 is hereby amended by striking out section 8 and inserting in place thereof the following section:-

Section 8. Appointment of Town Manager. The selectmen elected as provided herein shall appoint by a four-fifths vote of the membership and subject to the provisions of this chapter, as soon as practicable, for a term of five years, a town manager who shall be a person especially fitted by education, training and experience to perform the duties of the office. The town manager shall be appointed without regard to his political beliefs. He need not be a resident of the town or of the commonwealth when appointed, but shall be a resident of the town during his term of office. Before entering upon the duties of his office, the town manager shall be sworn to the faithful performance thereof by the chairman of the selectmen, or by the town clerk or by a justice of the peace. He shall execute a bond in favor of the town for the faithful performance of his duties in such sum and with such surety or sureties as may be fixed or approved by the selectmen.

SECTION 2. Said chapter 17 is hereby further amended by striking out section 10 and inserting in place thereof the following section:-

Section 10. Acting Manager. The town manager may designate, by letter filed with the town clerk, a qualified officer of the town to perform his duties during his temporary absence or disability. In the event of the failure of the manager to make such designation, the selectmen shall, by resolution, designate an officer of the town to perform the duties of the manager until he shall return or his disability shall cease.

SECTION 3. Section 13 of said chapter 17 is hereby amended by striking out clause (h) and inserting in place thereof the following clause:-

(h) The town manager shall have jurisdiction over the rental and use of all town property and shall be responsible for the maintenance and repair of all town buildings, and including school buildings. He shall be responsible for the preparation of plans and the supervision of work on existing buildings or on the construction of new buildings.

SECTION 4. Said chapter 17 is hereby further amended by striking out sections 22 to 24, inclusive, and inserting in place thereof the following three sections:-

Section 22. Town Clerk. The town manager shall appoint a suitably qualified person to the office of town clerk. The town clerk shall have the powers, perform the duties and be subject to the liabilities and penalties now or hereafter conferred or imposed by law upon town clerks. He shall be sworn to the faithful performance of his duties by the chairman of the selectmen or by a justice of the peace. The town clerk shall serve ex-officio as clerk of the board of selectmen. The town clerk shall be subject to the general supervision and direction of the town manager in the performance of his duties.

Section 23. Town Treasurer. The town manager shall appoint

a suitably qualified person to the office of town treasurer. The town treasurer shall have the powers, perform the duties and be subject to the liabilities and penalties now or hereafter conferred or imposed by law upon town treasurers, but in the conduct of his office shall be subject to the supervision and direction of the town manager. Whenever it shall be necessary to execute any deed conveying land, or any other instrument required to carry into effect any vote of the town, the same shall be executed by the treasurer in behalf of the town unless the town shall vote otherwise. The town treasurer shall be sworn to the faithful performance of his duties by the town clerk or by a justice of the peace.

Section 24. Town Collector. The town manager shall appoint a suitably qualified person to the office of town collector. The collector shall have the powers, perform the duties and be subject to the liabilities and penalties now or hereafter conferred or imposed by law upon town collectors, except that in the performance of his duties he shall be subject to the general supervision and direction of the town manager. The town collector shall be sworn to the faithful performance of his duties by the town clerk or by a justice of the peace.

SECTION 5. Said chapter 17 is hereby further amended by striking out sections 27 and 28 and inserting in place thereof the following two sections:-

Section 27. Tree Warden. The town manager shall appoint a suitably qualified person to the office of tree warden. The tree warden shall have the powers, perform the duties and be subject to the liabilities and penalties now or hereafter conferred or imposed by law upon tree wardens, but in the conduct of his office he shall be subject to the supervision and direction of the town manager. The tree warden shall be sworn to the faithful performance of his duties by the chairman of the selectmen or by the town clerk.

Section 28. Appointment of Town Counsel. The town manager shall annually appoint an attorney-at-law to act as town counsel, who shall draft all bonds, deeds, leases, obligations, conveyances and other legal instruments, and shall perform such other legal services as may be requested of him, by vote of the town, by the town manager, by the moderator, or by any board of town officers. Also, when so requested, he shall furnish a written opinion on any question that may be submitted to him, and shall at all times upon the request of the town manager furnish legal advice to any officer of the town who may require his advice upon any subject concerning the duties of such officer. He shall prosecute all suits or other legal proceedings ordered to be brought by the town or by the board of selectmen, and shall appear before the courts of the commonwealth in defense of all actions or suits brought against the town or its officers in their official capacity and shall try and argue any and all cases in which the town shall be a party or before any board of referees or commission and shall appear at any and all hearings on behalf of the town whenever his services may be required. The town counsel shall furnish a written opinion on the legality of all

articles for the town warrant, annual or special, and said opinion shall be filed with the town clerk and distributed by the said clerk to town meeting members with the said warrant.

SECTION 6. Said chapter 17 is hereby further amended by striking out sections 42 to 44, inclusive, and inserting in place thereof the following three sections:-

Section 42. Holder of Elective Office May be Removed. Any holder of an elective office, except a town meeting member, may be removed therefrom by the registered voters of the town as herein provided.

Section 43. Removal Petition, Preparation, Filing. Any fifty registered voters of the town may file with the town clerk a declaration of intent containing the name of the officer sought to be removed from office. The town clerk shall, within five working days, deliver to said voters making the declaration of intent, copies of petition blanks demanding such removal, printed forms of which he shall make available. The blanks shall be issued by the town clerk with his signature and official seal attached thereto. They shall be dated, addressed to the selectmen and shall contain the names of the fifty persons to whom they are issued, the name of the person whose removal is sought and shall demand the election of a successor in the said office. A copy of the petition shall be entered in a record book to be kept in the office of the town clerk. The removal petitions shall be returned and filed with the town clerk within twenty-five days after the filing of the declaration of intent and shall have been signed by at least twenty-five per cent of the registered voters of the town, who shall add to their signatures the street and number, if any, of their residences. The town clerk shall immediately submit the petitions to the registrars of voters of the town and the registrars shall forthwith certify thereon the number of signatures which are names of registered voters of the town.

Section 44. Removal and Election. If the petition shall be found and certified by the town clerk to be sufficient, he shall submit the same with his certificate to the selectmen immediately, and the selectmen shall, within five days, give written notice of the receipt of the certificate to the officer sought to be removed and shall thereupon order an election to be held on a Tuesday fixed by them, not less than twenty-five nor more than thirty-five days after the date of the town clerk's certificate that a sufficient petition is filed; provided, however, that if any other town election is to occur within one hundred and twenty days after the certificate, the selectmen shall postpone the holding of the removal election to the date of such other election. If a vacancy occurs in said office after a removal election has been ordered, the election shall nevertheless proceed as provided in this act. Any number of officers may stand for removal at the same election.

SECTION 7. Section forty-seven of said chapter seventeen is hereby repealed.

SECTION 8. Said chapter 17 is hereby further amended by



striking out section 49 and inserting in place thereof the following section:-

Section 49. Subsequent Removal. No removal petition shall be filed against an officer within three months after he takes office, nor in the case of an officer subjected to a removal election and not removed thereby, until at least three months after the election in which his removal was submitted to the voters of the town.

Approved April 19, 1979.

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Chap. 105. AN ACT FURTHER REGULATING THE DISPOSAL OF RUBBISH.

Be it enacted, etc., as follows:

Section 16 of chapter 270 of the General Laws, as most recently amended by chapter 39 of the acts of 1974, is hereby further amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

Whoever places, throws, deposits, discharges or causes to be placed, thrown, deposited or discharged, any trash, refuse, rubbish, garbage, debris, scrap, waste or any other material of any kind on a public highway or within twenty yards thereof, or on any other public land, or in or upon coastal or inland waters, as defined in section one of chapter one hundred and thirty-one, respectively, or within twenty yards of any such water, or on property of another, shall be punished by a fine of not more than one thousand dollars and not less than two hundred dollars, and the court may require, in addition thereto, that such person remove, at his own expense, such trash, refuse, rubbish, debris or materials. The permission of the owner of such land to place, throw, deposit or discharge such trash, refuse, rubbish, garbage, debris, scrap, waste or any other material of any kind on his land shall constitute a defense in any trial for such offense.

Approved April 19, 1979.

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Chap. 106. AN ACT FURTHER REGULATING EXISTING STRUCTURES, USES, PERMITS AND CERTAIN SUBDIVISION PLANS.

Be it enacted, etc., as follows:

The fourth paragraph of section 6 of chapter 40A of the General Laws, as appearing in section 3 of chapter 808 of the acts of 1975, is hereby amended by inserting after the first sentence the following sentence:- Any increase in area, frontage, width, yard or depth requirement of a zoning ordinance or by-law shall not apply for a period of five years from its effective date or for five years after January first, nineteen hundred and seventy-six, whichever is later, to a lot for single and two family residential use, provided the plan for such lot was recorded or endorsed and such lot was held in common ownership with any adjoining land and conformed to the existing zoning requirements as of January first, nineteen hundred and seventy-six, and had

less area, frontage, width, yard or depth requirements than the newly effective zoning requirements but contained at least seven thousand five hundred square feet of area and seventy-five feet of frontage, and provided that said five year period does not commence prior to January first, nineteen hundred and seventy-six, and provided further that the provisions of this sentence shall not apply to more than three of such adjoining lots held in common ownership.

Approved April 19, 1979.

EMERGENCY LETTER - April 20, 1979 @ 11:47 A.M.

Chap. 107. AN ACT RELATIVE TO THE REGISTRATION OF CERTAIN ALIENS AS BARBERS.

Be it enacted, etc., as follows:

Section 87H of chapter 112 of the General Laws is hereby amended by striking out the third and fourth paragraphs, added by chapter 587 of the acts of 1969, and inserting in place thereof the following paragraph:-

Every applicant who is an alien shall first serve as an apprentice for at least two years under the supervision of a registered barber before being eligible to take the examination for a registered barber. An alien shall not be allowed to take the examination unless he presents two affidavits satisfactory to the board stating that he is at least eighteen years of age and that he has been a barber for at least two years in a foreign country. The examination shall consist of a haircut, shampoo, shave, face massage and a scalp massage.

Approved April 19, 1979.

Chap. 108. AN ACT AUTHORIZING THE CITY OF FALL RIVER TO CONTRACT WITH THE TOWN OF TIVERTON, STATE OF RHODE ISLAND FOR THE TREATMENT AND DISPOSAL OF WASTEWATER, AND FOR PROVISIONS FOR NECESSARY FACILITIES WHEREVER LOCATED.

Be it enacted, etc., as follows:

SECTION 1. The city of Fall River is hereby authorized to enter into a contract with the town of Tiverton in the state of Rhode Island to participate in a system for the regional disposal of wastewater to serve the said city and town or any part or parts thereof.

SECTION 2. The city of Fall River is hereby further authorized to enter into contracts with the town of Tiverton in the state of Rhode Island to plan, construct, operate, maintain, extend and improve facilities located within or without said city and town for the purposes of the aforesaid regional wastewater treatment and disposal system including interceptors or other sewer lines which may transport wastewater from and to such regional wastewater treatment and disposal system, and including such wastewater and wastes collected by one or both of said city and

town.

SECTION 3. Notwithstanding the provisions of any law to the contrary, the city of Fall River is hereby authorized to accept wastewater and such waste disposal which originates in the state of Rhode Island.

SECTION 4. The city of Fall River is hereby authorized to acquire, construct, maintain, extend facilities for the purposes of this act which are located in the state of Rhode Island.

SECTION 5. No contract authorized by this act shall become effective until approved by the emergency finance board as provided in section four of chapter forty of the General Laws.

SECTION 6. For the purpose of paying capital costs incurred or required to be paid under any contract authorized by sections one and two, the city of Fall River may incur debt as provided in clause (15) of section eight of chapter forty-four of the General Laws.

SECTION 7. For the purposes of this act, the city of Fall River may apply for, accept, and receive financial assistance from the federal government and the commonwealth for the construction, acquisition, improvement or maintenance of facilities for the treatment of wastewater, industrial and other wastes, and the necessary facilities, equipment, furnishings and sewers integral to such facilities, and may also apply for, accept and receive, such financial assistance for planning assistance for the purpose of developing a comprehensive water pollution abatement plan for said city and town.

Approved April 19, 1979.

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Chap. 109. AN ACT FURTHER DEFINING GAS FITTING CORPORATION.

Be it enacted, etc., as follows:

Section 3B of chapter 142 of the General Laws, as most recently amended by section 6 of chapter 843 of the acts of 1977, is hereby further amended by adding the following sentence:- For the purpose of this section, a gas company, as defined in section one of chapter one hundred and sixty-four, shall be deemed a gas fitting corporation.

Approved April 20, 1979.

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Chap. 110. AN ACT FURTHER REGULATING THE LICENSE REQUIREMENTS FOR CERTAIN COMMERCIAL SHOOTING PRESERVES.

Be it enacted, etc., as follows:

The second paragraph of section 31 of chapter 131 of the General Laws is hereby amended by striking out clause (3), as most recently amended by section 6 of chapter 497 of the acts of 1973, and inserting in place thereof the following clause:-

(3) Every person hunting on such commercial shooting pre-

serves or participating in a shoot held under a commercial shooting preserve permit shall possess a valid resident or non-resident or alien resident or alien hunting or sporting license or a nonresident three day hunting license and good only on commercial shooting preserves. Falconry shall be permitted on commercial shooting preserves under existing hunting regulations provided the falconer meets the commonwealth's falconry requirements or is similarly licensed by another state.

Approved April 20, 1979.

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Chap. 111. AN ACT PROVIDING FOR THE PROMPT AND FAIR  
RESOLUTION OF CREDIT BILLING DISPUTES.

Be it enacted, etc., as follows:

SECTION 1. Section 1 of chapter 140C of the General Laws is hereby amended by striking out subsection (f<sub>2</sub>), inserted by section 1 of chapter 480 of the acts of 1978.

SECTION 2. Said section 1 of said chapter 140C is hereby further amended by striking out subsection (v<sub>2</sub>), inserted by section 3 of said chapter 480.

SECTION 3. Section 5 of said chapter 140C is hereby amended by striking out subsection (h<sub>2</sub>), inserted by section 3A of said chapter 480.

SECTION 4. Subsection (b) of section 6 of said chapter 140C is hereby amended by striking out clause (9), added by section 4 of said chapter 480.

SECTION 5. Subsection (c) of said section 6 of said chapter 140C is hereby amended by striking out clause (2<sub>2</sub>), inserted by section 5 of said chapter 480.

SECTION 6. Subclause (ii) of clause (3) of subsection (g) of said section 6 of said chapter 140C, as amended by section 4 of chapter 559 of the acts of 1978, is hereby further amended by striking out the first sentence and inserting in place thereof the following sentence:- 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, and as an erroneous billing under section nine B, and shall supply documentary evidence of the transaction whether or not the customer requests it, within the time period allowed under said section nine B for resolution of a billing error without charge to the customer.

SECTION 7. Said subsection (g) of said section 6 of said chapter 140C is hereby further amended by striking out clause (7), as appearing in section 14 of chapter 52 of the acts of 1977.

SECTION 8. Section 7 of said chapter 140C is hereby amended by striking out subsection (g), added by section 21 of said chapter 52, and inserting in place thereof the following subsection:-

(g) In addition to the requirements of this section, consumer credit other than open end which is extended on an account by use of a credit card shall also be subject to the requirements of clauses (5), (6) and (7) of subsection (a) of section six, clauses (1), (2), (3) and (8) of subsection (b) of said section six, section six A, subsections (b) and (c) of section six B, sections six C, six E and nine B of this chapter, and section twelve F of chapter two hundred and fifty-five.

SECTION 9. Said chapter 140C is hereby further amended by striking out section 9B, inserted by section 6 of chapter 480 of the acts of 1978, and inserting in place thereof the following section:-

Section 9B. The commissioner may prescribe from time to time rules and regulations consistent with the provisions of the Fair Credit Billing Act (Public Law 93-495, Title III) and the regulations promulgated thereunder, and a creditor upon whom such rules and regulations imposes duties or obligations, shall make or give to a customer the disclosures, information and notices required of him by such rules and regulations, and such disclosures, information and notices shall constitute compliance with the provisions of this chapter.

SECTION 10. This act shall take effect on January first, nineteen hundred and eighty.

Approved April 23, 1979.

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Chap. 112. AN ACT AUTHORIZING THE ACQUISITION OF EASEMENTS IN THE TOWN OF MARBLEHEAD BY THE SOUTH ESSEX SEWERAGE DISTRICT FOR THE CONSTRUCTION OF CERTAIN SEWERAGE FACILITIES.

Be it enacted, etc., as follows:

SECTION 1. The South Essex Sewerage District is hereby authorized to acquire from the town of Marblehead by grant or deed of conveyance, which said town is hereby authorized to make, or to acquire by eminent domain under the provisions of chapter seventy-nine of the General Laws through the South Essex Sewerage Board, acting on behalf of said district, easements in certain parcels of land hereinafter described, for the construction, laying, maintenance and operation of new and enlarged main sewers, pumping stations and other related sewerage works as shall be required to convey sewage from said town to the sewage treatment plant of the district in the city of Salem. Said lands are bounded and described as follows:

A permanent easement through, across, over and under certain park land in Marblehead as shown on a plan entitled "South Essex Sewerage District, Sewer Easement, Marblehead, Mass., Scale 1"=40', June, 1978, W. T. Foss Co., Engineers", and more particularly described as follows:

Beginning at a point on the Southwesterly side of Ocean Avenue, thence running  
 South 62° 59' 48" East a distance of 90.87 feet; thence turning and running  
 South 71° 13' 52" East a distance of 206.50 feet; thence turning and running  
 North 77° 28' 07" East a distance of 40.75 feet to the Southwesterly side of Ocean Avenue; thence turning and running  
 South 71° 13' 52" East by the Southwesterly side of Ocean Avenue a distance of 38.49 feet; thence turning and running  
 South 77° 28' 07" West a distance of 79.24 feet; thence turning and running  
 North 71° 13' 52" West a distance of 213.54 feet; thence turning and running  
 North 62° 59' 48" West a distance of 112.11 feet to the Southwesterly side of Ocean Avenue; thence turning and running  
 North 71° 43' 10" East by the Southwesterly side of Ocean Avenue a distance of 28.14 feet to the point of beginning.

SECTION 2. All property, real or personal, or any easements, owned by the town of Marblehead and located within said town, as described in section one of this act, acquired by eminent domain or otherwise or transferred to the district by said town for the purpose of conveying sewage, and constructed, maintained and operated for the sole use of said town, shall, when no longer needed for such purpose, be transferred by the South Essex Sewerage Board to said town, and said board shall execute, acknowledge and deliver such instruments as said town, acting through its board of selectmen, may determine necessary to effect such transfer of title as directed by section seven of chapter six hundred and forty-three of the acts of nineteen hundred and seventy-two.

SECTION 3. This act shall take effect upon its passage.  
 Approved April 24, 1979.

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Chap. 113. AN ACT AUTHORIZING THE CITY OF CHICOPEE TO PAY A CERTAIN SUM OF MONEY TO MARCEL LAFLEUR.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, the city of Chicopee is hereby authorized to appropriate money for the payment of, and after such appropriation the treasurer of said city is authorized to pay to Marcel LaFleur the sum of four hundred fifty-seven dollars and twenty-five cents, being the amount he would have received as an abatement on his property tax for the fiscal year nineteen hundred and seventy-six under the provisions of paragraph (e) of clause Twenty-second of section five of chapter fifty-nine of the General Laws as a disabled veteran.

SECTION 2. No amount shall be approved by the city auditor of said city for payment or paid by the treasurer under the authority of this act unless and until a certificate has been filed

with said city auditor by said Marcel LaFleur stating under the penalties of perjury that said abatement has not already been received and that he is by law entitled to receive it.

SECTION 3. Whoever violates the provisions of section two shall be punished by imprisonment for not more than one year or by a fine of not more than three hundred dollars, or both.

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

Approved April 24, 1979.

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Chap. 114. AN ACT DESIGNATING THE CASTLE ISLAND TERMINAL IN THE SOUTH BOSTON DISTRICT OF THE CITY OF BOSTON AS THE PAUL W. CONLEY TERMINAL.

Be it enacted, etc., as follows:

The Castle Island terminal in the South Boston district of the city of Boston shall be known and designated as the Paul W. Conley terminal. Suitable markers bearing said designation shall be erected by the Massachusetts Port Authority.

Approved April 24, 1979.

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Chap. 115. AN ACT PROVIDING THAT MEETINGS OF THE MASSACHUSETTS MUNICIPAL WHOLESALE ELECTRIC COMPANY BE SUBJECT TO THE OPEN MEETING LAW.

Be it enacted, etc., as follows:

Subsection (a) of section 19 of chapter 775 of the acts of 1975 is hereby amended by striking out, in line 1, the word "eleven B" and inserting in place thereof the word:- eleven A $\frac{1}{2}$ .

Approved April 24, 1979.

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Chap. 116. AN ACT RELATIVE TO MOTOR VEHICLE REGISTRATION FEES.

Be it enacted, etc., as follows:

The second paragraph of section 33 of chapter 90 of the General Laws, as appearing in section 75 of chapter 684 of the acts of 1975, is hereby further amended by striking out, in line 3, the word "therewith" and inserting in place thereof the words:- with the registration of any motor vehicle.

Approved April 24, 1979.

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Chap. 117. AN ACT RELATIVE TO NOTICE REQUIREMENTS IN CERTAIN ZONING MATTERS.

Be it enacted, etc., as follows:

The first paragraph of section 11 of chapter 40A of the General Laws, as amended by section 4C of chapter 829 of the acts of 1977, is hereby further amended by striking out the third

sentence and inserting in place thereof the following sentence:-  
 "Parties in interest" as used in this chapter shall mean the petitioner, abutters, owners of land directly opposite on any public or private street or way, and abutters to the abutters within three hundred feet of the property line of the petitioner as they appear on the most recent applicable tax list, notwithstanding that the land of any such owner is located in another city or town, the planning board of the city or town, and the planning board of every abutting city or town.

Approved April 24, 1979.

Chap. 118. AN ACT RELATIVE TO THE CERTIFICATE OF TITLE ON CERTAIN MOTOR VEHICLES.

Be it enacted, etc., as follows:

Chapter 176 of the acts of 1978 is hereby amended by adding the following section:-

Section 3. Section one of this act shall take effect on September first, nineteen hundred and seventy-nine.

Approved April 24, 1979.

Chap. 119. AN ACT PROHIBITING THE PILING, PUSHING OR PLOWING OF SNOW ONTO A STATE HIGHWAY.

Be it enacted, etc., as follows:

Chapter 85 of the General Laws is hereby amended by inserting after section 7A the following section:-

Section 7B. No person other than an employee in the service of the commonwealth or any political subdivision thereof or an employee in the service of an independent contractor acting for the commonwealth or any such subdivision shall pile, push or plow snow or ice onto a state highway so as to impede the flow of traffic on such way. Whoever violates this section shall be punished by a fine of not more than one hundred and fifty dollars.

Approved April 24, 1979.

Chap. 120. AN ACT EXEMPTING THE POSITION OF SUPERINTENDENT OF PUBLIC PARKS AND RECREATION IN THE CITY OF SPRINGFIELD FROM THE PROVISIONS OF THE CIVIL SERVICE LAW.

Be it enacted, etc., as follows:

SECTION 1. The position of superintendent of public parks and recreation in the park department of the city of Springfield shall not be subject to the provisions of chapter thirty-one of the General Laws.

SECTION 2. The provisions of section one shall not impair the civil service status of any person employed in the position of superintendent of public parks and recreation in the park depart-



ment of the city of Springfield on the effective date of this act.

SECTION 3. The superintendent of public parks and recreation shall be appointed, and be subject to removal in the same manner as the head of a city department under the city charter of Springfield.

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

Approved April 24, 1979.

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Chap. 121. AN ACT INCREASING MORTGAGE LOAN LIMITS  
FOR SAVINGS BANKS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to increase immediately certain mortgage loan limits for savings banks, therefore, it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Paragraph 3 of section 34 of chapter 168 of the General Laws is hereby amended by striking out the first sentence, as most recently amended by chapter 48 of the acts of 1973, and inserting in place thereof the following sentence:- Not more than seventy-five per cent of the total deposits of such corporation shall be invested in mortgage loans upon real estate; provided, that in addition to such seventy-five per cent an amount equivalent to fifteen per cent of the total deposits of such corporation may be invested in insured or guaranteed mortgage loans.

Approved April 24, 1979.

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Chap. 122. AN ACT AUTHORIZING A DESIGNEE OF THE  
COMMISSIONER OF THE DEPARTMENT OF EN-  
VIRONMENTAL QUALITY ENGINEERING TO  
TAKE CERTAIN ACTIONS PURSUANT TO THE  
WETLANDS PROTECTION ACT.

Be it enacted, etc., as follows:

SECTION 1. The thirteenth paragraph of section 40 of chapter 131 of the General Laws is hereby amended by striking out the second sentence, as appearing in section 241 of chapter 706 of the acts of 1975, and inserting in place thereof the following sentence:- The commissioner of environmental quality engineering or his designee also may request such a determination within said ten days.

SECTION 2. The eighteenth paragraph of said section 40 of said chapter 131 is hereby amended by striking out the third sentence, added by section 3 of chapter 363 of the acts of 1975, and inserting in place thereof the following sentence:- If the conservation commission, mayor, or selectmen, as the case may be, fail to act favorably within twenty-four hours of receipt of a request for certification of an emergency project, said project may be so certified by the commissioner or his designee.

Approved April 27, 1979.

Chap. 123. AN ACT DESIGNATING THE PARK TO BE CON-  
STRUCTED AT THE SITE OF THE CHELSEA  
NAVAL HOSPITAL IN THE CITY OF CHELSEA  
AS THE MARY O'MALLEY MEMORIAL PARK.

Be it enacted, etc., as follows:

The park to be constructed at the Chelsea Naval Hospital site in the city of Chelsea, upon its completion, shall be designated and known as the Mary O'Malley Memorial park, in memory of Mary O'Malley, a resident of the city of Chelsea, who devoted her adult life to the Chelsea land bank advisory committee, and was instrumental in such project. A suitable marker bearing said designation shall be attached thereto by the metropolitan district commission.

Approved April 30, 1979.

Chap. 124. AN ACT AUTHORIZING THE TOWN OF DUXBURY  
TO REIMBURSE A POLICE OFFICER FOR CER-  
TAIN LEGAL EXPENSES INCURRED BY HIM.

Be it enacted, etc., as follows:

SECTION 1. The town of Duxbury is hereby authorized to expend nine thousand seven hundred and fifty dollars from available funds to reimburse Richard J. Bayramshian, a police officer in said town for legal expenses incurred by him in the defense of a criminal indictment against him, which defense resulted in a finding of not guilty.

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

Approved May 4, 1979.

Chap. 125. AN ACT FURTHER REGULATING THE AUTHORITY  
OF SAVINGS BANKS TO OFFER AND ACCEPT IN-  
DIVIDUAL RETIREMENT PLANS AND ACCOUNTS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is, in part, to further allow savings banks to act as, and receive deposits from, trustees or custodians for individual retirement accounts, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Paragraph 2 of section 21 of chapter 168 of the General Laws, as most recently amended by section 1 of chapter 103 of the acts of 1978, is hereby further amended by striking out the first sentence and inserting in place thereof the following sentence:- The limitations of paragraph 1 of this section shall not apply to deposits of the following classes:- deposits by trustees or custodians appointed pursuant to the provisions of the Self-Employed Individuals Tax Retirement Act of 1962 (Public Law 87-792) or pursuant to the provisions of the Employee Retirement Income Security Act of 1974 (Public Law 93-406) or pursuant to the provisions of section 152 of the Revenue Act

of 1978 (Public Law 95-600); deposits by the commonwealth or any city, town or county of the commonwealth or by any instrumentality thereof; deposits by a religious, charitable or educational corporation or organization, labor union, credit union, or fraternal society; deposits in the name of a judge of probate, or by order of any court; deposits of any trust fund held by a town for public uses; deposits of funds representing replacement reserves or similar accumulations required under the provisions of any mortgage held by such corporation and insured by the federal housing administrator, referred to in paragraph 11 of section thirty-five and in section fifty-one of chapter one hundred and sixty-seven; deposits of the funds of the Savings Banks Employees Retirement Association; deposits in such corporation acquired by any person or persons by inheritance or bequest; deposits of funds of a corporation, partnership, association or other business entity, provided that the deposit accounts of any such depositor shall not exceed one hundred and fifty thousand dollars; deposits of the funds of any private retirement or pension system or association, provided that the deposit accounts of any one such private system or association shall not, except by the accumulation of interest, be permitted to exceed, at any one time, 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.

SECTION 2. Said chapter 168 is hereby further amended by striking out section 66B, as amended by section 2 of chapter 685 of the acts of 1975, and inserting in place thereof the following section:-

Section 66B. Such corporation may act as trustee or custodian under a retirement plan or individual retirement account which, in the judgment of such corporation at the time appointment as such trustee or custodian is accepted, is established pursuant to the provisions of the Self-Employed Individuals Tax Retirement Act of 1962 (Public Law 87-792) or pursuant to the provisions of section 2002 of the Employee Retirement Income Security Act of 1974 (Public Law 93-406) or pursuant to the provisions of section 152 of the Revenue Act of 1978 (Public Law 95-600) if the provisions of such plan have been approved by the commissioner and permit any of the funds of such trust or custodial account to be invested in savings bank deposits. No funds held by such corporation as such trustee or custodian shall be invested otherwise than in savings bank deposits, properly qualified life insurance retirement income policies or other investments legal for savings banks, or any combination thereof, as each such plan may prescribe or permit. Every advertisement, announcement, or solicitation for such a plan or account, shall state in a clear and conspicuous manner, the amounts of any contributions and earnings thereon, subject to state and federal taxable income.

Approved May 4, 1979.

SIONERS OF BERKSHIRE COUNTY TO BORROW MONEY FOR THE PREPARATION OF PLANS AND SPECIFICATIONS, SITE SELECTION AND TO HAVE LAND OPTIONS FOR THE PURPOSE OF CONSTRUCTING A JAIL AND HOUSE OF CORRECTION FOR SAID COUNTY.

Be it enacted, etc., as follows:

SECTION 1. The county commissioners of Berkshire county are hereby authorized and directed to prepare plans and specifications, including any necessary test borings or land surveys, to provide for the construction of suitable and adequate facilities for a jail and house of correction within said county and to acquire any necessary land options required for such purpose. The total cost of said jail and house of correction including land acquisition shall be no more than eight million dollars.

SECTION 2. For the purposes set forth in section one, the treasurer of said county, with the approval of the county commissioners, may borrow upon the credit of the county such sums as may be necessary, not exceeding, in the aggregate, two hundred and fifty thousand dollars, and may issue bonds or notes of the county therefor, which shall bear on their face the words, Berkshire County Jail and House of Correction Building Loan, Act of 1979. Each authorized issue shall constitute a separate loan and such loans shall be payable in not more than ten years from their dates. The bonds or notes shall be signed by the county treasurer and countersigned by a majority of the county commissioners. The county may sell said securities at public or private sale upon such terms and conditions as the county commissioners may deem proper, but not for less than their par value. Indebtedness incurred hereunder shall, except as herein provided, be subject to chapter thirty-five of the General Laws.

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

Approved May 4, 1979.

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Chap. 127. AN ACT RELATIVE TO THE MEMBERSHIP OF THE JOINT SCHOOL COMMITTEE IN THE TOWNS OF NEW SALEM AND WENDELL.

Be it enacted, etc., as follows:

Section 2 of chapter 385 of the acts of 1974, is hereby amended by striking out, in line 12, the words "the members", and inserting in place thereof the words:- three members from each.

Approved May 4, 1979.

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Chap. 128. AN ACT AUTHORIZING THE COUNTY COMMISSIONERS OF FRANKLIN COUNTY TO EXPEND FUNDS TO DETERMINE THE FEASIBILITY OF RENOVATING CERTAIN PROPERTY IN THE TOWN OF GREENFIELD FOR USE AS A COUNTY OFFICE BUILDING.

Be it enacted, etc., as follows:

Chapter 772 of the acts of 1977 is hereby amended by striking out section 1 and inserting in place thereof the following two sections:-

Section 1. For the purpose of providing an addition to the trial court building in the town of Greenfield for the superior court department of the trial court, the division of the probate and family court department of the trial court and the division of the district court department of the trial court, the county commissioners of Franklin county are hereby authorized, for the purpose of taking site borings and the drawing of preliminary plans and specifications for the construction of said addition or for determining the feasibility and cost of purchasing and renovating property within said town for use as a county office building to expend from available funds, a sum not to exceed forty-five thousand dollars.

Section 2. The cost of constructing and originally equipping such an addition or for purchasing and renovating such property shall not exceed one million dollars.

Approved May 4, 1979.

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Chap. 129. AN ACT PROVIDING THAT IN THE TOWN OF NORWOOD A PETITION FOR RECALL SHALL BE SIGNED BY AT LEAST FIVE HUNDRED QUALIFIED VOTERS.

Be it enacted, etc., as follows:

Section 28 of chapter 197 of the acts of 1914 is hereby amended by striking out the sixth sentence and inserting in place thereof the following sentence:- Said petition before being returned and filed shall be signed by five hundred qualified voters, and to every such signature shall be added the place of residence of the signer, giving the street and number.

Approved May 4, 1979.

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Chap. 130. AN ACT FURTHER REGULATING THE IMPANELLING OF GRAND JURIES IN SUFFOLK AND WORCESTER COUNTIES.

Be it enacted, etc., as follows:

SECTION 1. Chapter 277 of the General Laws is hereby amended by striking out section 2, as most recently amended by section 2 of chapter 415 of the acts of 1966, and inserting in place thereof the following section:-

Section 2. The clerk of the superior court for criminal business in Suffolk county shall, not less than twenty-eight days before the first Mondays of January and July, respectively, issue writs of venire facias for fifty veniremen of whom forty-one shall be from Boston and three each from Chelsea, Revere and Winthrop. From these fifty veniremen the court shall then select twenty-three grand jurors to serve in said court, who shall serve for each

sitting thereof for six months and until another grand jury has been impanelled in their stead.

SECTION 2. Said chapter 277 is hereby further amended by striking out section 2E, as amended by section 1 of chapter 518 of the acts of 1978, 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 fifty 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 May 4, 1979.

Chap. 131. AN ACT RELATIVE TO CHARGES FOR THE USE OF CERTAIN DISPOSAL FACILITIES.

Be it enacted, etc., as follows:

Chapter 111 of the General Laws is hereby amended by striking out section 31D, as most recently amended by section 173 of chapter 706 of the acts of 1975, and inserting in place thereof the following section:-

Section 31D. Cities, towns and sewerage districts may, subject to the approval of the department of environmental quality engineering, provide facilities for the receipt and disposal of privy, cesspool and septic tank contents collected for hire by private persons and may establish such charges for the use of such facilities as may be necessary for defraying the cost of construction, operating and maintaining the same.

The commissioner of environmental quality engineering may investigate facilities for the receipt and disposal of privy, cesspool and septic tank contents in cities, towns and sewerage districts. If in his opinion he determines such facilities are inadequate for proper disposal of such contents, he may recommend necessary action for the protection of the public. If after a reasonable time, the city, town or sewerage district fails to act upon his recommendation in a manner satisfactory to him, upon an order issued by the department of environmental quality engineering, a city, town or sewerage district shall provide facilities for the receipt and disposal of privy, cesspool and septic tank contents collected for hire by private persons. The city, town or sewerage district may establish such charges for the use of such facilities as may be necessary for defraying the cost of constructing, operating and maintaining the same.

Nothing in this section shall prevent a city, town or sewerage district, or a combination of cities and towns or cities, towns and a sewerage district from acting jointly in carrying out the provisions of this section.

Approved May 4, 1979.

Chap. 132. AN ACT AUTHORIZING REGIONAL SCHOOL DISTRICTS TO REDUCE ANNUAL ASSESSMENTS TO MEMBER TOWNS AND REGULATING THE EFFECT OF THE RECERTIFICATION OF THE AMOUNTS OF SAID ASSESSMENTS.

Be it enacted, etc., as follows:

Section 16B of chapter 71 of the General Laws, as most recently amended by chapter 823 of the acts of 1977, is hereby further amended by adding the following paragraph:-

At any time after the adoption of the annual budget, the regional school district committee may reduce the amount to be raised by assessment to the several towns and reapportion the reduced amount in accordance with the terms of the agreement for apportionment of costs. The regional school district treasurer shall recertify the amounts reapportioned to the treasurers of the several towns within thirty days from the date on which the district school committee votes to reduce the annual budget. If the recertification is made after the annual town meeting referred to in the first paragraph of this section, the amount recertified shall be considered an amendment to the amount required to have been appropriated at that meeting without the necessity for further action by the town, and, if the annual assessment of taxes has not been made, the town assessors shall include only the amount so recertified in making the annual assessment of taxes under the provisions of section twenty-three of chapter fifty-nine.

Approved May 7, 1979.

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Chap. 133. AN ACT FURTHER REGULATING THE SERVICE TO BE PROVIDED BY THE WOODS HOLE, MARTHA'S VINEYARD AND NANTUCKET STEAMSHIP AUTHORITY.

Be it enacted, etc., as follows:

SECTION 1. Section 16 of chapter 701 of the acts of 1960 is hereby amended by striking out the fourth paragraph and inserting in place thereof the following paragraph:-

Except as provided herein, nothing contained in this act or in said chapter five hundred and forty-four of the acts of nineteen hundred and forty-eight, as amended by chapter one hundred and forty-two of the acts of nineteen hundred and forty-nine, chapter four hundred and forty-nine of the acts of nineteen hundred and fifty-four, chapter six hundred and twenty-two of the acts of nineteen hundred and fifty-four and chapter seven hundred and forty-seven of the acts of nineteen hundred and fifty-six, shall be deemed or construed to require that said Woods Hole, Martha's Vineyard and Nantucket Steamship Authority provide ferry runs or such transportation of passengers, vehicles or freight to or from any point on the mainland of the commonwealth to or from any other such point or to and from the islands of Martha's Vineyard or Nantucket; provided, however, that except in cases of emergency or necessity, said ferry runs or such transportation shall be provided to and from the port of Woods Hole to and from the island of Martha's Vineyard; provided, further,

that except in cases of emergency or necessity, said ferry runs or such transportation shall be provided to and from the mainland to and from the island of Nantucket; and provided, further, that for no less than the period of April first to December thirty-first of each year said ferry runs or such transportation shall be provided to and from inner Lewis Bay, in the town of Barnstable, to and from the island of Nantucket.

SECTION 2. This act shall take effect upon its passage.  
Approved May 7, 1979.

Chap. 134. AN ACT RELATIVE TO CALL OF THE MILITARY FORCES OF THE COMMONWEALTH IN CASE OF PUBLIC CATASTROPHE OR NATURAL DISASTER.

Be it enacted, etc., as follows:

SECTION 1. Chapter 33 of the General Laws is hereby amended by striking out section 41, as appearing in section 1 of chapter 590 of the acts of 1954, and inserting in place thereof the following section:-

Section 41. In case of a tumult, riot, mob or body of persons acting together by force to violate or resist the laws of the commonwealth, or when such tumult, riot or mob is threatened, or in case of public catastrophe or natural disaster, and the usual police provisions are inadequate to preserve order and afford protection to persons and property, and the fact appears to the commander-in-chief, to the sheriff of a county, to the mayor or city manager of a city or to the selectmen of a town, the commander-in-chief, upon his initiative or at the request of such sheriff, mayor or city manager or selectmen, may issue his order directed to the commander of any organization or unit of the armed forces of the commonwealth directing him to order his command, or any part thereof, to appear at a time and place therein specified to aid the civil authority in suppressing such violations, preserving order, affording such protection and supporting the laws.

SECTION 2. Section forty-two of said chapter thirty-three is hereby repealed.

(The foregoing was laid before the Governor on the 25th day of April, 1979 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. 135. AN ACT RELATIVE TO THE CONDUCT OF CERTAIN MUNICIPAL EMPLOYEES.

Be it enacted, etc., as follows:

The third paragraph of section 20 of chapter 268A of the General Laws, as appearing in section 1 of chapter 779 of the acts of 1962, is hereby amended by inserting after the word "section", in line 19, the words:- , or (e) to a municipal employee who receives benefits from programs funded by the United States or



any other source in connection with the improvement or rehabilitation of his residence to the extent permitted by the funding agency.

Approved May 9, 1979.

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Chap. 136.     AN ACT AUTHORIZING DEDUCTIONS FROM  
PENSION AND RETIREMENT ALLOWANCES OF  
RETIRED EMPLOYEES OF THE MASSACHUSETTS  
TURNPIKE AUTHORITY FOR DEPOSIT IN THE  
TURNPIKE CREDIT UNION.

Be it enacted, etc., as follows:

SECTION 1. Subdivision (4½) of section 20 of chapter 32 of the General Laws, inserted by section 14 of chapter 597 of the acts of 1967, is hereby amended by adding the following paragraph:-

(g) Notwithstanding the provisions of section nineteen, the treasurer-custodian of the Massachusetts Turnpike Authority Employees' Retirement System may deduct from the pension or retirement allowance of a retired employee of the Massachusetts Turnpike Authority such sum as such retired employee may specify in writing and shall transmit the same to the Turnpike Credit Union for deposit in the account of such retired employee.

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

Approved May 10, 1979.

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Chap. 137.     AN ACT DESIGNATING THE ACCESS ROADS TO  
ROUTE 9, ON THE NORTHERLY AND SOUTHERLY  
SIDES THEREOF, STATE HIGHWAYS IN THE TOWN  
OF WESTBOROUGH, AS COMPUTER DRIVE AND  
RESEARCH DRIVE.

Be it enacted, etc., as follows:

SECTION 1. The access road to Route 9, situated on the northerly side thereof, from Lyons street and Flanders road to its termination, a state highway in the town of Westborough, shall be known and designated as Computer drive. Suitable markers bearing such designation shall be erected along said roadway by the department of public works in compliance with the standards of said department.

SECTION 2. The access road to Route 9, situated on the southerly side thereof from Lyons street and Flanders road to its termination, a state highway in the town of Westborough, shall be known and designated as Research drive. Suitable markers bearing such designation shall be erected along said roadway by the department of public works in compliance with the standards of said department.

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

Approved May 10, 1979.

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Chap. 138.     AN ACT INCREASING THE AMOUNT A SAVINGS

BANK MAY LOAN ON CERTAIN SECURED TRANSACTIONS.

Be it enacted, etc., as follows:

Chapter 168 of the General Laws is hereby amended by striking out section 37C, inserted by section 1 of chapter 229 of the acts of 1976, and inserting in place thereof the following section:-

Section 37C. Such corporation may make or acquire loans, secured by a mortgage, other than a first lien, on residential real estate for noncommercial or nonbusiness purposes to an aggregate amount not exceeding twenty-five thousand dollars.

Approved May 10, 1979.

Chap. 139. AN ACT RELATIVE TO THE SAVINGS BANKS EMPLOYEES RETIREMENT ASSOCIATION.

Be it enacted, etc., as follows:

Section 74 of chapter 168 of the General Laws is hereby amended by striking out the third paragraph, as most recently amended by section 1 of chapter 251 of the acts of 1974, and inserting in place thereof the following paragraph:-

Eligible employees may contribute a portion of their salaries or wages, to be deducted by the employing banks and paid to the association. A participating bank may contribute to the funds of the association to the extent determined by its trustees, but its contributions for future services, as defined in the by-laws, on account of any employee shall not exceed such employee's contributions or five per cent of his salary or wages, whichever is less, and an additional amount of not more than the said five per cent, except to the extent permitted by the by-laws as follows. The by-laws may provide that such contributions shall be used to provide pensions determined by a formula if (1) at the time of any amendment of the by-laws and on the basis of reasonable actuarial assumptions the association's enrolled actuary determines actuarially that such contributions will be sufficient to provide such pensions, and (2) to the extent such contributions become insufficient as a result of unfavorable actuarial experience, the by-laws provide for additional contributions. A participating bank may also contribute for past service, as defined in the by-laws, amounts necessary to provide eligible employees with an annuity or pension to begin at age sixty-five or later, such annuity or pension not to exceed one and one-half per cent of the average salary for the five years preceding the date such bank joins the association for each year, but not exceeding twenty-five years, of continuous employment between age thirty and the date of such joining. If upon retirement after December thirty-first, nineteen hundred and fifty-eight from a participating bank of an employee eligible for retirement under the by-laws of the association (a) the annuity or pension, as determined on a fixed benefit basis prior to any conversion to any variable pension which may then be available under the by-laws of the association, provided by contributions from any and all banks, as defined in the second paragraph of this section, to the association or to any retirement

plan established by any such bank pursuant to chapter two hundred and eighty-three of the acts of nineteen hundred and forty-eight, for the benefit of such employee on account of past and future service plus one-half of his primary social security benefit shall, in the aggregate, be less than (b) an amount equal to two per cent of such employee's highest average salary for any three successive years within the five years next preceding the date of his retirement for each year of his service with any and all banks as so defined, not exceeding twenty-five years, such participating bank, through the association, may provide such employee, upon his retirement after December thirty-first, nineteen hundred and fifty-eight, with a supplemental annuity or pension in monthly or other periodic instalments not exceeding in any one year the difference obtained by subtracting the annual total of (a) from the annual total of (b) above provided; and to give effect to the foregoing provisions of this sentence, such participating bank, at any time before or after such employee's retirement, may contribute to the funds of the association such amounts as may be necessary to provide such supplemental annuity or pension.

Approved May 10, 1979.

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Chap. 140. AN ACT PROVIDING FOR ANNUAL PUBLIC HEARING BY THE WOODS HOLE, MARTHA'S VINEYARD AND NANTUCKET STEAMSHIP AUTHORITY ON THE ISLANDS OF MARTHA'S VINEYARD AND NANTUCKET.

Be it enacted, etc., as follows:

Chapter 701 of the acts of 1960 is hereby amended by inserting after section 15A, inserted by chapter 102 of the acts of 1979, the following section:-

Section 15B. The Authority shall annually hold at least one public hearing on each of the islands of Martha's Vineyard and Nantucket. Each such hearing shall be advertised in a newspaper or newspapers of general circulation on the island where said hearing is to be located at least seven days prior to said hearing.

Approved May 10, 1979.

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Chap. 141. AN ACT DESIGNATING A BRIDGE ON INTERSTATE HIGHWAY ROUTE 195 IN THE TOWN OF SWANSEA AS THE CONSTABLE CHARLES H. BARROW BRIDGE.

Be it enacted, etc., as follows:

The bridge on James Reynolds road in the town of Swansea over the Interstate Highway Route 195 shall be designated and known as the Constable Charles H. Barrow bridge, in memory of Charles H. Barrow who was an outstanding and dedicated public servant. A suitable marker bearing such designation shall be attached thereto by the department of public works in compliance

with the standards of said department and as authorized by the federal highway administration.

Approved May 10, 1979.

Chap. 142. AN ACT DESIGNATING THE INTERCHANGE OF UNITED STATES HIGHWAY ROUTE 495, ON ROUTES 24 AND 25 IN THE TOWNS OF BRIDGEWATER AND RAYNHAM AS THE LANCE CORPORAL LAWRENCE K. DOWD INTERCHANGE.

Be it enacted, etc., as follows:

The Interchange on United States Highway Route 495, on Routes 24 and 25 in the towns of Bridgewater and Raynham shall be designated and known as the Lance Corporal Lawrence K. Dowd Interchange, in memory of Lawrence K. Dowd, who was killed in action while serving as a member of the United States Marine Corps in the Vietnam conflict. The department of public works shall attach suitable markers bearing said designation in compliance with the standards of said department and as authorized by the federal highway administration.

Approved May 10, 1979.

Chap. 143. AN ACT DESIGNATING THE BRIDGE OVER ROUTE 52 ON SUTTON AVENUE IN THE TOWN OF OXFORD AS THE GENERAL EBENEZER LEARNED BRIDGE.

Be it enacted, etc., as follows:

The bridge over Route 52 on Sutton avenue in the town of Oxford shall be designated and known as the General Ebenezer Learned bridge, in memory of General Ebenezer Learned who served his country with honor and distinction during the revolutionary war period. A suitable marker bearing said designation shall be attached thereto by the department of public works in compliance with the standards of said department and as authorized by the federal highway administration.

Approved May 10, 1979.

Chap. 144. AN ACT RELATIVE TO SECURITY DEPOSITS HELD BY CERTAIN BANKS.

Be it enacted, etc., as follows:

Section 56C of chapter 167 of the General Laws, inserted by section 1 of chapter 553 of the acts of 1978, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- Any bank, national banking association, savings and loan association, or federal credit union may establish an account to receive deposits from a lessor acting as a trustee for funds received and held by such trustee pursuant to paragraph (a) of subsection (3) of section fifteen B of chapter one hundred and eighty-six.

Approved May 10, 1979.

Chap. 145. AN ACT PROVIDING FOR REGISTRATION ON CERTAIN SECOND SATURDAYS PRECEDING THE LAST DAY TO REGISTER.

Be it enacted, etc., as follows:

Chapter 51 of the General Laws is hereby amended by striking out section 28, as most recently amended by section 1 of chapter 529 of the acts of 1976, and inserting in place thereof the following section:-

Section 28. They shall hold a continuous session from nine o'clock ante meridian until ten o'clock in the evening on the last day for registration prescribed under section twenty-six, except that in towns having less than three hundred voters said session shall be sufficient if it includes the time from two to four o'clock in the afternoon and from seven to ten o'clock in the evening; provided, however, that they shall hold a continuous session from twelve o'clock noon until eight o'clock in the evening on the Saturday preceding the last day for registration for all elections; provided, however, that if such Saturday is not more than two days before a legal holiday, such session shall be held on the second Saturday preceding the last day to register to vote.

Approved May 10, 1979.

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Chap. 146. AN ACT AUTHORIZING THE COMMISSIONER OF LABOR AND INDUSTRIES TO SUSPEND THE OPERATION OF CERTAIN LABOR LAWS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is, in part, to immediately provide for the alleviation of emergency or hardship conditions in an industry, branch of an industry, or individual establishment, by continuing without interruption the temporary authority of the commissioner of labor and industries to suspend the application or operation of any provision of chapter one hundred and forty-nine of the General Laws or of any rule or regulation made thereunder, regulating, limiting or prohibiting the employment of persons, or of minors over the age of sixteen, or both, therefore, it is hereby declared to be an emergency law, necessary for the immediate protection of the public convenience.

Be it enacted, etc., as follows:

The commissioner of labor and industries is hereby authorized in conformity with Article XX of Part the First of the Constitution of the Commonwealth, to suspend until July first, nineteen hundred and eighty-one the application or operation of any provision of chapter one hundred and forty-nine of the General Laws or of any rule or regulation made thereunder, regulating, limiting or prohibiting the employment of persons, or of minors over the age of sixteen, or both. The commissioner shall exercise this authority when he finds, after opportunity has been given to interested parties to be heard, that an emergency exists or that conditions of hardship in an industry, branch of an industry, or individual establishment require or justify the suspension of any provision of such laws, rules or regulations. Suspensions issued by the

commissioner shall prescribe, and may be either granted or limited to, one or more particular departments, operations or occupations within an establishment or a particular industry or branch of an industry. The commission shall appoint industry advisory committees, on which employers and employees shall be equally represented, to consult and advise with him in matters relating to the suspension authorized by this act.

Approved May 11, 1979.

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Chap. 147. AN ACT MAKING APPROPRIATIONS FOR THE FISCAL YEAR NINETEEN HUNDRED AND SEVENTY-NINE FOR THE MAINTENANCE 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-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.

MIDDLESEX COUNTY.

Item

1.	For personal services	\$5,229,000 00
2.	For contractual services	725,000 00
3.	For supplies and materials	657,000 00
4.	For current charges and obligations	554,040 00
5.	For equipment	37,923 00
8.	For debt and interest	287,000 00
10.	For unpaid bills of previous years	383,242 25
11.	For reserve fund	5,000 00
12.	For group insurance	350,000 00
	For total expenditures	<u>\$8,228,205 25</u>

SECTION 2. Notwithstanding the provisions of any general or special law to the contrary, authority is hereby granted to pay collective bargaining agreements for previous years from funds allocated in item 10.

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

Approved May 11, 1979.

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Chap. 148. AN ACT RELATIVE TO SAFETY DOORS AND WINDOWS IN RAILROAD PASSENGER CARS.

Be it enacted, etc., as follows:

SECTION 1. Chapter eight hundred and fifty-three of the acts of nineteen hundred and sixty-seven is hereby repealed.

SECTION 2. Chapter 160 of the General Laws is hereby amended by inserting after section 163A the following section:-

Section 163B. No railroad corporation shall operate a passenger car manufactured after January first, nineteen hundred and seventy-nine, unless it is equipped with at least two windows on each side of said car designed to allow quick and easy egress in case of an emergency, and with access doors which shall open outward from the passenger area of the car, or which slide laterally into the wall of the car.

Approved May 11, 1979.

Chap. 149. AN ACT REQUIRING CERTAIN INSURERS TO  
PAY CERTAIN INSURANCE PREMIUMS TO  
INDEPENDENT LICENSED INSURANCE AGENTS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately require certain insurers to pay the premium commission earned by certain insurance agents, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

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Be it enacted, etc., as follows:

Chapter 175 of the General Laws is hereby amended by inserting after section 162C the following section:-

Section 162D. Any insurer issuing or delivering in the commonwealth either motor vehicle policies or bonds, as defined in sections thirty-four A and thirty-four O of chapter ninety, which do business in the commonwealth through independent licensed insurance agents pursuant to the so-called American Agency System shall pay each agent the indicated expense premium commission as established by the commissioner in his opinion, findings and decision on automobile insurance rates as commission only, and no portion of the indicated expense premium commission shall be considered as profit sharing or expense reimbursement. The insurer shall be allowed a variation in the commission paid to each agent of not more than plus or minus ten per cent of the dollar commission established in the commissioner's findings; provided, however, the insurer shall be required to pay to its agents all of the commission dollars allowed in the rates as commissions. Nothing in this act shall prevent any insurer from paying any additional compensation in the form of commission overrides, bonuses, profit sharing benefits and expense reimbursements.

(The foregoing was laid before the Governor on the 1st day of May, 1979 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.)

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Chap. 150. AN ACT AUTHORIZING THE CONSTRUCTION OF  
AN ADDITION TO THE EXISTING GYMNASIUM  
AT THE ESSEX AGRICULTURAL AND TECHNICAL  
INSTITUTE.

Be it enacted, etc., as follows:

SECTION 1. The trustees of the Essex Agricultural and Technical Institute are hereby authorized to construct and equip an addition to the existing gymnasium at Essex Agricultural and Technical Institute to include locker rooms, health rooms, showers, toilet facilities, and storage areas for female students. Said trustees shall interview no less than three architects before awarding the architectural contract for the drafting of the plans and specifications for the construction of said addition.

SECTION 2. For the purposes of section one, the treasurer of said county, with the approval of the county commissioners, may

borrow upon the credit of the county such sums as may be necessary, not exceeding, in the aggregate, three hundred thousand dollars, and may issue bonds or notes of the county thereof, which shall bear on their face the words, Essex County Agricultural School Building Loan, Act of 1979. Each authorized issue shall constitute a separate loan and such loans shall be payable in not more than ten years from their dates. The bonds or notes shall be signed by the county treasurer and countersigned by a majority of the county commissioners. The county may sell 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. This act shall take effect upon its acceptance, during the current year, by the county commissioners of Essex county.

Approved May 11, 1979.

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Chap. 151. AN ACT IMPOSING LIMITATIONS ON PROPERTY TAX LEVIES AND EXPENDITURES OF CITIES, TOWNS AND OTHER LOCAL GOVERNMENTAL UNITS DEPENDENT ON THE PROPERTY TAX.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is, in part, to impose limitations on the spending of those units of government which are funded by taxation of real property in order to afford relief to homeowners and renters and to attract 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. Notwithstanding the provisions of any general or special law to the contrary, the provisions of this act shall be equally applicable to all three hundred and fifty-one cities and towns, to all districts which have the authority to levy directly a property tax and to all governing bodies and governmental units.

SECTION 2. Whenever used in the text of this act, the following words and terms shall have the following meanings:-

"Appropriations", all sums of money voted by a city or town, or by a district which has the authority to levy directly a property tax, to be raised from the tax levy, from free cash, from other available funds or from federal revenue sharing funds, except for sums which are required (a) for the payment of prin-



cipal and interest on bonds, notes or certificates of indebtedness; (b) for the payment of pension costs and retirement allowances; (c) for the payment of those amounts required to be raised as a condition of a state or federal grant; (d) for the payment of assessments made by a governmental unit on the basis of a budget which does not exceed the limit or increased limit certified by the commissioner of revenue pursuant to section thirteen; (e) for the payment of sums voted for city, town or district revenue-producing enterprises, including but not limited to municipal hospitals and municipal water, sewer, electric and gas facilities, but only to the extent that such sums are paid from fees and charges; (f) for the payment of the costs of unemployment compensation; and (g) for the payment of increases in the rates charged for special education children enrolled in institutional placements on or before the effective date of this act.

"Budget", all sums of money to be used by a governmental unit or by a school committee of a city or town for operations, maintenance and capital outlay, except for sums which are (a) required for the payment of principal and interest on bonds or notes; (b) required for the payment of pension costs and retirement allowances; (c) required for the payment of those amounts required as a condition of a federal or state grant and the proceeds of any such grant; (d) raised from the proceeds of duly authorized bonds or notes; (e) for the payment of the costs of unemployment compensation; and (f) for the payment of increases in the rates charged for special education children enrolled in institutional placements on or before the effective date of this act.

"Governing body", the board, committee, commissioners or other legislative body of a governmental unit including the school committee of any city or town.

"Governmental unit", any county or district which does not levy directly a property tax, including a regional school district, transit authority, including the Massachusetts Bay Transportation Authority, excluding the Woods Hole, Martha's Vineyard and Nantucket Steamship Authority, and any other unit of local government the budget of which is financed in whole or in part by sums raised in the property tax levy of any one or more cities and towns.

"Levy", the gross amount to be raised in accordance with law by a city or town or by a district which has the authority to levy directly a property tax in any fiscal year after deducting therefrom (a) amounts assessed as an overlay or to cover overlay deficits, shortfalls in estimated receipts used for calculating the tax levy for prior years; (b) amounts necessary to pay final judgments or other expenditures ordered by any court of the Commonwealth or the United States; (c) amounts necessary to provide for the payments of charges and assessments under any general or special law as certified by the commissioner of revenue under the provisions of section twenty-one of chapter fifty-nine of the General Laws; (d) amounts necessary for the payments of charges and assessments made by a governmental unit on the basis of a budget which does not exceed the limit or increased limit certified by the commissioner of revenue pursuant to section thirteen; (e) amounts which are required for the payment of principal and interest on bonds, notes or certificates of indebtedness issued by the city, town or district or for the city, town or district's apportioned share of the principal and interest on bonds or notes issued

by a governmental unit; (f) amounts necessary for the payment of pension costs and retirement allowances; (g) amounts necessary for the payment of those amounts required to be raised as a condition of a state or federal grant; (h) for the payment of the costs of unemployment compensation; and (i) for the payment of increases in the rates charged for special education children enrolled in institutional placements on or before the effective date of this act.

"Local appropriating authority", in a town, the town meeting; in a city, the council, with the mayor's approval when required by law; and in a district which has the power to levy directly a property tax, the district meeting.

SECTION 3. No governing body shall approve a budget which is greater than one hundred and four per cent of the budget approved by said governing body for the preceding fiscal or calendar year, whichever is applicable; provided, however, that said budget may be increased by those amounts approved in accordance with the applicable provisions of sections six, seven, eight, eight A, nine and ten. In the case of a county, such budget shall be decreased by those amounts appropriated for the costs of county courts and district attorneys in the fiscal year ending June thirtieth, nineteen hundred and seventy-nine, which costs are to be assumed by the commonwealth, under the provisions of chapter four hundred and seventy-eight of the acts of nineteen hundred and seventy-eight.

SECTION 4. No local appropriating authority shall approve appropriations which are greater than one hundred and four per cent of the appropriations approved by said authority for the preceding fiscal year; provided, however, that said appropriations may be increased by those amounts approved in accordance with the applicable provisions of sections six, seven and eleven; and provided, further, that such appropriations shall be further decreased by any amount made available by a revenue-producing enterprise previously funded in whole or in part by the property tax. In any city, town or district with a population of twenty-five hundred or more, if a local appropriating authority approves appropriations in excess of the appropriations limit established in this section but said approval is not by a two-thirds vote, said local appropriating authority may amend said appropriations, in whole or in part, in order to make said appropriations conform with said appropriations limit. Appropriations so amended may exceed said appropriations limit if approved by a two-thirds vote.

SECTION 5. No property tax levy in any city or town or in any district which levies directly a property tax shall be assessed by the assessors under the provisions of section twenty-three of chapter fifty-nine of the General Laws which is greater than one hundred and four per cent of the levy for the preceding fiscal or calendar year, whichever is applicable; provided, however, that said levy may be increased by those amounts approved in accordance with the applicable provisions of section four and sections six to twelve, inclusive. Such levy may be increased by any amounts required to offset decreases in state aid distributed pursuant to chapter fifty-eight of the General Laws and shall be decreased by any amounts of increased state aid distrib-

uted pursuant to said chapter fifty-eight, in each case as certified by the commissioner of revenue.

SECTION 6. Any governing body which submits its budget request directly to only one local appropriating authority may, by a two-thirds vote, submit a request to increase the budget limit imposed pursuant to section four by a specified amount. The request may be approved, in whole or in part, by a two-thirds vote of the local appropriating authority; provided, however, that in any town or district with a population of twenty-five hundred or less, such appropriating authority may approve such increase by a majority vote.

SECTION 7. Any governmental unit, other than a regional school district or the Massachusetts Bay Transportation Authority, which submits budget requests directly to more than one local appropriating authority may, by a two-thirds vote of its governing body, submit requests to increase the budget limit imposed pursuant to section three by a specified amount. The request may be approved by a two-thirds vote of the local appropriating authorities in no less than two-thirds of the cities, towns or districts participating in such governmental unit and, upon such approval, shall be deemed approved in all of such cities, towns and districts.

SECTION 8. Any regional school district may, by a four-fifths vote of all the members of its regional district school committee, increase by a specified amount the budget limit imposed pursuant to section three.

SECTION 8A. The Massachusetts Bay Transportation Authority may, by a two-thirds vote of the members present and voting of the advisory board, increase by a specified amount the budget limit imposed pursuant to section three.

SECTION 9. Any governmental unit which does not submit its budget request directly to a local appropriating authority may, by a two-thirds vote of its governing body, submit a request to increase the budget limit imposed pursuant to section three by a specified amount to the finance appeals board established by section ten. The finance appeals board may grant the request, in whole or in part, by a majority vote of its members.

SECTION 10. There shall be, in the executive office for administration and finance, a finance appeals board, hereinafter called the board, consisting of the commissioner of revenue, the director of accounts, the secretary of communities and development, ex officio, and two citizens of the commonwealth, experienced in municipal finance and administration, to be appointed by the governor. The governor shall designate one of the appointed members as chairman and may at any time remove an appointed member for cause and may fill a vacancy among the appointed members. The commissioner of revenue, the director of accounts and the secretary of communities and development may, by a writing filed with the board, designate an officer or employee in his department who shall, without additional compensation therefor, perform his duties as a member of the board during his absence. The action of a majority of the members shall constitute valid

action of the board and, whenever any action of the board is required to be in writing, said writing shall be signed by a majority of the members.

The members shall serve without compensation, but shall be reimbursed for their necessary expenses incurred in connection with travel in the discharge of their official duties. The commissioner of revenue shall, upon request of the board, assign to it such clerical assistance as it may need from the personnel of the department of revenue. Any expenses incurred by reason of an assignment shall be deemed to be expenses of the board.

The board may allow a governmental unit which does not submit its budget request directly to a local appropriating authority and upon which a budget limit has been imposed by section three to increase such limit by a specified amount upon request in the manner provided in section nine. The board may impose requirements upon such governmental unit as a condition of allowing it to increase such budget limit.

Any action of the board to allow or refuse to allow a governmental unit to increase such budget limit shall be transmitted in writing to the governing body of said unit. A copy of such action shall be forwarded to the commissioner of revenue, who shall adjust the limit initially certified by him to reflect any such increase.

SECTION 11. The appropriations limit imposed pursuant to section four may be increased by a specified amount by a two-thirds vote of the local appropriating authority in any city or in any town or district with a population of twenty-five hundred or more and by a majority vote in any other town or district.

SECTION 12. The levy limit imposed pursuant to section five may be increased by not exceeding a specified amount by a two-thirds vote of the local appropriating authority in any city or in any town or district with a population of twenty-five hundred or more and by a majority vote in any other town or district.

SECTION 12A. In a city, town or a district which levies directly a property tax, any free cash available at the close of a fiscal year shall be used as a continuing appropriation for the purpose of reducing the property tax levy for the next succeeding fiscal year; provided, however, that a specified amount of said free cash may be exempted from the provisions of this section by a two-thirds vote of the local appropriating authority; and provided, further, that those towns with a town meeting form of government which have approved appropriations for the fiscal year beginning July first, nineteen hundred and seventy-nine, and have not conformed with the provisions of this section may approve the towns allocation of free cash by a four-fifths vote of the finance or appropriation committee and the approval of the selectmen. If such approval is not so voted, then all free cash shall be used as a continuing appropriation for the purpose of reducing the property tax levy.

SECTION 13. The commissioner of revenue shall determine the limits applicable to each governing body or local appropriating authority under the provisions of this act. In making such determinations, the commissioner may require the presentation of

such books, records or other information by any official of the commonwealth or any official of a city, town, district, county, governing body or governmental unit as he deems necessary. He shall forthwith, and in any event not later than thirty days after the effective date of this act, certify the amount of each appropriations limit, budget limit and levy limit to the proper governing body or local appropriating authority. If any such limit is increased in accordance with the provisions of this act, the commissioner shall redetermine the limit accordingly and shall forthwith certify such increased limit to the proper governing body or local appropriating authority.

No tax rate shall be fixed by the assessors of any city or town until such rate has been approved by the commissioner of revenue, and the commissioner shall not approve a rate for any city or town which would allow the amount of property taxes levied to exceed the levy limit or increased levy limit determined by said commissioner.

In the case of a county, the commissioner shall also certify the budget limit applicable to each county to the joint committees on counties of the general court, except in the counties of Nantucket and Suffolk.

SECTION 14. Notwithstanding any general or special law to the contrary, until June thirtieth, nineteen hundred and eighty-one at any time after the expiration of three years from the date on which any optional provision of general law or special act has been accepted in any city or town, whether by official ballot at an election, by by-law, ordinance or vote of the legislative body or school committee of the city or town, or by vote of the board of selectmen of a town, the revocation of such acceptance may be effected in the same manner as was the vote to accept said provisions, subject to the following conditions:-

(a) this section shall not apply if the optional provision contains, within itself, another method of revocation;

(b) this section shall not apply to any optional provision which authorizes, but does not require, the city or town to act;

(c) this section shall not apply to any action taken under chapter thirty-two or thirty-two B of the General Laws;

(d) this section shall not apply to any action taken to establish a regional district, authority or other entity which involves another city, town, district or other governmental unit;

(e) this section shall not affect contractual, civil service or statutory rights which have come into existence between the city or town and any officer or employee thereof as a result of the acceptance of any optional provision of the General Laws; provided, however, that such revocation shall apply to the successor of the incumbent officer or employee, so as to prevent the same contractual or civil service rights from automatically continuing with respect to such successor officer or employee.

If a petition signed by five per cent or more of the registered voters of a city or town is filed in the office of the city or town clerk within sixty days following a vote, other than a vote by official ballot at an election, to revoke the acceptance of any optional provision of general law or special act, requesting that the question whether to revoke such acceptance be submitted to

the voters of such city or town, such vote to revoke shall be suspended from taking effect until such question is determined by vote of the registered voters voting thereon at the next regular city or town election, or if the city council or board of selectmen or other authority charged with calling elections shall so direct, at a special election called for that purpose. Petitions filed requesting the placement of the question of revocation on the ballot shall be substantially in conformity with the provisions of law governing the signing of nomination papers for city or town officers, the identification and certification of names thereon, and the submission thereof to the registrars. If, on the sixty-first day following the date a vote has been taken to revoke the acceptance of an optional provision of the general law or special act no petition as aforesaid has been filed, the vote to revoke shall become effective forthwith.

The question to be placed on a ballot shall be substantially as follows: "Shall the vote of the (city council) (board of aldermen) (school committee) (town council) (town meeting) rescinding the acceptance of section(s) \_\_\_\_\_ of chapter \_\_\_\_\_ of the (General Laws) (Acts of \_\_\_\_\_) act be approved?" A brief summary of the relevant section or sections of the general law or special act shall also appear on the official ballot. If a majority of the voters voting on the question vote in the affirmative, the acceptance of said optional law shall be revoked and it shall become null and void in such city or town beginning with the first day of the month next following said vote. This section shall apply to optional provisions of general law or special act, whether enacted or accepted before or after the effective date of this act.

SECTION 15. Any governing body or local appropriating authority which, prior to the receipt of certification by the commissioner of revenue of its budget limit, appropriations limit or levy limit, as the case may be, pursuant to section thirteen, has approved a budget or appropriated monies for a fiscal or calendar year beginning after June thirtieth, nineteen hundred and seventy-nine shall reconsider its actions, if necessary to comply with the limits imposed pursuant to this act, unless such governing body or local appropriating authority has approved its budget or appropriated monies for such fiscal or calendar year by a two-thirds vote, or, in the case of a town or district with a population of less than twenty-five hundred, by a majority vote, or, in the case of a regional school district, by a four-fifths vote. If, prior to the effective date of this act, a town with a population of twenty-five hundred or more has approved a budget, appropriation, or levy for the fiscal year ending June thirtieth, nineteen hundred and eighty which exceeds the limits established in sections three to five, inclusive, and which does not comply with the two-thirds vote provisions of this section, it shall reconsider such action at an adjourned session, if any, of its annual town meeting or at a special town meeting called for the purpose.

SECTION 16. The provisions of sections one to fifteen, inclusive, shall apply to all budgets, appropriations and levies, whether acted upon before or after the effective date of this act, applicable to fiscal or calendar years beginning after June thirtieth, nineteen hundred and seventy-nine and ending on or before

December thirty-first, nineteen hundred and eighty-one.

Approved May 14, 1979.

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Chap. 152. AN ACT AUTHORIZING THE CITY OF PEABODY  
TO WITHHOLD THE CALLING OF A SPECIAL  
ELECTION.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any law to the contrary, the provisions of section thirty-one of chapter three hundred of the Special Acts of nineteen hundred and sixteen as it relates to a vacancy in the office of city council in the city of Peabody, shall be inoperative from the effective date of this act until the next regular election in said city.

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

Approved May 14, 1979.

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Chap. 153. AN ACT DESIGNATING THE BOSTON TERRIER  
AS THE DOG OR DOG EMBLEM OF THE COMMON-  
WEALTH.

Be it enacted, etc., as follows:

Chapter 2 of the General Laws is hereby amended by adding after section 13 the following section:-

Section 14. The Boston terrier shall be the dog or dog emblem of the commonwealth.

Approved May 14, 1979.

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Chap. 154. AN ACT RELATIVE TO A JOINT LABOR-MANAGE-  
MENT COMMITTEE OVERSEEING MUNICIPAL  
POLICE AND FIREFIGHTER COLLECTIVE BAR-  
GAINING AND ARBITRATION PROCEEDINGS.

Be it enacted, etc., as follows:

SECTION 1. Chapter 1078 of the acts of 1973 is hereby amended by striking out section 4A, inserted by section 1 of chapter 730 of the acts of 1977, and inserting in place thereof the following section:-

Section 4A. There shall be in the department of labor and industries, but not subject to the jurisdiction thereof, a committee to be known as the joint labor-management committee in this section referred to as the committee. The committee shall be composed of fourteen members, including a chairman, and a vice-chairman. Twelve committee members shall be appointed by the governor for a term of one year, as follows: three from nominations submitted by the Professional Firefighters of Massachusetts, International Association of Firefighters, AFL-CIO, three from nominations submitted by the International Brotherhood of Police Officers, NAGE and the Massachusetts Police Association, and six from nominations submitted by the local government advisory com-

mittee established pursuant to executive order one hundred and twenty-three, dated January thirteenth, nineteen hundred and seventy-six. Any member of the committee may be removed by the governor for neglect of duty, malfeasance in office, or upon request by the nominating body. The chairman and vice-chairman shall be nominated by the committee, and appointed by the governor for a term of one year. The chairman shall be the chief administrative officer of the committee. The vice-chairman shall assist the chairman and may be authorized by the chairman to act for him in his absence and shall have the full powers of the chairman when so authorized and he shall vote only in the absence of the chairman.

In matters exclusively pertaining to municipal firefighters, committee members nominated for appointment by professional police officer organizations shall not vote. In matters exclusively pertaining to municipal police officers, committee members nominated for appointment by professional firefighter organizations shall not vote. All committee members shall be eligible to vote on matters of common and general interest. The number of committee members representing the local government advisory committee and the number of committee members representing the professional firefighter or police organizations entitled to vote on any matter coming before the committee shall be equal. The chairman may cast the deciding vote on any matter relating to a dispute concerning negotiations over the terms and provisions of a collective bargaining agreement, including any decision to take jurisdiction over a dispute.

Members of the committee shall serve without compensation, but shall be entitled to reimbursement, out of any funds available for the purpose, for reasonable travel or other expenses actually incurred in the performance of their committee duties. The chairman and vice-chairman shall be compensated for time spent for the committee business on a per diem basis at a rate to be determined by the secretary of administration and finance. The committee may purchase such supplies and equipment, and may employ such clerical, staff and other personnel who shall not be subject to the provisions of section nine A of chapter thirty or chapter thirty-one of the General Laws, as they deem necessary to the conduct of committee business out of any funds available for the purpose. Members of the committee employed by a municipality shall be granted leave, if on duty, by the municipal employer for those regularly scheduled work hours spent in the performance of committee business.

The committee shall have oversight responsibility for all collective bargaining negotiations involving municipal police officers and firefighters. The committee shall, at its discretion, have jurisdiction in any dispute over the negotiation of the terms of a collective bargaining agreement involving municipal firefighters or police officers; provided, however, that notwithstanding section four of chapter one thousand and seventy-eight of the acts of nineteen hundred and seventy-three to the contrary, the committee may determine whether the proceeding for the prevention of any prohibited practices filed with the labor relations commission shall or shall not prevent arbitration pursuant to this section.

After notification by the committee, the parties to any municipal



police and fire negotiations shall file with committee, in such time as the committee orders:

- (1) copies of all requests to bargain, and of all bargaining agenda;
- (2) notification of impasse in bargaining;
- (3) notification of all pending unfair labor practice proceedings between the parties;
- (4) copies of any factfinding reports;
- (5) notification of any impasse extending beyond completion of factfinding procedures;
- (6) copies of any collective bargaining agreements, and any relevant personnel ordinances, by-laws, and rules and regulations; and
- (7) such other information as the committee may reasonably require.

Notwithstanding the provisions of the first paragraph of section nine of chapter one hundred and fifty E of the General Laws to the contrary, when either party or the parties acting jointly to a municipal police and fire collective bargaining negotiations believe that an impasse exists in their negotiations, the party or both parties shall petition first the committee for the exercise of jurisdiction and for the determination of the existence of an impasse.

The committee shall forthwith review the petition and shall make a determination within thirty days whether to exercise jurisdiction over the dispute. Subject to the provisions of the eleventh paragraph, if the committee declines to exercise jurisdiction over the dispute or fails to act within thirty days of receipt of the petition on jurisdiction, the petition shall be automatically referred to the board of arbitration and conciliation hereinafter referred to as the board, for disposition in accordance with the provisions of section nine of chapter one hundred and fifty E of the General Laws.

The petition to the committee shall identify the issues in dispute, the parties, the efforts of the parties to resolve the dispute and such other information as may be prescribed in the rules of the committee.

Said board shall not accept any petition from a party to a municipal police and fire negotiation under section nine of chapter one hundred and fifty E of the General Laws if the petition has not been first reviewed in accordance with the provisions of this section by the committee.

The committee or its representative or mediators appointed by it may meet with the parties to a dispute, conduct formal or informal conferences, and take other steps including mediation to encourage the parties to agree on the terms of a collective bargaining agreement or the procedures to resolve the dispute. The committee shall make every effort to encourage the parties to engage in good faith negotiations to reach settlement through negotiations or mediation.

The committee after consultation with the board of arbitration and conciliation may remove at any time from the jurisdiction of the board any dispute in which the board has exercised jurisdiction, and the board shall then take no further action in such dispute. The committee may, at any time, remand to the board any dispute which the committee has exercised jurisdiction. The board

shall assist and cooperate with the committee in its performance of the committee's duties. Disputes over which the committee does not exercise jurisdiction shall be governed by all other applicable provisions of law.

The committee shall have exclusive jurisdiction in matters over which it assumes jurisdiction and shall determine if a genuine impasse exists and if the processes of collective bargaining have been exhausted.

If the committee determines that a genuine impasse exists, and the process of collective bargaining has been exhausted, the committee shall:

(1) specify the issue or issues to be arbitrated; provided, however, that the committee shall not specify for arbitration any issue excluded from arbitration pursuant to section four, and the committee may, however, administer the provisions of said section four relative to firefighter assignments and transfers;

(2) nominate the panel of neutral arbitrators from which the arbitrator is to be selected by the parties; if the parties cannot agree on an arbitrator within a time prescribed by the committee, the committee shall appoint the neutral arbitrator or arbitrators or the committee may appoint the chairman, the vice-chairman or a panel of the committee including the chairman or vice-chairman to arbitrate the dispute;

(3) determine the form of arbitration, conventional arbitration, issue by issue, last best offer, or such other form as the committee deems appropriate; and

(4) determine the procedures to be followed in the arbitration proceeding. Except as provided herein, arbitration proceedings in matters over which the committee assumes jurisdiction, shall be conducted in accordance with the standards, provisions and limitations of said section four. The committee may direct the parties to a dispute to conduct further negotiations concerning issues not specified for arbitration.

In dispute resolution conducted by other than the committee or its members or staff, the parties shall share and pay equally the costs involved in such resolution.

The committee shall have jurisdiction in any particular dispute concerning job titles over which the parties have negotiated, or to remove specific job titles from collective bargaining for individuals performing certain specified management duties.

The committee shall promulgate rules and regulations necessary for the performance and enforcement of the responsibilities and powers set forth herein in this act; provided, however, that said committee file a copy of any regulations or amendments thereto with the clerks of the senate and the house of representatives who, with the approval of the president of the senate and speaker of the house of representatives, shall refer such regulations to an appropriate committee of the general court. Within thirty days after such filing, the appropriate committee of the general court shall hold a hearing on such regulations and shall issue a report and file a copy with the joint labor-management committee. Said joint labor-management committee shall consider such report and make revisions in the regulations as it deems appropriate in view of such report and shall forthwith file a copy of the final regulations with the chairman of the committee of the general

court to which the regulations were referred.

The provisions of chapter thirty A of the General Laws, unless otherwise provided, shall apply to the committee.

The committee shall have the power to administer oaths and to require by subpoena the attendance and testimony of witnesses, the production of books, records, and other evidence relative to or pertinent to the issues presented to the committee.

It is hereby declared that the provisions of this act are severable, and if any provision of this act shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining provisions of this act.

SECTION 2. Said chapter 1078 is hereby further amended by striking out section 8, as amended by section 3 of chapter 347 of the acts of 1977, and inserting in place thereof the following section:-

Section 8. The provisions of section four of this act shall terminate on June thirtieth, nineteen hundred and eighty-three. Any arbitration proceedings pending on June thirtieth, nineteen hundred and eighty-three shall be completed under the provisions of section four.

SECTION 3. Section one of this act shall take effect on July first, nineteen hundred and seventy-nine.

Approved May 14, 1979.

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Chap. 155. AN ACT RELATIVE TO THE FAILURE OF INSURERS AND SELF-INSURERS TO FURNISH SUPPORTING EVIDENCE WITH APPLICATION FOR DISCONTINUANCE OF BENEFITS UNDER THE WORKMEN'S COMPENSATION ACT.

Be it enacted, etc., as follows:

Section 29 of chapter 152 of the General Laws, as most recently amended by chapter 578 of the acts of 1966, is hereby further amended by adding the following sentence:- Failure of the insurer or self-insurer to furnish a copy of the application and supporting evidence to the employee or employee's representative at the time of the application for discontinuance of benefits, shall be cause to disapprove the request for said discontinuance.

Approved May 14, 1979.

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Chap. 156. AN ACT RELATIVE TO ELECTRICIAN TRAINING PROGRAMS.

Be it enacted, etc., as follows:

Chapter 582 of the acts of 1962 is hereby amended by striking out section 3 and inserting in place thereof the following section:-

Section 3. The provisions of sections one and eight of chapter one hundred and forty-one of the General Laws, as amended by sections one and two of this act, insofar as they restrict the working by learners or apprentices with and under the direct personal

supervision of journeymen electricians shall not prohibit any veteran who is entitled to apprentice training under the G.I. Bill of Rights, so-called, from acting, while so entitled, as such a learner or apprentice, and any such veteran may be employed as such learner or apprentice, in addition to the number of such learners or apprentices permitted to be employed under section one or section eight of said chapter one hundred and forty-one; nor shall it be construed to so prohibit any person while he is engaged in an on-the-job training program, so-called, conducted in cooperation with a secondary school or a vocational education training program approved by the division of occupational education of the department of education; provided, that not more than one such person shall be employed for each such journeyman electrician.

Approved May 14, 1979.

Chap. 157. AN ACT PROVIDING TENURE OF OFFICE FOR MICHAEL A. PERRY, INCUMBENT OF THE OFFICE OF CHAIRMAN OF THE BOARD OF ELECTION COMMISSIONERS OF THE CITY OF NEW BEDFORD.

Be it enacted, etc., as follows:

Michael A. Perry, incumbent of the office of chairman of the board of election commissioners of the city of New Bedford, shall hold office as the full-time member of said board during good behavior until he attains the age of seventy years, unless incapacitated by physical or mental disability from performing the duties thereof, but he may be removed for cause, after hearing, in the manner provided by section forty-three of chapter thirty-one of the General Laws.

Approved May 14, 1979.

Chap. 158. AN ACT RELATIVE TO THE APPOINTMENT OF POLICE CADETS.

Be it enacted, etc., as follows:

Section 21A of chapter 147 of the General Laws is hereby amended by striking out the third sentence and inserting in place thereof the following sentence:- Such appointment may be terminated by the appointing authority at any time, and shall be terminated whenever a cadet fails to maintain a passing grade in any course of study the appointing authority determines he should undertake, and when he reaches the age of twenty-five.

Approved May 14, 1979.

EMERGENCY LETTER - May 15, 1979 @ 10:54 A.M.

Chap. 159. AN ACT PROVIDING COMPENSATION FOR THE POSITION OF SECOND ASSISTANT FLOOR LEADER OF THE MAJORITY PARTY IN THE HOUSE OF REPRESENTATIVES.

Be it enacted, etc., as follows:

The first paragraph of section 9 of chapter 3 of the General Laws, as most recently amended by section 35 of chapter 283 of the acts of 1976, is hereby further amended by striking out the fifth sentence and inserting in place thereof the following sentence:-

The assistant floor leader of each of the major political parties in the senate and house of representatives, the second assistant floor leader of each of the major political parties in the senate and house of representatives and the third assistant floor leader of the minority party in the house of representatives, the vice chairman of the house committee on ways and means and the vice chairman of the senate committee on ways and means and the senate chairman and house chairman of the committee on post audit and oversight shall each receive one and one-half times the compensation received by a member; provided, however, that such compensation shall not exceed seventy per cent of the annual salary received by the governor.

Approved May 14, 1979.

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Chap. 160.      AN ACT RELATIVE TO THE TRANSFER OF A  
DEPOSITOR'S FUNDS BY A BANK OR CREDIT  
UNION.

Be it enacted, etc., as follows:

SECTION 1. Chapter 140C of the General Laws is hereby amended by inserting after section 6E, inserted by section 16 of chapter 52 of the acts of 1977, the following section:-

Section 6F. No bank or credit union shall transfer any funds held in any account of the customer in said bank or credit union as a consequence of a default of a debt owed to such institution unless the customer has been provided a written notice, prior to the time the loan is made, which states the institution may transfer such funds to reduce or extinguish such a debt. The provisions of this section shall not apply to open-end credit plans which are subject to section six C.

SECTION 2. Section 67 of chapter 167 of the General Laws is hereby amended by striking out the first sentence, as amended by chapter 485 of the acts of 1975, and inserting in place thereof the following sentence:- Whenever a bank or credit union, as a consequence of a default of a debt owed to said bank or credit union by a depositor or shareholder, makes a transfer of funds of such depositor or shareholder to reduce or extinguish said debt, such depositor or shareholder shall be notified forthwith of such transfer by written notice sent by certified mail, return receipt requested, directed to his last known address; provided, however, that no such transfer shall be made if such debt is the result of consumer credit granted under the provisions of chapter one hundred and forty C unless the written notice required by section six F of said chapter one hundred and forty C has been given.

Approved May 14, 1979.

Chap. 161. AN ACT AUTHORIZING THE CITY OF LEOMINSTER TO APPOINT CLIFFORD E. ELDRIDGE AS A PERMANENT FIRE FIGHTER IN SAID CITY.

Be it enacted, etc., as follows:

The personnel administrator shall certify for appointment and the appointing authority of the city of Leominster may appoint Clifford E. Eldridge as a permanent fire fighter in the fire department of said city, notwithstanding the fact that he is over the maximum age requirement for said position, provided he meets all other requirements.

Approved May 14, 1979.

Chap. 162. AN ACT FURTHER DEFINING THE SALE OF LANDS HELD BY A CITY OR TOWN UNDER TAX TITLES.

Be it enacted, etc., as follows:

SECTION 1. Section 79 of chapter 60 of the General Laws is hereby amended by striking out the third sentence, as appearing in section 1 of chapter 594 of the acts of 1941, and inserting in place thereof the following sentence:- If the commissioner is of the opinion that such parcels are of insufficient value to meet the taxes, interest and charges including the payment of fifty dollars to a city or town as the legal fee for proceedings under this section, and all subsequent taxes and assessments thereon, together with the expenses of a foreclosure under section sixty-nine, including the payment of fifty dollars to a city or town as the legal fee for proceedings under this section, that none of such parcels exceeds one thousand dollars in value, and that the facts essential to the validity of the tax titles on such lands have been adequately established, he shall make affidavit of such finding, which shall be recorded in the registry of deeds for the district wherein the land lies.

SECTION 2. Said section 79 of said chapter 60 is hereby further amended by striking out the fourth paragraph, as so appearing, and inserting in place thereof the following two paragraphs:-

If the amount received from the sale is more than the taxes, interest and charges including the payment of fifty dollars to a city or town as the legal fee for proceedings under this section, and subsequent taxes and assessments, on all lands included in the sale, together with the expenses thereof, the balance shall be deposited with the town treasurer to be paid to the person entitled thereto if demanded within five years, otherwise it shall enure to the town. If such surplus results from the sale of several parcels for a lump sum, it shall be held as aforesaid for the several owners in proportion to the prices at which the several parcels were originally taken or purchased by the town.

The treasurer shall include the payment of fifty dollars to a city or town as the legal fee for proceedings under this section and said amount shall be added to the tax title account of the land being sold at public auction and shall be included in the amount due for redemption if redemption is made prior to said sale.

Approved May 14, 1979.

- Chap. 163. AN ACT INCREASING THE TIME DURING WHICH AN ACTION MAY BE COMMENCED FOR INJURY OR DAMAGE SUSTAINED UPON A PUBLIC WAY BY REASON OF SNOW OR ICE THEREON.

Be it enacted, etc., as follows:

SECTION 1. The first sentence of section 18 of chapter 84 of the General Laws, as appearing in section 1 of chapter 378 of the acts of 1965, is hereby amended by striking out, in line 7, the word "two" and inserting in place thereof the word:- three.

SECTION 2. This act shall apply to causes of action arising on and after the effective date of this act.

Approved May 14, 1979.

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- Chap. 164. AN ACT INCREASING THE TIME WITHIN WHICH CERTAIN ACTIONS FOR DEATH MAY BE COMMENCED.

Be it enacted, etc., as follows:

SECTION 1. Section 2 of chapter 229 of the General Laws, as most recently amended by section 1 of chapter 699 of the acts of 1973, is hereby further amended by striking out, in line 41, the word "two" and inserting in place thereof the word:- three.

SECTION 2. This act shall apply to causes of action arising on and after the effective date of this act.

Approved May 14, 1979.

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- Chap. 165. AN ACT PROVIDING THAT THE POSITION OF SECRETARY IN THE POLICE DEPARTMENT OF THE TOWN OF WEST SPRINGFIELD SHALL BE EXEMPT FROM CIVIL SERVICE LAW.

Be it enacted, etc., as follows:

Notwithstanding the provisions of any general or special law to the contrary, the position of secretary in the police department of the town of West Springfield shall be exempt from the provisions of chapter thirty-one of the General Laws.

Approved May 14, 1979.

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- Chap. 166. AN ACT REQUIRING CERTAIN SECURED CREDITORS TO NOTIFY POLICE DEPARTMENTS WITHIN ONE HOUR OF REPOSSESSING A MOTOR VEHICLE.

Be it enacted, etc., as follows:

Section 13J of chapter 255 of the General Laws, as amended by chapter 629 of the acts of 1973, is hereby further amended by adding the following subsection:-

(f) Any secured creditor obtaining possession of a motor vehicle under the provisions of this section 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 May 14, 1979.

Chap. 167. AN ACT AUTHORIZING MARIE J. GRADY TO TAKE A CIVIL SERVICE EXAMINATION FOR CORRECTION OFFICER NOTWITHSTANDING THE MAXIMUM AGE REQUIREMENTS.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law or any rule to the contrary regulating the maximum age of an applicant for appointment as a correction officer in the department of correction, Marie J. Grady shall be eligible to take the next open competitive examination for correction officer and, provided she meets all other requirements, shall be eligible for certification and appointment as a correction officer at Massachusetts Correctional Institution, Framingham.

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

Approved May 15, 1979.

Chap. 168. AN ACT AMENDING THE LAWS RELATING TO SUSPENSION OF LEVY ON LAND.

Be it enacted, etc., as follows:

Section 31 of chapter 236 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:- If land has been seized on execution and further service thereof is suspended by reason of a prior attachment or seizure of the same land, or on the written request of the creditor, the officer making the later seizure shall cause a record thereof to be made in the same manner as an attachment of land on mesne process is recorded.

Approved May 15, 1979.

Chap. 169. AN ACT EXEMPTING THE POSITION OF CITY ENGINEER OF THE CITY OF MEDFORD FROM THE CIVIL SERVICE LAW.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provision of any law or regulation to the contrary, the position of city engineer in the city of Medford shall be exempt from the provisions of chapter thirty-one of the General Laws.

SECTION 2. The following question shall be placed upon the official ballot to be used at the municipal election to be held in the city of Medford in the current year. "Shall an act passed by the general court in the year nineteen hundred and seventy-nine, entitled 'An Act exempting the position of city engineer of the city of Medford from the civil service law', be accepted?" If a majority of the votes in answer to said question is in the af-



firmative, then this act shall thereupon take full effect, but not otherwise.

Approved May 15, 1979.

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Chap. 170.     AN ACT AUTHORIZING THE TOWN OF NORTHBRIDGE TO INCREASE THE PENSION PAYABLE TO THE WIDOW OF LEO J. GAUTHIER.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any provision of law to the contrary, the town of Northbridge shall, through the Northbridge retirement system, pay to Norma A. Gauthier, the widow of the late Leo J. Gauthier, a police officer of said town, as long as she remains unmarried, an annual allowance, in such sum as the town shall from time to time determine in addition to any benefits she receives under any public pension or disability plan as the widow of Leo J. Gauthier.

SECTION 2. The annual allowance provided for in section one shall be payable in monthly installments and shall be payable from the date of death of Leo J. Gauthier.

Approved May 15, 1979.

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Chap. 171.     AN ACT FURTHER REGULATING HEALTH MAINTENANCE ORGANIZATIONS RELATIVE TO ABORTIONS.

Be it enacted, etc., as follows:

Section 17 of chapter 176G of the General Laws, inserted by section 1 of chapter 454 of the acts of 1976, is hereby amended by adding the following paragraph:-

No rule or regulation shall require any health maintenance organization or contract to provide payment of, or referrals for, abortions not necessary to prevent the death of the mother.

Approved May 15, 1979.

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Chap. 172.     AN ACT FURTHER CLARIFYING THE LAW REGARDING PARENTS LIABILITY FOR WILLFUL ACTS OF MINOR CHILDREN.

Be it enacted, etc., as follows:

Chapter 231 of the General Laws is hereby amended by striking out section 85G, as most recently amended by chapter 189 of the acts of 1975, and inserting in place thereof the following section:-

Section 85G. Parents of an unemancipated child under the age of eighteen and over the age of seven years shall be liable in a civil action for any willful act committed by said child which results in injury or death to another person or damage to the property of another, damage to cemetery property, or damage to any state, county or municipal property. This section shall not apply to a parent who, as a result of a decree of any court of competent jurisdiction, does not have custody of such a child at

the time of the commission of the tort. Recovery under this section shall not exceed one thousand dollars for any such cause of action.

Approved May 15, 1979.

Chap. 173. AN ACT RELATIVE TO THE SUSPENSION OF  
MOTOR VEHICLE LICENSES.

Be it enacted, etc., as follows:

Section 22A of chapter 90 of the General Laws is hereby amended by adding the following paragraph:-

If the license of a judgement debtor has been suspended pursuant to this section, the judgement debtor may apply to the registrar for reinstatement of the license. The registrar shall reinstate the license if the judgement debtor has satisfied the judgement, made a deposit with the clerk of the court for the amount of the judgement, or has not willfully or intentionally failed to comply with the provisions of chapter two hundred and twenty-four.

Approved May 15, 1979.

Chap. 174. AN ACT PROVIDING THAT THE POSITION OF  
MANAGER OF THE MUNICIPAL SKATING RINK  
OF THE TOWN OF WATERTOWN SHALL BE  
EXEMPT FROM THE CIVIL SERVICE LAW.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, the position of manager of the municipal skating rink of the town of Watertown 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 18, 1979.

Chap. 175. AN ACT AUTHORIZING WALTER A. LEWIS  
TO TAKE A CIVIL SERVICE EXAMINATION FOR  
CORRECTIONAL OFFICER NOTWITHSTANDING  
THE MAXIMUM AGE REQUIREMENT.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any law or rule to the contrary regulating the maximum age of applicants for appointment as a correctional officer, Walter A. Lewis of the town of Natick 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.

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

Approved May 18, 1979.

Chap. 176. AN ACT AUTHORIZING THE BOARD OF

SELECTMEN OF THE TOWN OF FAIRHAVEN  
TO LEASE A CERTAIN PARCEL OF LAND  
KNOWN AS THE UNION WHARF.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provision of any law to the contrary, the board of selectmen of the town of Fairhaven is hereby authorized to lease from time to time upon such terms and conditions as the board of selectmen may determine that parcel of real estate situated within the town known as Union Wharf, or any portion thereof, said parcel appearing as Lot 9 on Map 7 on assessors records of the town of Fairhaven and being more fully bounded and described in deed from Morse Twist Drill and Machine Company to the town of Fairhaven recorded with Bristol County Registry of Deeds Book 630 Page 435 bounded and described as follows:-

The land with any buildings thereon situated in said Fairhaven, known as the Union Wharf, together with water rights appurtenant thereto as is located within the following bounds:

Water Street on the East; the south line of land now or formerly of Samuel B. Hamblin on the North; the north line of the Marine Railway lot, so called, on the South and the waters of the Acushnet River as far as private rights extend on the West.

The aforementioned parcel may be leased for any period of time not to exceed thirty (30) years with option to renew or extend for an additional period of time not to exceed ten (10) years.

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

Approved May 18, 1979.

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Chap. 177. AN ACT AUTHORIZING THE RETIREMENT BOARD  
OF THE TOWN OF ANDOVER TO PAY TO JEAN  
EMMERT WIDOW OF FRANK C. EMMERT CERTAIN  
RETIREMENT BENEFITS.

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 Andover is hereby authorized to pay a retirement allowance to Jean Emmert, widow of Frank C. Emmert, which allowance shall be equivalent to the retirement allowance to which said Jean Emmert would otherwise have been entitled if said Frank C. Emmert had been retired for ordinary disability under the provisions of section six of said chapter thirty-two. The retirement provided by this act shall be in lieu of any annuity or pension payable to said Jean Emmert under any other general or special law.

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

Approved May 18, 1979.

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Chap. 178. AN ACT AUTHORIZING THE TOWN OF HARDWICK  
TO PAY A CERTAIN SUM OF MONEY TO ROBERT  
G. GOODFIELD.

Be it enacted, etc., as follows:

SECTION 1. For the purpose of discharging a moral obligation, the town of Hardwick is hereby authorized to appropriate or transfer from any available funds, and after such appropriation or transfer, the treasurer of said town is hereby authorized to pay to Robert G. Goodfield, the fire chief of said town, the sum of three thousand four hundred dollars, as indemnification for his loss of earning capacity and pain and suffering as a result of personal injuries sustained by him while acting in the performance and within the scope of his duty as a member of the fire department of said town, without fault of his own.

SECTION 2. This act shall take effect upon its passage.  
Approved May 18, 1979.

Chap. 179. AN ACT AUTHORIZING THE TOWN OF CHELMSFORD TO PAY A CERTAIN SUM OF MONEY TO CERTAIN HIGHWAY DEPARTMENT EMPLOYEES FOR CERTAIN OVERTIME WORK.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any provision of law to the contrary, the town of Chelmsford is hereby authorized to appropriate money for the payment of, and after such appropriation, the treasurer of said town is hereby authorized to pay to certain employees of the highway department of said town, a sum not to exceed five thousand four hundred ninety-five dollars and ninety-eight cents for overtime services performed by said employees during the fiscal years of nineteen hundred and seventy-six, nineteen hundred and seventy-seven and nineteen hundred and seventy-eight.

SECTION 2. No bill shall be approved by the town accountant of said town or paid by the treasurer thereof under authority of this act unless and until a certificate has been signed and filed with said town accountant stating under penalties of perjury that the overtime services for which said bill was submitted were ordered by an official or an employee of said town and that such services were rendered to said town.

SECTION 3. This act shall take effect upon its passage.  
Approved May 18, 1979.

Chap. 180. AN ACT REORGANIZING THE HISTORIC DISTRICT COMMISSION IN THE TOWN OF BEDFORD.

Be it enacted, etc., as follows:

SECTION 1. Section 4 of chapter 118 of the acts of 1964 is hereby amended by striking out the first four sentences and inserting in place thereof the following seven sentences:- A Historic District Commission in the town of Bedford is hereby established and shall consist of five members and two alternate members appointed by the board of selectmen, including one member from two nominees submitted by the Bedford Historical Society, one member a resident of the historic district to be administered by

the Commission, and one member an attorney at law. The appointments to membership in the Commission shall be so arranged that the term of at least one member will expire each year, and their successors shall be appointed in the same manner as the original appointment for terms of five years for members. Alternate members shall serve for a term of three years. Nominations for appointment of members and alternate members shall be submitted to the board of selectmen by letter which shall contain a statement of the qualifications of the nominees. In case of the absence, inability to act or unwillingness to act because of self interest on the part of a member of the commission, his place shall be taken by an alternate member designated by the chairman. Each member and alternate member shall continue in office after the expiration of his term until his successor is duly appointed and qualified. All members shall serve without compensation.

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

Approved May 18, 1979.

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Chap. 181. AN ACT RELATIVE TO OTHER INSURED OR  
GUARANTEED LOANS BY SAVINGS BANKS.

Be it enacted, etc., as follows:

Section 35 of chapter 168 of the General Laws is hereby amended by inserting after paragraph 11 the following paragraph:-

11A. Other Insured or Guaranteed Loans. - Any such corporation may make or acquire mortgage loans on real estate located within its lending area, as defined in paragraph 2 of section thirty-four, which mortgage loan or note is insured, or committed to be insured, by the Secretary of Housing and Urban Development or his designee under the provisions of the Housing and Community Development Act 12 USC 1715z-10, as now or hereafter amended. Such loans may be made or acquired notwithstanding the provisions of section fifty-one of chapter one hundred and sixty-seven.

Approved May 18, 1979.

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Chap. 182. AN ACT RELATIVE TO THE APPEALS PROCEDURE  
FOR SURCHARGES IN MERIT RATING PLANS FOR  
MOTOR VEHICLE INSURANCE.

Be it enacted, etc., as follows:

SECTION 1. The ninth paragraph of section 113P of chapter 175 of the General Laws is hereby amended by striking out the first sentence, as amended by section 3 of chapter 526 of the acts of 1976, and inserting in place thereof the following sentence:- Any person or company aggrieved by any finding or order of the board may appeal therefrom to the superior court, pursuant to the provisions of section fourteen of chapter thirty A.

SECTION 2. Said section 113P of said chapter 175 is hereby further amended by striking out the tenth and eleventh para-

graphs, as appearing in section 18 of chapter 266 of the acts of 1976.

Approved May 18, 1979.

Chap. 183. AN ACT AUTHORIZING HOUSING AUTHORITIES  
TO LEASE RENEWABLE ENERGY SYSTEMS.

Be it enacted, etc., as follows:

Section 11 of chapter 121B of the General Laws, as amended by section 2 of chapter 851 of the acts of 1970, is hereby further amended by adding the following paragraph:-

(o) To lease energy saving systems that replace non-renewable fuels with renewable energy such as solar powered systems.

Approved May 18, 1979.

Chap. 184. AN ACT FURTHER REGULATING THE SALE OF  
CERTAIN MARKED STATE POLICE MOTOR  
VEHICLES.

Be it enacted, etc., as follows:

Chapter 266 of the General Laws is hereby amended by striking out section 92A, as most recently amended by chapter 324 of the acts of 1975, and inserting in place thereof the following section:-

Section 92A. Whoever sells a motor vehicle knowing that its engine or electrical parts have been submerged in water, or knowing that it has been used as a police car, a taxicab, a rental vehicle by a motor vehicle rental agency, or a leased vehicle which has been leased to any corporation, individual or entity, other than a motor vehicle rental company, without indicating such fact in writing on the bill of sale, and whoever, other than the commonwealth or any political subdivision thereof, sells any such police car to an ultimate user for other than police purposes without first having obliterated all evidence of distinctive police insignias or markings thereon, and painting the exterior of every marked state police vehicle thereof one solid color, shall be punished by a fine of not less than ten nor more than five hundred dollars.

Approved May 18, 1979.

Chap. 185. AN ACT RELATIVE TO THE SYSTEM OF  
SEWERAGE AND SEWAGE DISPOSAL IN THE  
TOWN OF AUBURN.

Be it enacted, etc., as follows:

SECTION 1. Section 6 of chapter 708 of the acts of 1963 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; provided, that it shall pay not less than one-twentieth nor more than

two-thirds of the whole cost of said system or systems of sewerage and sewage disposal.

SECTION 2. The provisions of this act shall apply to assessments made on or after the effective date of this act.

Approved May 18, 1979.

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Chap. 186. AN ACT REMOVING A RESTRICTION UPON THE DIVERSION OF CERTAIN FLOOD WATERS OF THE SHAWSHEEN RIVER BY THE TOWN OF BURLINGTON.

Be it enacted, etc., as follows:

Section 1A of chapter 635 of the acts of 1949, inserted by section 1 of chapter 718 of the acts of 1962, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- The district may take by eminent domain under chapter seventy-nine of the General Laws, or acquire by purchase, lease or otherwise the flood waters of the Shawsheen river in the town of Billerica and may divert the flood waters of said river in said town, in amounts approved by the department of public health, and hold for use by the district the water so diverted in a storage reservoir located within the town of Burlington.

Approved May 18, 1979.

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Chap. 187. AN ACT AUTHORIZING THE TOWN OF WILBRAHAM AND THE MINNECHAUG REGIONAL HIGH SCHOOL DISTRICT TO ALLOCATE A CERTAIN REFUND RECEIVED FROM THE EMPLOYEES GROUP INSURANCE.

Be it enacted, etc., as follows:

The town of Wilbraham and the Minnechaug Regional High School District are hereby authorized to allocate any and all dividends or refunds received from the blanket insurance providing hospital, surgical and medical benefits to employees and their dependents for the years beginning July first, nineteen hundred and seventy-two and ending June thirtieth, nineteen hundred and seventy-seven under the provision of section eight A of chapter thirty-two B of the General Laws.

Approved May 18, 1979.

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Chap. 188. AN ACT PROHIBITING CERTAIN SEX OFFENDERS FROM OBTAINING A LICENSE TO OPERATE A SCHOOL BUS.

Be it enacted, etc., as follows:

The first paragraph of section 8A of chapter 90 of the General Laws is hereby amended by inserting after the word "registrar", in line 13, as appearing in section 13 of chapter 925 of the acts of 1973, the words:- ; provided, however, that no license shall

be issued to a person who has been convicted of the crime of rape, unnatural act or sodomy.

Approved May 18, 1979.

Chap. 189.      AN ACT CHANGING THE NAME OF MONSON  
STATE HOSPITAL TO THE MONSON DEVELOP-  
MENTAL CENTER.

Be it enacted, etc., as follows:

SECTION 1. Section 14 of chapter 19 of the General Laws is hereby amended by striking out the first paragraph, as appearing in section 1 of chapter 735 of the acts of 1966, and inserting in place thereof the following paragraph:-

The area boards and the boards of trustees of the following public institutions shall serve in the department: Belchertown state school, Massachusetts mental health center (Boston psychopathic hospital), Boston state hospital, Danvers state hospital, Foxborough state hospital, Gardner state hospital, Grafton state hospital, Walter E. Fernald state school, Medfield state hospital, Metropolitan state hospital, Monson developmental center, Northampton state hospital, Taunton state hospital, Westborough state hospital, Worcester state hospital, Cushing hospital, Paul A. Dever state school and Wrentham state school.

SECTION 2. Section 14A of said chapter 19 is hereby amended by striking out the first sentence, as appearing in section 71 of chapter 367 of the acts of 1978, and inserting in place thereof the following sentence:-

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 developmental center, 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.

Approved May 18, 1979.

Chap. 190.      AN ACT RELATIVE TO THE ELECTION OF  
CERTAIN OFFICERS FROM REDISTRICTED  
PRECINCTS.

Be it enacted, etc., as follows:

SECTION 1. The seventh paragraph of section 34 of chapter 53 of the General Laws is hereby amended by striking out the sentence inserted by section 1 of chapter 380 of the acts of



1974 and inserting in place thereof the following sentence:- A candidate for nomination to the same office in a precinct, 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.

SECTION 2. The third paragraph of section 41 of chapter 54 of the General Laws is hereby amended by striking out the sentence inserted by section 2 of said chapter 380 and inserting in place thereof the following sentence:- A candidate for election to the same office in a precinct, 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.

SECTION 3. The second paragraph of section 42 of said chapter 54 is hereby amended by striking out the sentence amended by chapter 136 of the acts of 1978 and inserting in place thereof the following sentence:- A candidate for election to the same office in a precinct, 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 18, 1979.

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Chap. 191.      AN ACT RELATING TO THE EXPENDITURE  
                  OF BOND AND NOTE PROCEEDS BY CITIES,  
                  TOWNS AND DISTRICTS.

Be it enacted, etc., as follows:

Chapter 44 of the General Laws is hereby amended by striking out section 20, as most recently amended by chapter 61 of the acts of 1966, and inserting in place thereof the following section:-

Section 20. The proceeds of any sale of bonds or notes, except premiums and accrued interest, shall be used only for the purposes specified in the authorization of the loan, and may also be used for costs of preparing, issuing and marketing such bonds or notes, except as otherwise authorized by this section. If a balance remains after the completion of the project for which the loan was authorized, such balance may at any time be appropriated by a city, town, or district for any purposes for which a loan may be incurred for an equal or longer period of time or any such balance not in excess of one thousand dollars may be appropriated for the payment of the principal of such loan. If a loan has been issued for a specified purpose but the project for which the loan was authorized has not been completed and no liability remains outstanding and unpaid on account thereof, a city, by a two-thirds vote of all of the members of the city council, or a town or district, by a two-thirds vote of the voters present and voting thereon at an annual town or district meeting, may vote to abandon or discontinue the project and the unexpended

proceeds of the loan may thereupon be appropriated for any purpose for which a loan may be authorized for an equal or longer period of time. Any premium received upon such bonds or notes, less the cost of preparing, issuing and marketing them, shall be applied to the payment of the principal of the first bonds or notes to mature and any accrued interest received upon the delivery of said bonds or notes shall be applied to the payment of the first interest due thereon, and the contributions from other sources for the payment of the principal of and interest on said bonds or notes shall be reduced correspondingly. Notwithstanding the provisions of this section, no appropriation from a loan or balance thereof shall be made which would increase the amount available from borrowed money for any purpose to an amount in excess of any limit imposed by general law or special act for such purpose.

Approved May 18, 1979.

Chap. 192. AN ACT RELATIVE TO BILLING AND COLLECTION OF SURCHARGES UNDER MOTOR VEHICLE INSURANCE MERIT RATING PLANS.

Be it enacted, etc., as follows:

The third paragraph of section 113P of chapter 175 of the General Laws, as appearing in section 18 of chapter 266 of the acts of 1976, is hereby amended by adding the following sentence:- The insurer shall collect all such surcharges imposed, and shall not delegate or assign such billing or collection to the agent or broker of such insurer.

Approved May 18, 1979.

Chap. 193. AN ACT EXTENDING THE TIME PERIOD DURING WHICH THE CITY COUNCIL OF THE CITY OF PEABODY MAY MAKE RECOMMENDATIONS REGARDING APPROPRIATIONS FOR FISCAL YEAR NINETEEN HUNDRED AND EIGHTY.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section thirty-two of chapter forty-four of the General Laws or any other general or special law to the contrary, the time within which the city council of the city of Peabody shall take action with respect to any amount recommended in the annual budget for the fiscal year nineteen hundred and eighty, either by approving, introducing or rejecting the same, is hereby extended to June eleventh, nineteen hundred and seventy-nine, and if said city council fails to so act, such amount so recommended shall without any action by said city council become a part of the appropriations for said fiscal year, and shall be available for the purposes specified.

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

Approved May 21, 1979.

Chap. 194. AN ACT RELATIVE TO CERTAIN PROCEDURES  
FOR CITIES AND TOWNS PAYING FINAL JUDG-  
MENTS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is relative to certain procedures for cities and towns paying final judgments, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

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Be it enacted, etc., as follows:

SECTION 1. The first paragraph of section 31 of chapter 44 of the General Laws is hereby amended by striking out the third sentence, as most recently amended by chapter 832 of the acts of 1973, and inserting in place thereof the following sentence:- Payments of final judgments and awards or orders of payment approved by the industrial accident board rendered after the fixing of the tax rate for the current fiscal year may, with the approval of the director of accounts, be made from any available funds in the treasury, and the payments so made shall be reported by the auditor or accountant 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 aggregate appropriations assessed in the determination of the next subsequent annual tax rate, unless the city or town has otherwise made provision therefor.

SECTION 2. Chapter 71 of the General Laws is hereby amended by striking out the third sentence of section 34, as appearing in chapter 294 of the acts of 1939, and inserting in place thereof the following sentence:- When such an order is made prior to the fixing of the annual tax rate the foregoing sums shall be required by such order to be provided by taxation in the manner set forth in section twenty-three of chapter fifty-nine; and when such an order is made after the annual tax rate has been fixed according to law such sums may be required by such order to be provided by borrowing in the same manner and for the same period of time as is provided under clause (11) of section seven of chapter forty-four in the case of final judgments, subject to all other applicable provisions of chapter forty-four, except that, in the case of a town, such borrowing shall be made by the town treasurer, with the approval of a majority of the selectmen, and no vote of the town shall be required therefor; provided, however, payment of such an order after the fixing of the tax rate for the current fiscal year may, with the approval of the director of accounts, be made from any available funds in the treasury and such payment subsequently provided for according to the provisions of section thirty-one of chapter forty-four.

Approved May 21, 1979.

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Chap. 195. AN ACT REQUIRING INSURANCE COMPANIES  
DOING BUSINESS IN THE COMMONWEALTH TO  
REPORT TO THE FIRE MARSHAL ADJUSTED  
FIRE LOSSES OVER ONE THOUSAND DOLLARS.

Be it enacted, etc., as follows:

Section 32 of chapter 148 of the General Laws, as amended by section 1 of chapter 446 of the acts of 1978, is hereby further amended by adding the following sentence:- Every insurance company adjusting a fire loss of one thousand dollars or more shall forward forthwith to the marshal a written statement of the amount of such adjustment on building and contents.

Approved May 21, 1979.

Chap. 196. AN ACT RELATIVE TO RIGHTS OF CIVIL SERVICE EMPLOYEES TO APPEAL CERTAIN ACTIONS OF THEIR APPOINTING AUTHORITY.

Be it enacted, etc., as follows:

Section 42 of chapter 31 of the General Laws, as appearing in section 11 of chapter 393 of the acts of 1978, is hereby amended by striking out the first sentence and inserting in place thereof the following two sentences:- 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. Such complaint must be filed within ten days, exclusive of Saturdays, Sundays, and legal holidays, after said action has been taken, or after such person first knew or had reason to know of said action, and shall set forth specifically in what manner the appointing authority has failed to follow such requirements.

Approved May 21, 1979.

Chap. 197. AN ACT PROHIBITING THE CLASSIFICATION OF RISKS ON THE BASIS OF AGE, SEX, OR MARITAL STATUS FOR MOTOR VEHICLE INSURANCE RATES EXCEPT FOR CERTAIN REDUCTION PURPOSES.

Be it enacted, etc., as follows:

SECTION 1. Section 113B of chapter 175 of the General Laws is hereby further amended by inserting after the first paragraph, as most recently amended by section 2 of chapter 341 of the acts of 1973, the following two paragraphs:-

In fixing and establishing classifications of risks, the commissioner shall establish rates for insureds age sixty-five or older, who otherwise qualify for the lowest rate classification applicable to drivers generally, which shall be twenty-five per cent less than the applicable rate for such classification.

In fixing and establishing classifications of risks, the commissioner shall not group risks by sex or marital status, and shall not group risks by age except to provide the reduction in rates for insureds age sixty-five years or older required by this section.

SECTION 2. Clause (d) of section 4 of chapter 175E of the General Laws, as most recently amended by section 1 of chapter 511 of the acts of 1978, is hereby further amended by inserting

after the fourth paragraph the following paragraph:-

For motor vehicle insurance rates, risks shall not be grouped by sex or marital status and shall not be grouped by age except to produce the reduction in rates for insureds age sixty-five years or older required by this clause.

Approved May 21, 1979.

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Chap. 198. AN ACT RELATIVE TO THE USE OF CERTAIN  
RENTAL PAYMENTS WITHHELD BY TENANTS.

Be it enacted, etc., as follows:

SECTION 1. Section 8A of chapter 239 of the General Laws, as most recently amended by chapter 963 of the acts of 1977, is hereby further amended by striking out the second sentence and inserting in place thereof the following sentence:- The amounts which the tenant or occupant may claim hereunder shall include, but shall not be limited to, the difference between the agreed upon rent and the fair value of the use and occupation of the premises, and any amounts reasonably spent by the tenant or occupant pursuant to section one hundred and twenty-seven L of chapter one hundred and eleven and such other damages as may be authorized by any law having as its objective the regulation of residential premises.

SECTION 2. The fifth paragraph of said section 8A of said chapter 239, as appearing in said chapter 963, is hereby amended by striking out the last sentence and inserting in place thereof the following sentence:- Any such payment received by the clerk shall be held by him subject to the provisions of the preceding paragraph.

Approved May 21, 1979.

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Chap. 199. AN ACT AUTHORIZING A CITY COUNCIL  
MEMBER TO RECEIVE A SALARY FOR  
SERVING AS AN INSTRUCTOR IN A MUNICIPAL  
COLLEGE.

Be it enacted, etc., as follows:

Section 6A of chapter 39 of the General Laws is hereby amended by striking out the first sentence, as appearing in section 1 of chapter 259 of the acts of 1952, and inserting in place thereof the following sentence:- Notwithstanding the provisions of any city charter to the contrary, the mayor and the members of the city council, or other legislative body of a city, shall receive for their services such salary as the city council or other legislative body of a city shall by ordinance determine, and shall receive no other compensation from such city, except that a member of a city council of said city may receive a salary for serving as an instructor in a municipal college of such city. <

Approved May 21, 1979.

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Chap. 200. AN ACT REQUIRING A CERTIFICATE OF COM-

PLIANCE UNDER THE WETLANDS PROTECTION  
ACT.

Be it enacted, etc., as follows:

Section 40 of chapter 131 of the General Laws, as most recently amended by chapter 248 of the acts of 1978, is hereby further amended by inserting after the fourteenth paragraph the following paragraph:-

Within twenty-one days of the receipt of a written request, by the applicant or the owner of the property, for a certificate of compliance, the issuer of the final order shall grant such request if the activity, or portions thereof, complies with such final order. The certificate of compliance shall state that the activity, or portions thereof, has been completed in accordance with such order.

Approved May 21, 1979.

Chap. 201. AN ACT AUTHORIZING THE CITY OF NORTH ADAMS TO SUBMIT TO THE STATE SECRETARY THE PLAN REDIVIDING THE WARDS IN SAID CITY.

Be it enacted, etc., as follows:

SECTION 1. The city of North Adams is hereby authorized to submit to the state secretary a plan redividing the wards in said city as adopted by the city council of said city on September twelfth, nineteen hundred and seventy-eight and approved by the mayor of said city on September thirteenth, nineteen hundred and seventy-eight, notwithstanding the provisions of section one of chapter fifty-four of the General Laws. In all other respects, said city shall comply with the provisions of said section one.

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

Approved May 22, 1979.

Chap. 202. AN ACT PROVIDING THAT THE POSITION OF CALL FIREFIGHTER IN THE TOWN OF MARSHFIELD SHALL BE EXEMPT FROM THE CIVIL SERVICE LAW.

Be it enacted, etc., as follows:

Notwithstanding any general or special law to the contrary, the position of call firefighter in the fire department of the town of Marshfield shall be exempt from the provisions of chapter thirty-one of the General Laws, provided however, that any member of the call firefighter force in said town who is subject to the provisions of said chapter thirty-one on the effective date of this act, shall continue to be subject to said chapter thirty-one.

Approved May 22, 1979.

Chap. 203. AN ACT AUTHORIZING THE TOWN OF OTIS TO

INDEMNIFY DONALD CHAFFEE, SR., A FIRE-FIGHTER OF SAID TOWN, FOR CERTAIN EXPENSES INCURRED BY HIM.

Be it enacted, etc., as follows:

The town of Otis is hereby authorized to appropriate and pay to Donald Chaffee, Sr., a firefighter in the fire department in said town, the sum of seven hundred ninety-four dollars and twenty cents for the purpose of indemnifying him for certain medical expenses incurred and necessitated because of injuries received by him during the course of his official duties.

Approved May 22, 1979.

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Chap. 204. AN ACT EXEMPTING CERTAIN PARK POLICE OFFICERS IN THE PARK DEPARTMENT OF THE CITY OF BROCKTON FROM THE CIVIL SERVICE LAW.

Be it enacted, etc., as follows:

The park police officers in the park department of the city of Brockton who were employed by said park department as park police officers on December eleventh, nineteen hundred and seventy-eight shall be exempt from the provisions of chapter thirty-one of the General Laws.

Approved May 22, 1979.

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Chap. 205. AN ACT PROHIBITING A FALSE CALL FROM A MOTORIST HIGHWAY EMERGENCY AID CALL BOX.

Be it enacted, etc., as follows:

Section 32 of chapter 268 of the General Laws is hereby amended by adding the following paragraph:-

Whoever opens a motorist highway emergency aid call box on any state highway connected with a highway emergency signal system for the purpose of giving or causing to be given a false call for aid, or interferes in any way with such box by breaking, cutting, injuring or defacing the same; or, without authority, opens, tampers or meddles with such box, or with any part or parts thereof, or with anything connected therewith, or, with such purpose, wantonly and without cause tampers or meddles with a motorist highway emergency aid call box or with any part or thing connected therewith, shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars.

Approved May 22, 1979.

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Chap. 206. AN ACT AUTHORIZING MUNICIPAL HOSPITALS TO PURCHASE SUPPLIES UNDER CERTAIN GROUP CONTRACTS.

Be it enacted, etc., as follows:

The first paragraph of section 4B of chapter 40 of the General Laws, as amended by section 6 of chapter 758 of the acts of 1969,

is hereby further amended by adding the following sentence:-  
The provisions of this section shall not be construed to prevent the purchase of supplies for municipally operated hospitals without advertised public bids under group purchasing contracts with any agency which has been certified for this purpose by the director of the bureau of accounts, provided that such contracts are filed with the town accountant or city auditor.

Approved May 29, 1979.

Chap. 207. AN ACT AUTHORIZING THE SCHOOL COMMITTEE OF THE CITY OF NEW BEDFORD TO SELL CERTAIN ITEMS PRODUCED BY THE INDUSTRIAL ARTS DEPARTMENT AND OCCUPATIONAL EDUCATION DEPARTMENT OF THE SCHOOL DEPARTMENT IN SAID CITY.

Be it enacted, etc., as follows:

The school committee of the city of New Bedford is hereby authorized to dispose of, at public or private sale, items produced by the industrial arts department and the occupational education department of the school department of said city. Said city is hereby further authorized to establish in the treasury of said city a special revolving fund in which shall be deposited monies received from such sales. Said fund shall be kept separate by the city treasurer from any other money, fund or property of said city, and the principal and interest thereof shall, from time to time by authorization of the majority of the school committee be expended without further appropriation for industrial arts and occupational educational purposes. All such funds shall be accounted for by said school committee to the mayor of said city at the end of each fiscal year.

Approved May 22, 1979.

Chap. 208. AN ACT RELATIVE TO THE AUTHORITY OF THE MASSACHUSETTS COLLEGE OF PHARMACY.

Be it enacted, etc., as follows:

SECTION 1. Chapter 93 of the acts of 1852 is hereby amended by striking out sections 1 to 3, inclusive, and inserting in place thereof the following three sections:-

Section 1. Thomas Farrington, Joseph Burnett, George S. Jones, and all such persons as are now members of an association known as the "Massachusetts College of Pharmacy and Allied Health Sciences", or shall hereafter become members of the same, are hereby constituted a corporation and body politic, in law and in fact, by the name of the "Massachusetts College of Pharmacy and Allied Health Sciences", for the purpose of cultivating, improving, and making known the principles of pharmacy and allied health professions and their collateral branches of science, and of giving instruction in the same.

Section 2. The said college may establish by-laws and rules for its government and regulation, and for the preservation and



application of the funds thereof, not repugnant to the constitution and laws of the United States or of the commonwealth of Massachusetts, and shall have power to erect buildings for its use, and to constitute a faculty in the various disciplines involved in the respective pharmaceutical and allied health curricula as it may judge necessary, and, whenever it shall see fit, to remove them or any of them, and to appoint others in their stead; to confer degrees in pharmacy, its allied health professions, and their collateral branches of science, but not including medicine or dentistry; to confer such honorary degrees as are usually conferred by colleges in the commonwealth; and to do all acts necessary or proper for the establishment and maintenance of said college and faculty. The board of trustees may make, amend or repeal such by-laws in whole or in part, except with respect to any provision thereof which by law or the by-laws requires action by the members.

Section 3. The corporation hereby created shall have all the powers and privileges and be subject to all the duties, restrictions and liabilities contained in all general laws now or hereafter in force relating to such corporations, except as may otherwise be provided herein and the corporation shall have the following specific powers:

(a) to purchase, receive, take by grant, gift, devise, bequest or otherwise, lease, or otherwise acquire, own, hold, improve, employ, use and otherwise deal in and with, real or personal property, or any interest therein, wherever situated;

(b) to sell, convey, lease, exchange, transfer or otherwise dispose of, or mortgage, pledge, encumber or create a security interest in, all or any of its property, or any interest therein, wherever situated;

(c) to purchase, take, receive, subscribe for, or otherwise acquire, own, hold, vote, employ, sell, lend, lease, exchange, transfer, or otherwise dispose of, mortgage, pledge, use and otherwise deal in and with bonds and other obligations, shares, or other securities or interests issued by others, whether engaged in similar or different business, governmental, or other activities;

(d) to make contracts, give guarantees and incur liabilities, borrow money at such rates of interest as the corporation may determine, issue its notes, bonds, and other obligations, and secure any of its obligations by mortgage, pledge or encumbrance of, or security interest in, all or any of its property or any interest therein, wherever situated;

(e) to lend money, invest and reinvest its funds, and take and hold real and personal property as security for the payment of funds so loaned or invested;

(f) to do business, carry on its operations, and have offices and exercise the powers granted by chapter one hundred and eighty of the General Laws;

(g) to make donations, irrespective of corporate benefit, for the public welfare or for community fund, hospital, charitable, religious, educational, scientific, civic or similar purposes, and in time of war or other national emergency in aid thereof;

(h) to pay pensions, establish and carry out pension, profit sharing, share bonus, share purchase, share option, savings,

thrift and other retirement, incentive and benefit plans, trusts and provisions for any or all of its trustees, officers and employees, and for any or all of the directors, officers and employees of any corporation, fifty per cent or more of the shares of which outstanding and entitled to vote on the election of directors are owned, directly or indirectly, by it;

(i) to participate as a subscriber in the exchanging of insurance contracts specified in section ninety-four B of chapter one hundred and seventy-five of the General Laws;

(j) to be an incorporator of other corporations of any type or kind;

(k) to be a partner in any business enterprise which the corporation would have power to conduct by itself;

(l) to have and exercise all powers necessary or convenient to effect any or all of the purposes for which the corporation is formed, provided that no such power shall be exercised in a manner inconsistent with chapter one hundred and eighty or any other of the General Laws; and

(m) in general to perform and do, either directly or indirectly, and either alone or in conjunction or cooperation with other persons and organizations of every kind and nature, as a partner or joint venturer or otherwise, any other acts and things necessary, convenient, incidental and expedient to carry out the purposes of the corporation, and to use and exercise all powers conferred from time to time upon corporations organized under chapter one hundred and eighty of the General Laws; provided, however, that the corporation shall not engage in any activity not permitted to exempt organizations under Section 501(c)(3) of the Internal Revenue Code.

The powers expressed in each foregoing clause shall, unless otherwise expressly provided, in no way be limited by reference to or inference from the terms of any other clauses, but shall be regarded as independent powers; and the enumeration of specific powers shall not be construed to limit or restrict in any manner the meaning of general terms or general powers and purposes of said corporation; nor shall the expression of one such power or purpose be deemed to exclude another not so expressed, although it be of like kind and nature.

The foregoing powers are each and all subject to the limitations that: no part of the net earnings of the corporation's shall be divided among or inure to the benefit of any private individual, or be appropriated for any purposes other than the purposes herein set forth; no payment shall be made to any officer or trustee of the corporation except as reimbursement for expenditures or reasonable compensation for services rendered; no substantial part of the corporation's activities shall be the carrying on of propaganda, or otherwise attempting to influence legislation; and the corporation shall not participate in, or intervene in, any political campaign on behalf of any candidate for public office. The corporation in its admissions policy and the application thereof in furtherance of the foregoing powers and purposes or otherwise, shall not discriminate on account of race, creed, color, sex or national origin.

The corporation shall indemnify each person who is or was a trustee or officer of the corporation, and each person who is or

was serving at the request of the corporation as a director, trustee or officer of another organization in which the corporation directly or indirectly has an interest, against all liabilities, costs and expenses, including but not limited to amounts paid in satisfaction of judgments, in settlement or as fines and penalties, and counsel fees and disbursements, reasonably incurred by him in connection with or resulting from any disposition of, or otherwise in connection with, or resulting from any action, suit, or other proceeding, whether civil, criminal, administrative or investigative before any court or administrative or legislative or investigative body, in which he may be or may have been involved as a party, or otherwise, or with which he may be, or may have been threatened, while in office or thereafter, by reason of his being, or having been, such a trustee or officer, or by reason of any action taken, or not taken, in any such capacity, except with respect to any matter as to which he shall have been finally adjudicated by a court of competent jurisdiction not to have acted in good faith in the reasonable belief that his action was in the best interests of the corporation. Expenses, including, but not limited to, counsel fees and disbursements so incurred by any such person in defending any such action, suit or proceeding may be paid from time to time by the corporation in advance of the final disposition of such action, suit or proceeding upon receipt of an agreement, by or on behalf of the person indemnified, to repay the amounts so paid if it shall be ultimately determined that indemnification of such expenses is not authorized hereunder. As to any matter disposed of by settlement by any such person, pursuant to a consent decree or otherwise, no such indemnification, either for the amount of such settlement or for any other expenses, shall be provided unless such settlement shall be approved as in the best interests of the corporation, after notice that it involves such indemnification, (a) by vote of a majority of the disinterested trustees then in office, even though the disinterested trustees be less than a quorum, or (b) by any disinterested person or persons to whom the question may be referred by vote of a majority of such disinterested trustees, or (c) by vote of a majority of the members at the time entitled to vote for trustees, voting as a single class, exclusive of the vote of any interested persons, or (d) by any disinterested person or persons to whom the question may be referred by vote of such majority of the members. No such approval shall prevent the recovery from any such trustee or officer of any amounts paid to him or on his behalf as indemnification in accordance with this section if such person is subsequently adjudicated by a court of competent jurisdiction not to have acted in good faith in the reasonable belief that his action was in the best interests of the corporation. The right of indemnification hereby provided shall not be exclusive of, or affect any other rights to which any trustee or officer may be entitled or which may lawfully be granted to him. As used herein, the terms "trustee" and "officer" include their respective executors, administrators and other legal representatives. An "interested" person is one against whom the action, suit or other proceeding in question or another action, suit or other proceeding on the same or similar grounds is then or had been pending or threatened, and a "disinterested" person

is a person against whom no such action, suit or other proceeding is then or had been pending or threatened.

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

Approved May 23, 1979.

Chap. 209. AN ACT INCREASING THE TOTAL VALUE OF AN ESTATE CONSISTING ENTIRELY OF PERSONAL PROPERTY THAT QUALIFIES FOR INFORMAL ADMINISTRATION.

Be it enacted, etc., as follows:

The first paragraph of section 16 of chapter 195 of the General Laws, as most recently amended by chapter 605 of the acts of 1975, is hereby further amended by striking out, in line 4, the word "two" and inserting in place thereof the word:- three.

Approved May 22, 1979.

Chap. 210. AN ACT RELATIVE TO EXTENDING THE TIME FOR FILING APPLICATIONS FOR ABATEMENTS FOR TAX AND OTHER ASSESSMENTS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide an extension of time for filing a sewer betterment assessment abatement for agriculture and forest land, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Chapter 216 of the acts of 1974 is hereby amended by striking out the following in section 1:- "August first nineteen hundred and seventy-five"; and inserting instead thereof, the following - "January thirty-first, nineteen hundred and eighty.

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

Approved May 23, 1979.

Chap. 211. AN ACT AUTHORIZING CITIES AND TOWNS TO CHARGE PERSONS FOR TRANSPORTATION BY AMBULANCES PURCHASED, HIRED OR MAINTAINED BY SAID CITIES AND TOWNS

Be it enacted, etc., as follows:

Section 5 of chapter 40 of the General Laws is hereby amended by striking out clause (21A), as appearing in the Tercentenary Edition, and inserting in place thereof the following clause:-

(21A) For the purchase or hire and for the maintenance of ambulances; provided, that the cost of maintenance and operation of such ambulances, including maturing debt and interest, may

be defrayed by charges, established by the city or town, upon persons transported by said ambulances.

Approved May 23, 1979.

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Chap. 212. AN ACT AUTHORIZING THE TOWN OF HARVARD TO DEED A PORTION OF CERTAIN CONSERVATION LAND IN THE TOWN TO THE ENCHANTED MEADOW ASSOCIATION.

Be it enacted, etc., as follows:

The town of Harvard is hereby authorized to grant to The Enchanted Meadow Association, by deed, any or all rights, title and interest of the town of Harvard in a certain tract of land in said town, containing 2.8 acres more or less, recorded in the Worcester district registry of deeds, Book 6168, Page 363 and shown as Parcel "B" on a plan entitled "Plan of Land in Harvard, Mass. Made for Harvard Land Corporation" by Charles A. Perkins Co., Inc. dated March 1971 and reissued September 11, 1976, bounded and described as follows:

Beginning at the Northwesterly corner of the tract herein described at a drill hole

Thence running S 86 -04'-00" E 294.48 feet

Thence N 70 -47'-09" E 15.34 feet

Thence S 09 -55'-54" W 208 feet plus or minus

Thence S along the edge of the brook 130 feet plus or minus

Thence S 63 -52'-00" W 342 feet plus or minus

Thence N 04 -25'-56" E 470.15 feet to the beginning point; provided, however, that said town shall receive in exchange for the above described parcel a certain tract of land shown as Parcel "A" on the above mentioned plan containing 2.8 acres more or less in the town of Harvard, recorded in the Worcester district registry of deeds, Book 5991, Page 27, bounded and described as follows:-

Beginning at a drill hole in the Northwesterly corner of the tract herein described

Thence running S 88 -35'-15" E 158.54 feet

Thence S 73 -34'-33" E 108.51 feet

Thence S 67 -31'-36" E 223 feet to a point 20 feet from the 3 foot pine at the edge of the swamp

Thence running 462 feet along the edge of the swamp to a point 38 feet from the stone boundary

Thence running Northwesterly in an arc with a radius of 400 feet for 344 feet plus or minus

Thence running N 83 -12'-00" W for 88 feet

Thence N 23 -01'-10" E to the beginning point.

Approved May 23, 1979.

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Chap. 213. AN ACT PROVIDING FOR THE ACCEPTANCE OF CERTAIN PUBLIC WAYS IN THE TOWN OF KINGSTON.

Be it enacted, etc., as follows:

Notwithstanding the recording requirements of chapters seventy-nine and eighty-two of the General Laws, the town of Kingston is hereby authorized to accept the following public ways: Atwood street, Bagnell street, Baker street, Bay View avenue, Bradford avenue, Cedar lane, Page avenue, Oak street, Rocky Nook avenue, Cole street, Foster lane, Leigh road, Prospect street, Mayflower street, Prospect court, East avenue, Riverview avenue, Shirley avenue, Shore drive, West avenue, Wharf lane, Sunset avenue, and Bay Farm road; provided, however, that said acceptances be recorded with the town clerk of the town of Kingston and in the registry of deeds in Plymouth county.

Approved May 23, 1979.

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Chap. 214.      AN ACT PROVIDING CERTAIN RIGHTS TO  
PATIENTS AND RESIDENTS IN HOSPITALS,  
CLINICS AND CERTAIN OTHER FACILITIES.

Be it enacted, etc., as follows:

Chapter 111 of the General Laws is hereby amended by inserting after section 70D the following section:-

Section 70E. As used in this section, "Facility" shall mean any hospital, institution for the care of unwed mothers, clinic, infirm-ary maintained in a town, convalescent or nursing home, rest home, or charitable home for the aged, licensed or subject to licensing by the department; any state hospital operated by the department; any "Facility" as defined in section three of chapter one hundred and eleven B; any private, county or municipal facility, department or ward which is licensed or subject to licensing by the department of mental health pursuant to section twenty-nine of chapter nineteen; any "Facility" as defined in section thirty-eight of chapter one hundred and twenty-three; the Soldiers' Home in Holyoke, and the Soldiers' Home in Massachusetts.

The rights established under this section shall apply to every patient or resident in said facility. Every patient or resident shall receive written notice of the rights established herein upon admittance into such facility, except that if the patient is a member of a health maintenance organization and the facility is owned by or controlled by such organization, such notice shall be provided at the time of enrollment in such organization, and also upon admittance to said facility. In addition, such rights shall be conspicuously posted in said facility.

Every such patient or resident of said facility shall have, in addition to any other rights provided by law, the right to freedom of choice in his selection of a facility, or a physician or health service mode, except in the case of emergency medical treatment or as otherwise provided for by contract, or except in the case of a patient or resident of a facility named in section fourteen A of chapter nineteen; provided, however, that the physician, facility, or health service mode is able to accommodate the patient exercising such right of choice.

Every such patient or resident of said facility in which billing for service is applicable to such patient or resident, upon rea-

sonable request, shall receive from a person designated by the facility an itemized bill reflecting laboratory charges, pharmaceutical charges, and third party credits and shall be allowed to examine an explanation of said bill regardless of the source of payment. This information shall also be made available to the patient's attending physician.

Every patient or resident of a facility shall have the right:

(a) upon request, to obtain from the facility in charge of his care the name and specialty, if any, of the physician or other person responsible for his care or the coordination of his care;

(b) to confidentiality of all records and communications to the extent provided by law;

(c) to have all reasonable requests responded to promptly and adequately within the capacity of the facility;

(d) upon request, to obtain an explanation as to the relationship, if any, of the facility to any other health care facility or educational institution insofar as said relationship relates to his care or treatment;

(e) to obtain from a person designated by the facility a copy of any rules or regulations of the facility which apply to his conduct as a patient or resident;

(f) upon request, to receive from a person designated by the facility any information which the facility has available relative to financial assistance and free health care;

(g) upon request, to inspect his medical records and to receive a copy thereof in accordance with section seventy, and the fee for said copy shall be determined by the rate of copying expenses;

(h) to refuse to be examined, observed, or treated by students or any other facility staff without jeopardizing access to psychiatric, psychological, or other medical care and attention;

(i) to refuse to serve as a research subject and to refuse any care or examination when the primary purpose is educational or informational rather than therapeutic;

(j) to privacy during medical treatment or other rendering of care within the capacity of the facility;

(k) to prompt life saving treatment in an emergency without discrimination on account of economic status or source of payment and without delaying treatment for purposes of prior discussion of the source of payment unless such delay can be imposed without material risk to his health, and this right shall also extend to those persons not already patients or residents of a facility if said facility has a certified emergency care unit;

(l) to informed consent to the extent provided by law; and

(m) upon request to receive a copy of the bill or other statement of charges submitted to any third party by the facility for the care of the patient or resident.

Every patient or resident of a facility shall be provided by the physician in the facility the right:

(a) to informed consent to the extent provided by law;

(b) to privacy during medical treatment or other rendering of care within the capacity of the facility;

(c) to refuse to be examined, observed, or treated by students or any other facility staff without jeopardizing access to psychiatric, psychological or other medical care and attention;

(d) to refuse to serve as a research subject, and to refuse any care or examination when the primary purpose is educational or information rather than therapeutic;

(e) to prompt life saving treatment in an emergency without discrimination on account of economic status or source of payment and without delaying treatment for purposes of prior discussion of source of payment unless such delay can be imposed without material risk to his health;

(f) upon request, to obtain and explanation as to the relationship, if any, of the physician to any other health care facility or educational institutions insofar as said relationship relates to his care or treatment, and such explanation shall include said physician's ownership or financial interest, if any, in the facility or other health care facilities insofar as said ownership relates to the care or treatment of said patient or resident;

(g) upon request to receive an itemized bill including third party reimbursements paid toward said bill, regardless of the sources of payment; and

(h) in the case of a patient suffering from any form of breast cancer, to complete information on all alternative treatments which are medically viable.

Any person whose rights under this section are violated may bring, in addition to any other action allowed by law or regulation, a civil action under sections sixty E, inclusive, of chapter two hundred and thirty-one.

No provision of this section relating to confidentiality of records shall be construed to prevent any third party reimbursor from inspecting and copying, in the ordinary course of determining eligibility for or entitlement to benefits, any and all records relating to diagnosis, treatment, or other services provided to any person, including a minor or incompetent, for which coverage, benefit or reimbursement is claimed, so long as the policy or certificate under which the claim is made provides that such access to such records is permitted. No provision of this section relating to confidentiality of records shall be construed to prevent access to any such records in connection with any peer review or utilization review procedures applied and implemented in good faith.

No provision herein shall apply to any institution operated or listed and certified by The First Church of Christ, Scientist, in Boston, or patients whose religious beliefs limit the forms and qualities of treatment to which they may submit.

No provision herein shall be construed as limiting any other right or remedies previously existing at law.

Approved May 23, 1979.

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Chap. 215. AN ACT RELATIVE TO USE OF MONIES APPROPRIATED FOR CERTAIN UNFORESEEN EMERGENCIES.

Be it enacted, etc., as follows:

SECTION 1. Section 2 of chapter 367 of the acts of 1978 is hereby amended by striking out item 1599-2094 and in-



serting in place thereof the following item:-

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, and to meet the costs of certain salary adjustments and other related cost items authorized by either certain collective bargaining agreements or the boards of trustees of higher education for any of its employees to whom no such collective bargaining agreement is applicable; 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; 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

SECTION 2. Sums appropriated in item 1599-2094 of section 2 of chapter 367 of the acts of 1978 shall be made available by transfer to such accounts as the commissioner of administration may recommend subject to verification by the house and senate committees on ways and means.

Approved May 23, 1979.

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Chap. 216. AN ACT PREVENTING DISCRIMINATION AGAINST CERTAIN PERSONS OPPOSING ABORTIONS.

Be it enacted, etc., as follows:

Section 12I of chapter 112 of the General Laws, inserted by section 1 of chapter 521 of the acts of 1973, is hereby amended by adding the following sentence:- The refusal of any person who has made application to a medical or premedical program in the commonwealth to agree to counsel, suggest, recommend, assist, or in any way participate in the performance of an abortion or sterilization contrary to his religious beliefs or moral convictions shall not form the basis for any discriminatory action against such person.

Approved May 23, 1979.

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Chap. 217. AN ACT STANDARDIZING THE COLLECTION AND PRESERVATION OF EVIDENCE IN CASES OF RAPE.

Be it enacted, etc., as follows:

Section 97B of chapter 41 of the General Laws, as appearing in section 3 of chapter 581 of the acts of 1974, is hereby amended by adding the following paragraph:-

Each unit shall provide personnel with training in the use of a standardized kit for the collection and preservation of evidence in rape cases. Such kit shall be designed by said criminal justice council and shall include instructions, standardized reporting forms, and appropriate receptacles for the collection and preservation of evidence for laboratory and police use.

Approved May 23, 1979.

Chap. 218. AN ACT PROHIBITING THE DEPARTMENT OF PUBLIC UTILITIES FROM AUTHORIZING A RATE OR CHARGE FOR DIRECTORY SERVICE.

Be it enacted, etc., as follows:

Section 19 of chapter 159 of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by inserting after the word "order", in line 9, the words:- ; provided, however, that such schedule shall not include a rate, fare, toll or charge for directory assistance service.

(This Bill, returned by the Governor, to the House of Representatives, the Branch in which it originated, with his objections thereto, was passed by the House of Representatives, May 14, 1979, and, in concurrence, by the Senate, May 14, 1979, the objections of the Governor notwithstanding, in the manner prescribed by the Constitution; and thereby has "the force of a law".)

Chap. 219. AN ACT FURTHER REGULATING THE TERMS OF THE NINE APPOINTIVE MEMBERS OF THE BOARD OF REGISTRATION OF NURSING HOME ADMINISTRATORS.

Be it enacted, etc., as follows:

Upon the expiration of the terms of office of the current appointive members of the board of nursing home administrators pursuant to section seventythree of chapter thirteen of the General Laws, the successors of said appointive members shall be appointed for the following terms of years: the educator actively engaged in the field of health care administration, three years; the medical doctor or registered nurse, two years; the hospital administrator actively engaged in long term health care administration, one year; the representative of the public, three years; and of the five nursing home administrators, the one nursing home administrator of a nonproprietary nursing home, three years; two nursing home administrators, two years; and two nursing home administrators, one year. As each member's term expires thereafter, his successor shall be appointed for three years.

Approved May 24, 1979.

Chap. 220. AN ACT MAKING IT A CRIME TO REMOVE FLAGS  
FROM A VETERAN'S GRAVE.

Be it enacted, etc., as follows:

Chapter 272 of the General Laws is hereby amended by striking out section 73, as most recently amended by section 2 of chapter 552 of the acts of 1972, and inserting in place thereof the following section:-

Section 73. Whoever wilfully destroys, mutilates, defaces, injures or removes a tomb, monument, gravestone, veteran's grave marker or metal plaque or flag, or other structure or thing which is placed or designed for a memorial of the dead, or a fence railing, curb or other thing which is intended for the protection or ornament of a structure or thing before mentioned or of an enclosure for the burial of the dead, or wilfully removed, destroys, mutilates, cuts, breaks or injures a tree, shrub or plant placed or being within such enclosure, or wantonly or maliciously disturbs the contents of a tomb or a grave, shall be punished by imprisonment in the state prison for not more than five years or by imprisonment in the jail or house of correction for not more than two and one-half years and by a fine of not more than three thousand dollars.

Approved May 25, 1979.

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Chap. 221. AN ACT RELATIVE TO THE DISPOSITION OF  
UNCLAIMED OR ABANDONED PROPERTY

Be it enacted, etc., as follows:

Section 8 of chapter 135 of the General Laws is hereby amended by adding the following sentence: Any violation of the provisions of this section shall be punished by a fine of not less than fifty nor more than one hundred dollars and by forfeiture of any such property obtained as a result of such violation.

(The foregoing was laid before the Governor on the sixteenth day of May, 1979 and after ten days it has "the force of a law", as prescribed by the Constitution, as it was not returned by him with his objections thereto within that time.)

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Chap 222. AN ACT RELATIVE TO REQUIRING INSURANCE  
POLICIES TO BE WRITTEN IN A FORM THAT CAN  
BE EASILY UNDERSTOOD.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately grant the commissioner of insurance authority to extend the time for compliance with the law requiring insurance policies to be written in a form that can be easily understood, 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 10 of chapter 801 of the acts of 1977 is hereby amend-

ed by striking out the second sentence and inserting in place there of the following sentence:- No policy form approved or deemed approved other than under this section shall be delivered or issued for delivery in the commonwealth on or after July first, nineteen hundred and seventy-nine, unless approved by the commissioner or deemed approved under this section, except a policy delivered to fifty or fewer policyholders in the commonwealth; provided, however, that the commissioner may allow, upon the written request of a company demonstrating good and sufficient cause, any such policy form to continue to be delivered or issued for delivery for a period not to exceed six months from said July first if he is satisfied that the company, after a diligent and good faith effort, is unable to have such policy form approved or deemed approved by said date.

Approved May 30, 1979.

Chap. 223. AN ACT TO PREVENT UNDUE HARDSHIP ON RETAILERS OF CERTAIN BEVERAGES.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide immediately for the alleviation of undue hardship on retailers of certain beverages, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience. \_\_\_\_\_

Be it enacted, etc., as follows:

Chapter 399 of the acts of 1977 is hereby amended by striking out section 2 and inserting in place thereof the following section:-

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

Approved May 31, 1979.

Chap. 224. AN ACT FURTHER REGULATING THE LAW RELATIVE TO NUISANCES UPON AGRICULTURAL AND HORTICULTURAL LANDS.

Be it enacted, etc., as follows:

The first paragraph of section 125A of chapter 111 of the General Laws, as appearing in chapter 469 of the acts of 1958, is hereby amended by inserting after the the word "section", in line 7, the following words:- ; provided, however, that the odor from the normal maintenance of livestock or the spreading of manure upon agricultural and horticultural lands shall not be deemed to constitute a nuisance.

Approved May 31, 1979.

Chap. 225. AN ACT AUTHORIZING PROVISIONAL NATURAL RESOURCE OFFICERS TO TAKE A CIVIL SERVICE EXAMINATION FOR NATURAL RESOURCE OFFICER (COASTAL PATROL BOAT), NATURAL RESOURCE OFFICER NOTWITHSTANDING THE MAXIMUM AGE REQUIREMENT.

Whereas, The deferred operation of this act would tend to defeat its purpose which is to immediately authorize provisional natural resource officers to take certain civil service examinations notwithstanding the maximum age requirement, therefore, it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

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Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law or rule to the contrary, regulating the maximum age of an applicant for appointment as a natural resource officer in the department of environmental affairs, the present employees serving as provisional natural resource officers shall be eligible to take the next open competitive examinations for natural resource officer (coastal patrol boat) and natural resource officer and they shall be eligible for certification and appointment as natural resource officers provided they meet all other requirements.

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

Approved June 1, 1979.

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Chap. 226. AN ACT AUTHORIZING THE CITY OF GARDNER TO APPROPRIATE AND PAY A SUM OF MONEY TO MAGNUS A. CARLBERG INSURANCE AGENCY, INC.

Be it enacted, etc., as follows:

SECTION 1. The city of Gardner 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 five thousand six hundred nine dollars and three cents to Magnus A. Carlberg Insurance Agency, Inc. for premiums incurred by said city in the year nineteen hundred and seventy-eight for workmen's compensation coverage.

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

Approved June 1, 1979.

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Chap. 227. AN ACT RELATIVE TO THE ACQUISITION OF LAND BY THE CITY OF PEABODY FOR CONSERVATION AND OUTDOOR RECREATION PURPOSES.

Be it enacted, etc., as follows:

SECTION 1. Section 1 of chapter 196 of the acts of 1976 is hereby amended by inserting after the word "domain," in line 3, the words:- and development ,- and by striking out, in line 9, the words "in an equal amount in each of the six wards of said city".

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

Approved June 1, 1979.

Chap. 228. AN ACT FURTHER REGULATING THE SALE OF  
MOTOR VEHICLES.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to further regulate the sale of motor vehicles, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

The first sentence of section 57 of chapter 140 of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by inserting after the word "thereof", in line 7, the words: - or allow any property under his control to be used as a place of sale or display of motor vehicles.

Approved June 1, 1979.

Chap. 229. AN ACT AUTHORIZING THE ASSESSORS OF THE  
CITY OF PITTSFIELD TO ABATE A CERTAIN  
REAL ESTATE TAX PAYMENT DUE ON PROPERTY  
ACQUIRED BY THE PITTSFIELD HOUSING  
AUTHORITY.

Be it enacted, etc., as follows:

SECTION 1. The assessors of the city of Pittsfield are hereby authorized to abate the balance of fifty-nine thousand seven hundred sixteen dollars and forty-four cents plus interest and charges owed to said city as stated on the nineteen hundred and seventy-seven fiscal year real estate tax bill number fifteen thousand six hundred and sixty-six for property assessed to Raddock Organization Ltd., a corporation established under the laws of the State of New York, which property was acquired by the Pittsfield Housing Authority on March fifteenth, nineteen hundred and seventy-six, the balance owing on said taxes being the entire amount for the period July first, nineteen hundred and seventy-six to June thirtieth, nineteen hundred and seventy-seven, inclusive.

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

Approved June 1, 1979.

Chap. 230. RELATIVE TO THE DEFINITION OF PUBLIC  
RECORDS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is relative to the definition of "public records", 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:

Clause Twenty-sixth of section 7 of chapter 4 of the General Laws is hereby amended by striking out subclause (i), as appearing in section 1 of chapter 1050 of the acts of 1973, and inserting in place thereof the following subclause:-

(i) appraisals of real property acquired or to be acquired until (1) a final agreement is entered into; or (2) any litigation relative to such appraisal has been terminated; or (3) the time within which to commence such litigation has expired.

Approved June 1, 1979.

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Chap. 231. AN ACT RELATIVE TO CORPORATION NOTES.

Be it enacted, etc., as follows:

SECTION 1. Section 39 of chapter 168 of the General Laws is hereby amended by striking out the first sentence, as amended by chapter 125 of the acts of 1978, 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 one year 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.

SECTION 2. Section 41 of said chapter 168 is hereby amended by striking out paragraph 1, as amended by chapter 44 of the acts of 1962, and inserting in place thereof the following paragraph:-

1. Term. - Loans made under paragraphs 1 to 5, inclusive, of section thirty-eight shall be payable either at a time not exceeding one year from the date thereof or upon demand on or after a date not exceeding one year from the date thereof, and, in either case, may be renewed for any term for which a loan could then be made hereunder; and provided, however, that loans made under section thirty-nine shall be payable either at a time not exceeding three years from the date thereof or upon demand on or after a date not exceeding three years from the date thereof and, in either case, may be renewed for any term for which a loan could then be made hereunder.

Approved June 1, 1979.

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Chap. 232. AN ACT RELATIVE TO PARKING OF CERTAIN VEHICLES.

Be it enacted, etc., as follows:

Section 13 of chapter 90 of the General Laws is hereby amended by striking out the third and fourth sentences, inserted by chapter 763 of the acts of 1950, and inserting in place thereof the following two sentences:- Whenever a bus having a seating capacity of more than seven passengers, a truck weighing, unloaded, more than four thousand pounds, or a tractor, trailer,

semi-trailer or combination thereof, shall be parked on a way, on a grade sufficient to cause such vehicle to move of its own momentum, and is left unattended by the operator, one pair of adequate wheel safety chock blocks shall be securely placed against the rear wheels of such vehicle so as to prevent movement thereof. The provisions of the preceding sentence shall not apply to a vehicle equipped with positive spring-loaded air parking brakes.

Approved June 1, 1979.

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Chap. 233. AN ACT FURTHER DEFINING ENTRANCE TO POLLING PLACES.

Be it enacted, etc., as follows:

Chapter 54 of the General Laws is hereby amended by striking out section 65, as most recently amended by chapter 297 of the acts of 1977, and inserting in place thereof the following section:-

Section 65. At an election of state or city officers, and of town officers in towns where official ballots are used, the presiding election officer at each polling place shall, before the opening of the polls, post at least three cards of instruction, three cards containing abstracts of the laws imposing penalties upon voters, three copies of measures to be submitted to the people, if any, and at least five specimen ballots within the polling place outside the guard rail, and a copy of each measure to be submitted to the people in each marking compartment; and no other poster, card, handbill, placard, picture or circular intended to influence the action of the voter shall be posted, exhibited, circulated or distributed in the polling place, in the building where the polling place is located, on the walls thereof, on the premises on which the building stands, or within one hundred and fifty feet of the building entrance door to such polling place. In polling places in which voting machines or approved electronic voting systems are used, the samples of the ballot posted shall be, substantially, replicas of the ballot labels, cards or ballots upon which the voters must vote in using the particular machine or system. Pastors, commonly called stickers, shall not be posted, circulated or distributed in the polling place, in the building where the polling place is located, on the walls thereof, on the premises on which the building stands, or within one hundred and fifty feet of the building entrance door to such polling place. Such pasters shall be subject to all the restrictions imposed by sections forty-one and forty-four as to names and residences of candidates and the size of the type in which the names shall be printed; but no political or other designation shall appear on such pasters, and no vote by paster shall be counted if such designation appears. The presiding election officer shall, at the opening of the polls, publicly open the packages containing the ballots and deliver them to the ballot clerks. All specimen ballots not posted shall be kept in the custody of the presiding officer until after the closing of the polls.

No rule, regulation or provision of law shall prohibit a person who is a member of a police or fire department of the commonwealth, or any political subdivision thereof, who is not on active



duty, from distributing such material one hundred and fifty feet distant from a building entrance door to a polling place in an election where there appears on the ballot a referendum pertaining to, or affecting, the conditions of employment, including hours of labor and compensation, in the department of which said person is a member subject to the provisions of this section.

No person shall be allowed to collect signatures upon petitions, referendum petitions or nomination papers within one hundred and fifty feet from the building entrance door to a polling place.

Whoever posts, exhibits, circulates or distributes any poster, card, handbill, placard, picture or circular intended to influence the action of a voter, or any paster to be placed upon the official ballot, in violation of any provision of this section, shall be punished by a fine of not more than twenty dollars.

Approved June 1, 1979.

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Chap. 234. AN ACT RELATIVE TO THE APPOINTMENT OF  
ELECTION OFFICERS IN TOWNS.

Be it enacted, etc., as follows:

The second paragraph of section 12 of chapter 54 of the General Laws, as most recently amended by section 2 of chapter 150 of the acts of 1978, is hereby further amended by adding the following sentence:- All persons listed on the original list who have not been appointed as election officers shall be notified by certified mail of the appointment of a person listed on the supplemental list at least five days prior to such appointment.

Approved June 1, 1979.

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Chap. 235. AN ACT AUTHORIZING THE SELECTMEN OF THE  
TOWN OF HOLDEN TO ABATE A CERTAIN SEWER  
ASSESSMENT ON PROPERTY OWNED BY HARRIS  
COURVILLE AND EMMA COURVILLE.

Be it enacted, etc., as follows:

Notwithstanding the late filing of an application for abatement, the selectmen of the town of Holden are hereby authorized to abate one thousand four hundred sixty-eight dollars and the interest on said sum of a sewer assessment made by said town against Harris Courville and Emma Courville with respect to a parcel of land located on Holden street in said town owned by said Harris Courville and Emma Courville and acquired by them pursuant to a deed recorded in Worcester district registry of deeds in Book 4826, Page 279, and which is shown on the town of Holden assessors' map 225 as parcel 72.

Approved June 1, 1979.

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Chap. 236. AN ACT AUTHORIZING THE SELECTMEN OF THE  
TOWN OF HOLDEN TO ABATE A CERTAIN SEWER  
ASSESSMENT ON PROPERTY OWNED BY THOMAS  
P. MOSS AND KATHERINE A. MOSS.

Be it enacted, etc., as follows:

Notwithstanding the late filing of an application for abatement, the selectmen of the town of Holden are hereby authorized to abate one thousand six hundred forty-six dollars and the interest on said sum of a sewer assessment made by said town against Thomas P. Moss and Katherine A. Moss with respect to a parcel of land located at the intersection of Main street and Sandy Glen drive in said town owned by said Thomas P. Moss and Katherine A. Moss and acquired by them pursuant to a deed recorded in Worcester district registry of deeds in Book 5358, Page 491, and which is shown on the town of Holden assessors' map 238, parcels 82.01 and 83.

Approved June 1, 1979.

Chap. 237. AN ACT AUTHORIZING THE SELECTMEN OF THE TOWN OF HOLDEN TO ABATE A CERTAIN SEWER ASSESSMENT ON PROPERTY OWNED BY RICHARD F. SWANSON AND JOAN L. SWANSON.

Be it enacted, etc., as follows:

Notwithstanding the late filing of an application for abatement, the selectmen of the town of Holden are hereby authorized to abate a sewer assessment in the amount of five hundred forty-nine dollars and twenty-seven cents and the interest on said sum of a sewer assessment made by said town against Richard F. Swanson and Joan L. Swanson with respect to a parcel of land located on Kendall road in said town owned by said Richard F. Swanson and Joan L. Swanson and acquired by them pursuant to a deed recorded in Worcester district registry of deeds in Book 4724, Page 428, and which is shown on the town of Holden assessors' map 128, as parcels 5.01 and 5.02.

Approved June 1, 1979.

Chap. 238. AN ACT FURTHER REGULATING THE COMPENSATION TO THE CONSERVATOR OF A TRUST COMPANY.

Be it enacted, etc., as follows:

Section 44 of chapter 172 of the General Laws, as appearing in section 1 of chapter 493 of the acts of 1961, is hereby amended by inserting after the word "compensation", in line 10, the words:- ; and provided, further, that the commissioner may, subject to approval of the governor and council, upon the written request of any such trust company, increase the compensation of the conservator for good cause to an amount not to exceed an additional fifty per cent of the compensation paid to the chief executive officer of that trust company.

Approved June 1, 1979.

Chap. 239. AN ACT CREATING A JOINT TENANCY BETWEEN UNMARRIED PERSONS TAKING AS TENANTS BY

## THE ENTIRETY.

Be it enacted, etc., as follows:

SECTION 1. Section 7 of chapter 184 of the General Laws is hereby amended by adding the following paragraph:-

A conveyance or devise of land to two persons as tenants by the entirety, who are not married to each other, shall create an estate in joint tenancy and not a tenancy in common.

SECTION 2. The provisions of the third paragraph of section seven of chapter one hundred and eighty-four of the General Laws, added by section one of this act, shall apply to conveyances or devises of land made after the effective date of this act.

Approved June 1, 1979.

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Chap. 240. AN ACT INCREASING THE TERMS OF THE CLERK AND TREASURER OF THE NORTH RAYNHAM WATER DISTRICT.

Be it enacted, etc., as follows:

Section 9 of chapter 483 of the acts of 1949 is hereby amended by striking out the fourth sentence and inserting in place thereof the following sentence:- At the meeting at which said water commissioners are first elected and at the third annual district meeting held thereafter, the district shall elect by ballot, each for a term of three years, a clerk and a treasurer of the district.

Approved June 1, 1979.

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Chap. 241. AN ACT CLARIFYING THE CIVIL SERVICE STATUS OF CERTAIN MEMBERS OF THE POLICE DEPARTMENT OF THE TOWN OF DUDLEY.

Be it enacted, etc., as follows:

SECTION 1. Section 3 of chapter 511 of the acts of 1975 is hereby amended by inserting after the word "act", in line 4, the words:- and any member of said police department who on the effective date of this act is serving his probationary period as required by chapter thirty-one of the General Laws shall, upon the satisfactory completion of such probationary period, be deemed to have been permanently appointed as a member of the police department of said town under the civil service law.

SECTION 2. This act shall take effect as of August thirteenth, nineteen hundred and seventy-five.

Approved June 1, 1979.

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Chap. 242. AN ACT AUTHORIZING THE SELECTMEN OF THE TOWN OF HOLDEN TO ABATE A CERTAIN SEWER ASSESSMENT ON PROPERTY OWNED BY CLARK B. SUNDIN, JR.

Be it enacted, etc., as follows:

The selectmen of the town of Holden are hereby authorized to abate one thousand twenty-seven dollars and sixty cents of a sewer assessment made by said town against Clark B. Sundin, Jr. with respect to a parcel of land located on Sandy Glen drive in said town owned by Clark B. Sundin, Jr. and acquired by him pursuant to a deed recorded in Worcester district registry of deeds in book 4845, page 316 and which is shown on the town of Holden assessors' map 238 as parcel 82.13.

Approved June 1, 1979.

Chap. 243. AN ACT AUTHORIZING THE CITY OF NEW BEDFORD TO PLACE A CERTAIN QUESTION ON THE BALLOT RELATIVE TO THE FLUORIDATION OF ITS WATER SUPPLY.

Be it enacted, etc., as follows:

Notwithstanding the provisions of section eight C of chapter one hundred and eleven of the General Laws, the state secretary shall place on the official ballot of the city of New Bedford at the next state biennial election to be held in the year nineteen hundred and eighty the following question:- "Shall the fluoridation of the public water supply for domestic use in the city of New Bedford be continued?" If the majority of votes in answer to said question is in the negative, the water supply of said city shall not be fluoridated.

Approved June 1, 1979.

Chap. 244. AN ACT RELATIVE TO THE ANNUAL OBSERVANCE OF VIETNAM VETERANS DAY.

Be it enacted, etc., as follows:

Chapter 6 of the General Laws is hereby amended by inserting after section 15LL, inserted by chapter 8 of the acts of 1979, the following section:-

Section 15MM. The governor shall annually issue a proclamation setting apart March twenty-ninth as "Vietnam Veterans Day" and recommending that said day be observed in an appropriate manner by the people.

Approved June 1, 1979.

Chap. 245. AN ACT AUTHORIZING THE CONVEYANCE OF CERTAIN LAND AND BUILDINGS THEREON OF THE METROPOLITAN DISTRICT COMMISSION TO THE TRUSTEES OF NORTHEASTERN UNIVERSITY.

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 by deed, approved as to form by the attorney general, to the

Trustees of Northeastern University, an educational institution, for a sum not less than two hundred and fifty thousand dollars, a certain parcel of land with the buildings thereon located at 238-262 Saint Botolph street, in the city of Boston, known as the Boston Arena, and bounded and described as follows:-

NORTHWESTERLY on St. Botolph Street, four hundred one and 62/100 (401.62) feet;

NORTHEASTERLY on a passageway, one hundred eighty-one and 79/100 (181.79) feet;

SOUTHEASTERLY on said passageway, ten (10) feet;

NORTHEASTERLY again on said passageway, thirty-four and 50/100 (34.50) feet;

SOUTHEASTERLY on land now or formerly of Old Colony Railroad Company, three hundred ninety-one and 62/100 (391.62) feet; and

SOUTHWESTERLY on another passageway 10 feet wide, two hundred sixteen and 29/100 (216.29) feet.

Containing 86,521.4 square feet of land, more or less.

Said commission is hereby further authorized to execute and deliver a deed and such other instruments as may be required to carry out the purposes of this act, after receiving written certification from the said Trustees that the facilities of the said Boston Arena will continue to be made available to schools and athletic organizations at appropriate times.

Approved June 1, 1979.

Chap. 246. AN ACT DESIGNATING THE BRIDGE ON STATE HIGHWAY ROUTE 52 OVER THOMPSON ROAD IN THE TOWN OF WEBSTER AS THE POLISH AMERICAN VETERANS BRIDGE.

Be it enacted, etc., as follows:

The bridge on state highway route 52 over Thompson road in the town of Webster shall be designated and known as the Polish American Veterans bridge, in recognition of significant contributions to the nation and the commonwealth rendered by Polish American veterans whose support and loyalty in wartime is unparalleled, and whose spirit of liberty, independence, and justice were an inspiration to their comrades in arms of all nationalities. A suitable marker bearing said designation shall be attached thereto by the department of public works in compliance with the standards of said department and as authorized by the federal highway administration.

Approved June 1, 1979.

Chap. 247. AN ACT RELATIVE TO CHANGING THE DATE OF CERTAIN TOWN ELECTIONS AND ANNUAL MEETINGS FOR THE YEAR NINETEEN HUNDRED AND EIGHTY.

Be it enacted, etc., as follows:

Notwithstanding any provision of general or special law or of

any town charter or by-law to the contrary, if the date for the holding of a town election falls within thirty days before or after the presidential primary to be held in the year nineteen hundred and eighty, or on the day of said presidential primary, the town council in a town having a town council and the selectmen in any other town, after consultation with the town clerk, may by majority vote establish a date between February first and May thirty-first, both dates inclusive, for the holding of such town election and may also prescribe by majority vote a date between February first and May thirty-first, both dates inclusive, in such year for the holding of the annual meeting of such town. Any such town election and any such town meeting shall be held on the date or dates established and shall be called as provided in sections nine A and ten of chapter thirty-nine of the General Laws.

Approved June 1, 1979.

Chap. 248. AN ACT FURTHER REGULATING THE TERMINATION OF AN ESTATE OF HOMESTEAD.

Be it enacted, etc., as follows:

Chapter 188 of the General Laws is hereby amended by striking out section 7, as most recently amended by chapter 539 of the acts of 1978, and inserting in place thereof the following section:-

Section 7. An estate of homestead created under section two may be terminated during the lifetime of the owner by either of the following methods:- (1) a deed conveying the property in which an estate of homestead exists, signed by the owner and the owner's spouse, if any, which does not specifically reserve said estate of homestead; or by (2) a release of the estate of homestead, duly signed, sealed and acknowledged by the owner and the owner's spouse, if any, and recorded in the registry of deeds for the county or district in which the property is located.

A deed reserving said estate of homestead shall convey, according to its terms, any title or interest in the property beyond the estate of homestead.

Approved June 1, 1979.

Chap. 249. AN ACT CLARIFYING THE LAWS GOVERNING COMMUNITY ANTENNA TELEVISION SYSTEMS IN THE COMMONWEALTH.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is, in part, to immediately facilitate the orderly development of cable television in the commonwealth, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience. \_\_\_\_\_

Be it enacted, etc., as follows:

SECTION 1. Section 7 of chapter 166A of the General Laws, as most recently amended by section 7 of chapter 674 of the acts of 1975, is hereby further amended by striking out the last sentence and inserting in place thereof the following sentence:- The

consent of an issuing authority to a transfer or assignment of a license for an unconstructed CATV system shall not be given if the consideration being paid in the proposed transaction includes a substantial payment for the license.

SECTION 2. Section 8 of said chapter 166A is hereby further amended by striking out the second and third sentences, as appearing in section 1 of chapter 1103 of the acts of 1971, and inserting in place thereof the following three sentences:- Each licensee shall file annually with the commission on forms prescribed by the commission, a statement of its revenues and expenses for official use only. In addition, each such licensee shall file with the commission and the issuing authority on forms prescribed by the commission, a financial balance sheet and statement of ownership which shall be open to public inspection. Such statements and balance sheet shall be sworn to by the person preparing such forms and by the owner, or if the owner is a corporation, by the treasurer of the corporation.

SECTION 3. The first paragraph of section 15 of said chapter 166A, as amended by section 14 of chapter 674 of the acts of 1975, is hereby further amended by adding the following two sentences:- Notwithstanding any other provision of this paragraph, the commission may, after due hearing and investigation, suspend regulation of rates and charges in any cable television system upon a finding that adequate competitive alternatives exist to the provision of services offered by cable television systems. In the event of such a suspension, the commission shall, by oversight and surveillance, review periodically any facts or standards employed in determining the presence of said competition.

Approved June 4, 1979.

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Chap. 250. AN ACT AUTHORIZING THE CHELSEA POLICE RELIEF ASSOCIATION TO PAY CERTAIN SUMS OF MONEY TO CERTAIN MEMBERS UPON THEIR RETIREMENT.

Be it enacted, etc., as follows:

SECTION 1. The Chelsea Police Relief Association, 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 Chelsea, who has been a member of said department and the Chelsea Police Relief Association, 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 said Association. Said Association 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.

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

Approved June 8, 1979.

Chap. 251. AN ACT PROVIDING THAT A NOTICE OF  
TERMINATION OF A TENANCY AT WILL MAY  
CONTAIN AN OFFER TO ESTABLISH A NEW  
TENANCY.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately provide for a landlord to offer a new tenancy concurrently with a notice of termination of a tenancy at will, therefore, it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Section 12 of chapter 186 of the General Laws, as most recently amended by section 2 of chapter 494 of the acts of 1977, is hereby further amended by inserting after the first sentence the following sentence:- Such written notice may include an offer to establish a new tenancy for the same premises on terms different from that of the tenancy being terminated and the validity of such written notice shall not be affected by the inclusion of such offer.

Approved June 8, 1979.

Chap. 252. AN ACT MAKING CORRECTIVE CHANGES IN THE  
LAW RELATIVE TO CANCELLATION OF CERTAIN  
CONTRACTS SIGNED AT A PLACE OTHER THAN  
THE SELLER'S PLACE OF BUSINESS.

Be it enacted, etc., as follows:

SECTION 1. Subsection B of section 48 of chapter 93 of the General Laws, as most recently amended by chapter 90 of the acts of 1975, is hereby further amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

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

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

SECTION 2. Said subsection B of said section 48 of said chapter 93 is hereby further amended by adding the following paragraph:-

Forms and notices of the right to cancel prescribed by rules of the Federal Trade Commission may be substituted for the forms and notices required by this subsection.

SECTION 3. Section 9 of chapter 255D of the General Laws is hereby amended by striking out subsection D $\frac{1}{2}$ , inserted by section 6 of chapter 90 of the acts of 1975, and inserting in place thereof the following subsection:-



D<sup>1</sup>/<sub>2</sub>. Every retail installment sale agreement signed by the buyer at a place other than an address of the seller, which may be his main office or branch thereof, one of which must be shown on the agreement, shall be in writing in the same language as that principally used in the oral sales presentation, except as further provided herein and shall also contain the following statement appearing on the front page thereof in the immediate proximity to the space reserved for the buyer's signature and in boldface type of a minimum size of ten points:

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

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

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

#### NOTICE OF CANCELLATION

(Enter date of transaction)  
(Date)

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

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

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

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

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

(Name of seller)

at \_\_\_\_\_

(Address of seller's place of business)

not later than midnight of \_\_\_\_\_  
(Date)

I hereby cancel this transaction.

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Buyer's signature)

Forms and notices of the right to cancel prescribed by rules of the Federal Trade Commission may be substituted for the forms and notices required by this subsection.

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

The seller shall not negotiate, transfer, sell or assign any such agreement to a finance company or other third party prior to midnight of the fifth business day following the day the agreement was signed. No negotiation, transfer, sale or assignment of any agreement shall defeat or limit the buyer's right to cancel the agreement because of failure to include a required or an agreed term or to deliver an accurate copy of the agreement.

This subsection shall not apply to a transaction in which the buyer is accorded the right of rescission by the provisions of chapter one hundred and forty C; or the buyer has initiated the contract and the goods or services are needed to meet a bona fide immediate personal emergency of the buyer, and the buyer furnishes the seller with a separate dated and signed personal statement in the buyer's handwriting describing the situation requiring immediate remedy and expressly acknowledging and waiving the right to cancel the sale within three business days.

SECTION 4. Subsection B of section 27 of said chapter 255D is hereby amended by striking out clause (6), as most recently amended by section 51 of chapter 517 of the acts of 1969, and inserting in place thereof the following clause:-

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

Approved June 8, 1979.

Chap. 253. AN ACT RELATIVE TO THE MEASUREMENT AND DELIVERY OF CORDWOOD AND FIREWOOD.

Be it enacted, etc., as follows:

Chapter 94 of the General Laws is hereby amended by striking out sections 298 and 299 and inserting in place thereof the following two sections:-

Section 298. Cordwood sold or offered or exposed for sale shall

be four feet in length. The term "firewood" shall be construed to mean and include wood cut to any lengths of less than four feet and more than eight inches. Cordwood and firewood shall be advertised, offered for sale and sold only in terms of cubic feet or cubic meters which will be construed as indicating the closely stacked cubic foot or cubic meter content to be delivered to the purchaser. The terms "cord", "face cord", "pile", "truck-load" or terms of similar import shall not be used in the advertising and sale of cordwood or firewood. The term "kindling wood" shall be construed to mean and include all split wood, edgings, clippings or other waste wood averaging eight inches in length. Except as provided by sections two hundred and forty-three and two hundred and forty-seven, the standard unit of measure for kindling wood shall be the bushel of two thousand one hundred and fifty and forty-two hundredths cubic inches.

Section 299. Whoever, except as otherwise provided, sells cordwood or firewood, shall cause a delivery ticket or sales invoice to be issued and delivered to the purchaser or his agent at the time of delivery of the wood. Such delivery ticket or sales invoice shall include the name and address of the seller and the purchaser, the quantity delivered to the purchaser in terms of cubic feet or cubic meters, the date delivered and the price of the quantity of wood delivered. Whoever violates any provision of this or the preceding 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 or sales invoice for fraudulent or deceptive purposes shall be punished by a fine of not more than one thousand dollars.

Approved June 8, 1979.

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Chap. 254. AN ACT PROVIDING FOR THE COMPENSATION  
OF THE MEMBERS OF THE MASSACHUSETTS  
PARKING AUTHORITY.

Be it enacted, etc., as follows:

Section 3 of chapter 606 of the acts of 1958 is hereby amended by striking out the second paragraph, as amended by chapter 1037 of the acts of 1971, and inserting in place thereof the following paragraph:-

The Authority shall consist of three members, two of whom, hereinafter referred to as the governor's appointees, shall be appointed by the governor and the third member shall be such person as the mayor of the city shall from time to time designate. The chairman of the Authority designated by the governor, as hereinafter provided, shall receive a salary of ten thousand dollars and each of the members shall receive seven thousand five hundred dollars annually. Said sums referred to heretofore shall be payable solely from revenues received by the Authority.

Approved June 8, 1979.

Chap. 255. AN ACT PROVIDING FOR ALTERNATE JURORS  
IN CASES TRIED BY JURIES OF SIX.

Be it enacted, etc., as follows:

SECTION 1. Section 25 of chapter 234 of the General Laws, as most recently amended by section 2 of chapter 397 of the acts of 1973, is hereby further amended by inserting after the second sentence the following sentence:- For trials by juries of six the clerk shall draw said ballots in succession until the names of six or such greater number as the court may order under section twenty-six B are drawn who appear and are not excused or set aside.

SECTION 2. Section 26B of said chapter 234 is hereby amended by adding the following paragraph:-

In those cases that are to be tried by juries of six in a district, municipal or juvenile court, the court may certify that a certain trial is likely to be protracted, and may order impanelled a jury of not more than eight members and the court shall have jurisdiction to try the case with such jury subject to the following provisions. If at the time of the final submission of the case by the court to the jury more than six members of the jury who have heard the whole case are alive and not incapacitated or disqualified, the court shall direct the clerk to place the names of all of the remaining jurors, except the foreman, in a box and draw the names of a sufficient number to reduce the jury to six members. Those jurors whose names are so drawn shall not then be discharged, but shall be known as alternate jurors and be kept separate and apart from the other jurors in some convenient place, subject to the same rules and regulations, until the jury has agreed upon a verdict or has been otherwise discharged. If, at any time after the final submission of the case by the court to the jury and before the jury has agreed on a verdict, a juror dies, or becomes ill, or is unable to perform his duty for any other good cause shown to the court, the court may order him to be discharged and direct the clerk to place the names of all of the remaining alternate jurors in a box and draw the name of an alternate, who shall then take the place of the discharged juror on the jury, which shall then renew its deliberations with the alternate juror. The court shall have jurisdiction to receive the verdict of the jury constituted under the provisions of this section and shall have jurisdiction to render judgment in said case.

Approved June 8, 1979.

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Chap. 256. AN ACT RELATIVE TO THE FILING OF  
CERTIFICATE OF LEGAL EXISTENCE BY  
FOREIGN CORPORATIONS.

Be it enacted, etc., as follows:

Section 4 of chapter 181 of the General Laws, as appearing in section 1 of chapter 844 of the acts of 1973, is hereby amended by inserting after the second paragraph the following paragraph:-

Attached to the certificate shall be a certificate of legal existence of such foreign corporation issued by an officer or agency

properly authorized in the state or country in which such foreign corporation was organized or other evidence of legal existence acceptable to the secretary. If such certificate or other evidence of such legal existence is in language other than English, a translation thereof, under oath of the translator, shall also be attached.

Approved June 8, 1979.

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Chap. 257. AN ACT RELATIVE TO THE FILLING OF  
VACANCIES IN THE OFFICE OF TOWN MEETING  
MEMBER IN THE TOWN OF ARLINGTON.

Be it enacted, etc., as follows:

Notwithstanding section nine of chapter forty-three A of the General Laws, any vacancy in the full number of town meeting members from any precinct in the town of Arlington, whether arising from a failure of the registered voters thereof to elect, or from any other cause, may be filled, until the next annual election, by the remaining members of the precinct from among the registered voters thereof. Upon petition therefor, signed by not less than a majority of the existing town meeting members from the precinct, notice of any vacancy shall promptly be given by the town clerk to the remaining members from the precinct in which the vacancy or vacancies exist, and said town clerk shall call a special meeting of such members for the purpose of filling such vacancy or vacancies. Said town clerk shall cause to be mailed to every such member, not less than five days before the time set for the meeting, a notice specifying the object, time and place of the meeting. At the said meeting a majority of the members from such precinct shall constitute a quorum, and they shall elect from their own number a chairman and a clerk. The choice to fill any vacancy shall be by ballot, and a majority of the votes cast shall be required for a choice. The chairman and clerk shall count the ballots and shall make a certificate of the choice and forthwith file the same with said town clerk, together with a written acceptance by the member or members so chosen, who shall thereupon be deemed elected and qualified as a town meeting member or members, subject to the right of all the town meeting members to judge of the election and qualifications of the members as set forth in section five of said chapter forty-three A.

Approved June 8, 1979.

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Chap. 258. AN ACT AUTHORIZING THE COUNTY COMMISSIONERS OF NORFOLK COUNTY TO PAY  
CERTAIN UNPAID BILLS.

Be it enacted, etc., as follows:

SECTION 1. The county commissioners of Norfolk county are hereby authorized to pay, subject to appropriation, and after such appropriation, the treasurer of said county is hereby authorized to pay, such of the unpaid bills incurred by said county and totaling five thousand five hundred ninety-nine dollars and seventy-eight cents for goods supplied and services

rendered to said county during the year nineteen hundred and seventy-two rendered during the construction of the district court in the city of Quincy. Said bills are legally unenforceable against said county by reason of their being incurred in excess of available appropriations.

SECTION 2. No bill shall be approved by the county commissioners of said county or paid by said county treasurer under authority of this act unless and until a certificate has been signed and filed with said treasurer stating under the penalties

Approved June 1, 1979.

Chap. 259.      AN ACT FURTHER DEFINING THE REQUIREMENTS  
FOR THE TEACHING OF CERTAIN COURSES IN  
PUBLIC HIGH SCHOOLS.

Be it enacted, etc., as follows:

Chapter 71 of the General Laws is hereby amended by striking out section 13, as most recently amended by chapter 305 of the acts of 1975, and inserting in place thereof the following section:-

Section 13. In every public high school having not less than one hundred and fifty pupils, any course not included in the regular curriculum shall be taught if the parents or guardians of not less than thirty pupils or of a number of pupils equivalent to five per cent of the pupil enrollment in the high school, whichever is less, request in writing the teaching thereof, provided said request is made and said enrollment is completed before the preceding August first and provided a qualified teacher is available to teach said course. The teaching of any course as provided by this section may be discontinued if the enrollment of pupils falls below fifteen. Such courses as may be taught under this section shall be given the same academic credit necessary for a high school diploma as is given to similar courses taught in said public high school, provided that the school committee shall make a determination as to the credit equivalency of such course prior to its being offered.

Approved June 8, 1979.

Chap. 260.      AN ACT PROVIDING A FINE FOR MOTORISTS  
PARKING IN SPACES RESERVED FOR HANDI-  
CAPPED PERSONS ONLY.

Be it enacted, etc., as follows:

The second paragraph of section 22A of chapter 40 of the General Laws, added by chapter 648 of the acts of 1977, is hereby amended by striking out the last sentence and inserting in place thereof the following sentence:- Any such ordinance, by-law, order, rule or regulation promulgated pursuant to the provisions of this paragraph shall not contain a penalty of less than fifteen dollars or in excess of fifty dollars.

Approved June 8, 1979.

Chap. 261. AN ACT FURTHER REGULATING CHARGES AND PROCEDURES FOR CERTAIN MOTOR VEHICLE WARRANTY REPAIRS.

Be it enacted, etc., as follows:

Chapter 93B of the General Laws is hereby amended by striking out section 6, as appearing in section 1 of chapter 814 of the acts of 1970, and inserting in place thereof the following section:-

Section 6. Every manufacturer, distributor, wholesaler, distributor branch or division, or wholesale branch or division shall within a reasonable time fulfill its obligations under all express warranty agreements made by them with respect to any product manufactured, distributed or sold by them and shall adequately and fairly compensate any motor vehicle dealers who, in accordance with its franchise obligations, furnishes labor and materials pursuant to such warranty agreements. Unless such manufacturer, distributor, wholesaler, distributor branch or division or wholesale branch or division and motor vehicle dealer otherwise agree in writing, fair and adequate compensation shall, for purposes of this section, be computed at the rate normally charged by the motor vehicle dealer to the public for such labor and shall include a fair charge for diagnostic and test services. All claims made by motor vehicle dealers hereunder and under section five for such labor and parts shall be paid within thirty days following their approval. All such claims shall be either approved or disapproved within thirty days after their receipt, and when any such claim is disapproved the motor vehicle dealer who submits it shall be notified in writing of its disapproval within said period, and each such notice shall state the specific grounds upon which the disapproval is based.

Approved June 8, 1979.

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Chap. 262. AN ACT RELATIVE TO PARKING OF CERTAIN MOTOR VEHICLES IN THE CITY OF SPRINGFIELD.

Be it enacted, etc., as follows:

SECTION 1. The city of Springfield may by ordinance or rule and regulation, authorize, with such limitations as it may deem proper, such sergeants or officers of higher rank in the police department as the police commission of the city of Springfield may from time to time designate, to remove to some convenient place, through the agency of a person or persons in the employ of the police department or by an independent contractor selected on the basis of competitive bids invited by advertisement in a local newspaper of general circulation, as the police commission shall from time to time determine, 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 a distinctive number plate or otherwise conspicuously marked as so owned or registered and except also a vehicle owned by a dis-

abled veteran or handicapped person and bearing a distinctive number plate or otherwise conspicuously marked as so owned or registered and except a vehicle owned by a disabled veteran or handicapped person and bearing a distinctive number plate authorized by section two of chapter ninety of the General Laws, parked or standing on any part of any such street, way, highway, road or parkway in such manner as to impede in any way the plowing or removal of snow and ice or in violation of any ordinance or rule and regulation which prohibits the parking or standing of all vehicles at such time and recites that whoever violated it shall be liable to charge for the removal and storage of the vehicle as well as punishment by fine and may impose liability for the reasonable cost of such removal, and of the storage charges, if any, resulting therefrom, upon the owner of such vehicle; provided, however, that the liability so imposed for removal shall not exceed twelve dollars, that the liability imposed for storage shall not exceed ten dollars per day and that neither such removal nor such storage shall be deemed to be services rendered or work performed by the city or a department thereof within the meaning of section twenty-eight of chapter forty-three of the General Laws; and provided, further, that the city shall be liable to the owner of such vehicle for any damage caused to it arising out of negligence in the course of such removal and storage.

No ordinance or rule or regulation reciting that whoever violates it shall be liable for the charge for the removal and storage of the vehicle as well as subject to punishment by fine shall be valid unless, in a writing filed with the city clerk at the time of adoption of such ordinance, rule or regulation, every member of the city council voting for the adoption thereof certifies that after taking into account the public safety and convenience, the reasonably free circulation of vehicular traffic and the need for providing in the streets, ways, highways, roads, and parkways in the city the maximum number of parking spaces at all times, he is of the opinion that such rule or regulation is required by urgent public necessity.

If a vehicle is removed pursuant to a rule or regulation adopted under this section, such vehicle shall be held until all charges lawfully imposed for such removal and storage following the same have been paid, and 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, until due notice has been received that either the fines provided in such notices have been paid or security for the payment thereof has been deposited. In addition a motor vehicle may in any calendar year, if in such year and in the calendar year immediately preceding five or more notices, in the aggregate, have been affixed to said vehicle as provided in said section twenty C and have not been disposed of, be held or removed to and stored in a convenient place in the city until all charges lawfully imposed for such removal and storage have been paid and due notice has been received that either the fines provided in such notices have been paid or security for the payment thereof has been deposited.



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

Approved June 8, 1979.

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Chap. 263. AN ACT CHANGING THE COMPOSITION OF THE BOARD OF DIRECTORS OF THE MASSACHUSETTS HOUSING FINANCE AGENCY.

Be it enacted, etc., as follows:

The second paragraph of section 3 of chapter 708 of the acts of 1966 is hereby amended by striking out the first sentence, as most recently amended by section 276 of chapter 514 of the acts of 1978, and inserting in place thereof the following sentence:- The MHFA shall consist of the secretary of communities and development or his designated representative and the secretary of administration and finance or his designated representative, ex officio, and five persons to be appointed by the governor, of whom one shall be experienced in mortgage banking, one shall be trained in architecture or city or regional planning, one shall be experienced in real estate transactions, and one shall be a representative of organized labor appointed from a list of at least five names submitted by the Massachusetts State Labor Council, AFL-CIO.

Approved June 8, 1979.

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Chap. 264. AN ACT PROVIDING THAT THE PERSONNEL IN NANTUCKET COUNTY BE INCLUDED IN THE TOWN OF NANTUCKET'S CLASSIFICATION AND PERSONNEL BY-LAW.

Be it enacted, etc., as follows:

Notwithstanding the provisions of section forty-nine of chapter thirty-five of the General Laws, the personnel employed by Nantucket county shall be classified and compensated under the town of Nantucket's classification and compensation plan and personnel by-law.

Approved June 8, 1979.

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Chap. 265. AN ACT PROVIDING FOR THE APPOINTMENT TO THE FIRE SERVICE OF CHILDREN OF FIREFIGHTERS WHO ARE KILLED OR WHO DIE OF INJURIES IN THE PERFORMANCE OF DUTY.

Be it enacted, etc., as follows:

Section 26 of chapter 31 of the General Laws, as inserted by section 11 of chapter 393 of the acts of 1978, is hereby amended by adding the following paragraph:-

Notwithstanding any other provision of this chapter or of any other law, a son or daughter of a firefighter who passes the required written and physical examination for entrance to the fire service shall, if such firefighter was killed or died of injuries received in the performance of his duty, have his name placed in

the first position on the eligible list for appointment to such fire service.

Approved June 9, 1979.

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Chap. 266.      AN ACT RELATIVE TO THE PAROLE ELIGIBILITY  
OF PERSONS CONVICTED OF ARSON AND CER-  
TAIN ARSON RELATED OFFENSES.

Be it enacted, etc., as follows:

Chapter 127 of the General Laws is hereby amended by striking out section 133, as most recently amended by chapter 464 of the acts of 1971, and inserting in place thereof the following section:-

Section 133. Parole permits may be granted by the parole board to prisoners subject to its jurisdiction at such time as the board in each case may determine; provided, (a) that no prisoner, convicted for a violation of section thirteen, thirteen B, fourteen, fifteen, fifteen A, fifteen B, sixteen, seventeen, eighteen, eighteen A, nineteen, twenty, twenty-one, twenty-two, twenty-two A, twenty-three, twenty-four, twenty-four B, twenty-five, or twenty-six of chapter two hundred and sixty-five, or section one, two or ten of chapter two hundred and sixty-six, or section seventeen, thirty-five, or thirty-five A of chapter two hundred and seventy-two, or for an attempt to commit any crime referred to in said sections, and held under a sentence containing a minimum sentence shall receive a parole permit until he shall have served two-thirds of such minimum sentence, but in any event not less than two years or if he has two or more sentences to be served otherwise than concurrently, two-thirds of the aggregate of the minimum terms of such several sentences, but in any event not less than two years for each such sentence; provided, further, that upon the written recommendation of the superintendent or the director of the prison camp, and the commissioner of correction, and, with the consent and approval of a majority of the full parole board, such a prisoner shall become eligible for parole consideration, and, with like consent and approval, may be given a parole permit before such time, but in any event not sooner than such a parole permit may be granted to other prisoners under clause (b) of this section; (b) that no other prisoner held under a sentence containing a minimum sentence shall receive a parole permit until he shall have served one-third of such minimum sentence, but in any event not less than one year, or, if he has two or more sentences to be served otherwise than concurrently, one-third of the aggregate of the minimum terms of such several sentences, but in any event not less than one year for each such sentence; (c) that no prisoner held under a sentence containing a minimum sentence for a crime committed while on parole shall receive a parole permit until he shall have served two-thirds of such minimum sentence, or, if he has two or more sentences to be served otherwise than concurrently for offenses committed while on parole, two-thirds of the aggregate of the minimum terms of such several sentences, but in any event not less than two years for each such sentence. Notwithstanding clauses (a), (b) and (c), deductions shall be allowed for blood donations as

provided in section one hundred and twenty-nine A, and deductions shall be allowed for time confined in a prison camp as provided in section one hundred and twenty-nine C, said deductions to reduce the term of imprisonment by computing said additional deductions and subtracting the same from the minimum term of sentence for release on parole as authorized by this section, or for reducing the term of imprisonment by deduction from the maximum term for which he may be held under his sentence or sentences.

Approved June 9, 1979.

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Chap. 267.      AN ACT CHANGING THE DATE FOR FILING  
ANNUAL STATEMENTS BY RETIREMENT  
BOARDS.

Be it enacted, etc., as follows:

SECTION 1. Paragraph (h) of subdivision (5) of section 20 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 first sentence and inserting in place thereof the following sentence:- Each board shall annually, on or before May first, file in the office of the commissioner of insurance the financial statement of the system which is required by the provisions of paragraph (1) (c) or (2) (e) of section twenty-three.

SECTION 2. Paragraph (c) of subdivision (1) of section 23 of said chapter 32, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- The state treasurer shall annually, on or before May first, file in the office of the commissioner of insurance and with the secretary of the appropriate board, on a form prescribed by the commissioner, a sworn statement of the financial condition of each such system as of December thirty-first of the previous year.

SECTION 3. Paragraph (e) of subdivision (2) of said section 23 of said chapter 32 is hereby amended by striking out the first sentence, as so appearing, and inserting in place thereof the following sentence:- The board of each such system shall annually, on or before May first, file in the office of the commissioner of insurance, on a form prescribed by him, a sworn statement of the financial condition of such system as of December thirty-first of the previous year and of all the financial transactions thereof during the previous year.

Approved June 9, 1979.

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Chap. 268.      AN ACT RESTRICTING THE USE OF STATE  
FUNDS FOR CERTAIN ABORTIONS AND  
RESTRICTING COVERAGE FOR CERTAIN ABOR-  
TIONS PROVIDED IN HEALTH INSURANCE  
POLICIES SUPPORTED BY TAX FUNDS AND  
ADMINISTERED BY THE GROUP INSURANCE  
COMMISSION ON BEHALF OF STATE EMPLOYEES  
AND ADMINISTERED BY APPROPRIATE PUBLIC

AUTHORITIES FOR LOCAL GOVERNMENTAL  
UNITS.

Be it enacted, etc., as follows:

SECTION 1. Chapter 29 of the General Laws is hereby amended by inserting after section 20A the following section:-

Section 20B. No account or demand approved by the head of a department, office, commission or institution for which it was contracted, requiring the certification of the comptroller or warrant of the governor shall be paid from an appropriation for an abortion, as defined in section twelve K of chapter one hundred and twelve except for an abortion where the attending physician has certified in writing that the abortion is necessary to prevent the death of the mother.

SECTION 2. Section 4 of chapter 32A of the General Laws, as most recently amended by section 3 of chapter 958 of the acts of 1977, is hereby further amended by inserting after the first sentence the following two sentences:- The policy or policies providing hospital, surgical, medical, dental and other health insurance shall contain a condition that coverage for abortions shall only be included if the abortion is determined by a panel, acceptable to the commission, of qualified physicians licensed in accordance with law, to be necessary to prevent the death of the mother. Said policy or policies shall define abortion to mean the knowing destruction of the life of an unborn child or the intentional expulsion or removal of an unborn child from the womb other than for the principal purpose of producing a live birth or removing a dead fetus.

SECTION 3. The first paragraph of section 10B of said chapter 32A, as most recently amended by section 7 of said chapter 958, is hereby further amended by inserting after the first sentence the following two sentences:- The policy or policies providing hospital, surgical, medical, dental and other health insurance shall contain a condition that coverage for abortions shall only be included if the abortion is determined by a panel, acceptable to the commission, of qualified physicians licensed in accordance with law, to be necessary to prevent the death of the mother. Said policy or policies shall define abortion to mean the knowing destruction of the life of an unborn child or the intentional expulsion or removal of an unborn child from the womb other than for the principal purpose of producing a live birth or removing a dead fetus.

SECTION 4. The first paragraph of section 10C of said chapter 32A, as appearing in section 7 of chapter 840 of the acts of 1965, is hereby amended by inserting after the first sentence the following two sentences:- The policy or policies providing hospital, surgical, medical, dental and other health insurance shall contain a condition that coverage for abortions shall only be included if the abortion is determined by a panel, acceptable to the commission, of qualified physicians licensed in accordance with law, to be necessary to prevent the death of the mother. Said policy or policies shall define abortion to mean the knowing destruction of the life of an unborn child or the intentional expulsion or removal

of an unborn child from the womb other than for the principal purpose of producing a live birth or removing a dead fetus.

SECTION 5. The first paragraph of section 12 of said chapter 32A, as most recently amended by section 12 of chapter 958 of the acts of 1977, is hereby further amended by inserting after the first sentence the following two sentences:- The policy or policies providing hospital, surgical, medical, dental and other health insurance shall contain a condition that coverage for abortions shall only be included if the abortion is determined by a panel, acceptable to the commission, of qualified physicians licensed in accordance with law, to be necessary to prevent the death of the mother. Said policy or policies shall define abortion to mean the knowing destruction of the life of an unborn child or the intentional expulsion or removal of an unborn child from the womb other than for the principal purpose of producing a live birth or removing a dead fetus.

SECTION 6. The fourth paragraph of section 14 of said chapter 32A, as appearing in section 2 of chapter 946 of the acts of 1971, is hereby amended by inserting after the first sentence the following two sentences:- The terms and provisions of such contracts for health care services shall also contain a condition that services for abortions shall only be included if the abortion is determined by a panel, acceptable to the commission, of qualified physicians licensed in accordance with law, to be necessary to prevent the death of the mother. Such contracts shall define abortion to mean the knowing destruction of the life of an unborn child or the intentional expulsion or removal of an unborn child from the womb other than for the principal purpose of producing a live birth or removing a dead fetus.

SECTION 7. The first paragraph of section 3 of chapter 32B of the General Laws, as most recently amended by section 3 of chapter 806 of the acts of 1975, is hereby further amended by inserting after the first sentence the following two sentences:- The policy or policies providing hospital, surgical, medical, dental and other health insurance shall contain a condition that coverage for abortions shall only be included if the abortion is determined by a panel, acceptable to the appropriate public authority, of qualified physicians licensed in accordance with law, to be necessary to prevent the death of the mother. Said policy or policies shall define abortion to mean the knowing destruction of the life of an unborn child or the intentional expulsion or removal of an unborn child from the womb other than for the principal purpose of producing a live birth or removing a dead fetus.

SECTION 8. Section 3A of said chapter 32B, inserted by chapter 900 of the acts of 1977, is hereby amended by inserting after the first sentence the following two sentences:- The policy, administrative services, or similar contract shall contain a condition that coverage for abortions shall only be included if the abortion is determined by a panel, acceptable to the appropriate public authority, of qualified physicians licensed in accordance with law, to be necessary to prevent the death of the mother. Said policy or contract shall define abortion to mean the knowing destruction of the life of an unborn child or the intentional ex-

pulsion or removal of an unborn child from the womb other than for the principal purpose of producing a live birth or removing a dead fetus.

SECTION 9. The first paragraph of section 11C of said chapter 32B, as appearing in section 7 of chapter 841 of the acts of 1965, is hereby amended by inserting after the first sentence the following two sentences:- The policy or policies providing hospital, surgical, medical, dental and other health insurance shall contain a condition that coverage for abortions shall only be included if the abortion is determined by a panel, acceptable to the appropriate public authority, of qualified physicians licensed in accordance with law, to be necessary to prevent the death of the mother. Said policy or policies shall define abortion to mean the knowing destruction of the life of an unborn child or the intentional expulsion or removal of an unborn child from the womb other than for the principal purpose of producing a live birth or removing a dead fetus.

SECTION 10. The first paragraph of section 16 of said chapter 32B, as appearing in section 5 of chapter 946 of the acts of 1971, is hereby amended by adding the following clause:-

(3) that the contract providing health care services shall contain a condition that services for abortions shall only be provided if the abortion is determined by a panel, acceptable to the appropriate public authority, of qualified physicians licensed in accordance with law, to be necessary to prevent the death of the mother. Said contract shall define abortion to mean the knowing destruction of the life of an unborn child or the intentional expulsion or removal of an unborn child from the womb other than for the principal purpose of producing a live birth or removing a dead fetus.

SECTION 11. Chapter 111 of the General Laws is hereby amended by inserting after section 24B the following section:-

Section 24C. The department shall, in cooperation with other appropriate state agencies, establish a program to encourage the providing of medical assistance, counseling and financial support to enable pregnant women to carry pregnancies to full term and delivery.

SECTION 12. The provisions of sections two to ten, inclusive, of this act shall apply to any policy or contract or any extension of any existing policy or contract executed by the group insurance commission or the appropriate public authority as defined in section two of chapter thirty-two B after the effective date of this act.

Approved June 12, 1979.

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Chap. 269. AN ACT EXEMPTING THE OFFICES OF SUPERINTENDENT OF CEMETERIES AND SUPERINTENDENT OF PARKS AND PLAYGROUNDS OF THE CITY OF TAUNTON FROM THE PROVISIONS OF THE CIVIL SERVICE LAW.

Be it enacted, etc., as follows:

SECTION 1. The office of superintendent of parks and playgrounds and the office of superintendent of cemeteries in the city of Taunton 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 person holding civil service status in either of the aforementioned offices on the effective date of this act.

SECTION 3. This act shall take effect upon its passage.  
Approved June 13, 1979.

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Chap. 270. AN ACT PROVIDING FOR THE FILLING OF VACANCIES ON THE HARBOR AND SHELLFISH ADVISORY BOARD OF THE TOWN OF NANTUCKET.

Be it enacted, etc., as follows:

SECTION 1. The first paragraph of chapter 465 of the acts of 1976 is hereby amended by adding the following sentence:- If there is a vacancy on the board, the board of selectmen of said town shall appoint a person to fill such vacancy for the remainder of the unexpired term.

SECTION 2. This act shall take effect upon its passage.  
Approved June 13, 1979.

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Chap. 271. 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 to immediately regulate the disclosure of consumer credit costs and terms, and to insure the continued conformity of the consumer credit laws of the commonwealth with federal law and regulations, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

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Be it enacted, etc., as follows:

SECTION 1. Subsection (a) of section 7 of chapter 140C of the General Laws, as most recently amended by section 17 of chapter 52 of the acts of 1977, is hereby further amended by adding the following paragraph:-

Notwithstanding the provisions of clauses (1) and (2), a creditor may, in any transaction in which the payments scheduled to repay the indebtedness vary, satisfy the requirements of clause (3) of subsection (b) with respect to the number, amount and due dates or periods of payments by disclosing the required information on the reverse of the disclosure statement or on a separate page, provided that the following notice appears with the other required disclosures: "NOTICE: see (reverse side) (accompanying statement) for the schedule of payments".

SECTION 2. Clause 8 of subsection (b) of said section 7 of said chapter 140C, inserted by section 7 of chapter 559 of the acts of 1978, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

If the annual percentage rate as disclosed under clause (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.

Approved June 13, 1979.

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Chap. 272. AN ACT VALIDATING THE ACTS AND PROCEEDINGS AT THE ANNUAL ELECTION AND ANNUAL TOWN MEETING OF THE TOWN OF SUDBURY IN THE YEAR NINETEEN HUNDRED AND SEVENTY-NINE.

Be it enacted, etc., as follows:

SECTION 1. All acts and proceedings of the town of Sudbury taken at its annual town election held on March twenty-sixth, nineteen hundred and seventy-nine, and at its annual town meeting for the transaction of other business commenced on April second, nineteen hundred and seventy-nine, and all acts done in pursuance thereof, are hereby ratified, validated and confirmed, notwithstanding the failure of said town to post the warrant for said annual town election and annual meeting for the transaction of business at least seven days before March twenty-sixth, nineteen hundred and seventy-nine.

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

Approved June 13, 1979.



Chap. 273. AN ACT AUTHORIZING THE PAYMENT FOR CERTAIN DEMOLITION WORK IN THE CITY OF BOSTON.

Be it enacted, etc., as follows:

SECTION 1. The city of Boston is hereby authorized to pay F & P, Inc. of Milton, doing business as Tri-Construction, demolition contractors, the sum of four thousand six hundred and nine dollars for work done in connection with the demolition and removal of unsafe and dangerous buildings in the city of Boston.

SECTION 2. No bill shall be approved by the city of Boston or paid by the treasurer thereof under authority of this act unless and until certificates have been signed and filed with said city stating under the penalties of perjury that the services for which such bill has been submitted were ordered by an official or an employee of said city and that such services were rendered to said city.

SECTION 3. Any person who knowingly files a certificate required by section two, which is false, and who thereby receives payment for services which were not rendered to said city shall be punished by imprisonment for not more than one year or by a fine of not more than three hundred dollars, or both.

SECTION 4. This act shall take effect upon its passage.  
Approved June 13, 1979.

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Chap. 274. AN ACT VALIDATING THE PROCEEDINGS AT A SPECIAL TOWN MEETING OF THE TOWN OF TISBURY IN THE YEAR NINETEEN HUNDRED AND SEVENTY-NINE.

Be it enacted, etc., as follows:

SECTION 1. All acts and proceedings of the town of Tisbury taken in the special town meeting held on April tenth, nineteen hundred and seventy-nine, and all acts done in pursuance thereof are hereby ratified, validated and confirmed to the same extent as if the warrant for said meeting was properly posted fourteen days prior to said meeting.

SECTION 2. This act shall take effect upon its passage.  
Approved June 13, 1979.

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Chap. 275. AN ACT AUTHORIZING THE ASSESSORS OF THE CITY OF NORTH ADAMS TO ABATE CERTAIN REAL ESTATE TAX PAYMENTS DUE ON PROPERTY ACQUIRED BY THE CITY OF NORTH ADAMS.

Be it enacted, etc., as follows:

SECTION 1. The assessors of the city of North Adams are hereby authorized to abate a tax assessed in the amount of two thousand three hundred seven dollars and twenty cents plus interests and charges owed to said city on taxes assessed to Betty Lou Baker et als as shown by tax bills numbered one hundred

and forty-six, one hundred and forty-seven, one hundred and forty-eight, and one hundred and forty-nine for the nineteen hundred and seventy-eight and nineteen hundred and seventy-nine fiscal year, which property was acquired by the city of North Adams by deed dated November 9, 1978 and recorded in the northern district registry of deeds in Berkshire county in Book 688, Page 490.

SECTION 2. This act shall take effect upon its passage.  
Approved June 13, 1979.

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Chap. 276. AN ACT AUTHORIZING THE COUNTY COMMISSIONERS OF MIDDLESEX COUNTY TO COMPLY WITH A COURT ORDER REINSTATING CERTAIN DISCHARGED EMPLOYEES AND TO BORROW MONEY THEREFOR.

Be it enacted, etc., as follows:

SECTION 1. The county commissioners of Middlesex county are hereby authorized and directed to pay the compensation and benefits due the following persons as ordered by the superior court department for civil business of the trial court in the county of Middlesex, Case No. 35578:- Edward A. Malone, maintenance foreman; Donald Mulligan, senior building custodian; George Hughes, maintenance repairman; James Carceo, maintenance repairman; Thomas Lyons, assistant building custodian; Daniel P. Galvin, janitor; William Cusick, janitor; Paul Cadogan, janitor; Thomas Targonski, janitor; Edward Mazerski, janitor; Attilio Rao, janitor; Camelio Alio, janitor; Michael Durrette, janitor; Robert V. Campo, janitor; Joseph McElroy, janitor; Raymond J. Sullivan, janitor.

SECTION 2. For the purpose authorized in 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, six hundred and thirty-four thousand nine hundred seventy-two dollars and fifty-one cents, and may issue bonds or notes of the county therefor, which shall bear on their face the words, Middlesex County Loan, Act of 1979. Each authorized issue shall constitute a separate loan and such loans shall be payable not more than ten years from their dates. The bonds or notes shall be signed by the county treasurer and countersigned by a majority of the county commissioners. The county may sell 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. Said commission shall, in compliance with said court order, reinstate as employees of said county and pay the compensation for such employees from any available funds, the following persons to the following positions:- Daniel P. Galvin, janitor; William Cusick, janitor; Paul Cadogan, janitor; Edward

Mazerski, janitor; Attilio Rao, janitor; Raymond J. Sullivan, janitor; George Hughes, maintenance repairman.

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

Approved June 13, 1979.

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Chap. 277. AN ACT PROVIDING A PENALTY FOR THE  
WILFUL FAILURE TO COLLECT OR PAY OVER  
COLLECTED TAXES.

Be it enacted, etc., as follows:

Chapter 62C of the General Laws is hereby amended by adding the following section:-

Section 78. Any person who, knowing that he is required to collect or pay over any tax, wilfully fails to collect or pay over such tax shall be punished by a fine of not more than one thousand dollars, or by imprisonment for not more than one year, or both.

Approved June 13, 1979.

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Chap. 278. AN ACT RELATIVE TO THE AMOUNT WHICH A  
CO-OPERATIVE BANK MAY INVEST IN BANKING  
PREMISES.

Be it enacted, etc., as follows:

The first paragraph of section 30 of chapter 170 of the General Laws, as appearing in chapter 20 of the acts of 1979, is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:- The aggregate amount invested in such real estate, owned by such corporation, including the cost of land and buildings and of alterations, improvements and additions, shall not exceed, in the aggregate, its guaranty fund, surplus account and unallocated reserves or four and one-half per cent of its total assets, whichever is the lesser.

Approved June 13, 1979.

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Chap. 279. AN ACT INCREASING THE MAXIMUM AMOUNT  
OF CERTAIN MORTGAGE LOANS MADE BY CO-  
OPERATIVE BANKS.

Be it enacted, etc., as follows:

SECTION 1. Section 24 of chapter 170 of the General Laws is hereby amended by striking out subsection 3, as most recently amended by section 1 of chapter 70 of the acts of 1977, and inserting in place thereof the following subsection:-

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

property as certified by the security committee. The term of the note therefor shall not exceed thirty-five years.

SECTION 2. Said section 24 of said chapter 170 is hereby further amended by striking out subsection 4, as most recently amended by section 3 of chapter 30 of the acts of 1978, 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 one hundred 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 June 13, 1979.

Chap. 280. AN ACT INCREASING CERTAIN CASH PRIZES  
AT BAZAARS.

Be it enacted, etc., as follows:

Section 7A of chapter 271 of the General Laws is hereby amended by striking out the definition "Bazaar", as amended by chapter 279 of the acts of 1977, and inserting in place thereof the following definition:-

"Bazaar", a place maintained by the sponsoring organization for disposal by means of chance of one or both of the following types of prizes: (1) merchandise, of any value, (2) cash awards, not to exceed twenty-five dollars each.

Approved June 13, 1979.

Chap. 281. AN ACT INCREASING THE PERIOD OF TIME THAT  
A TOWN MAY CONTRACT FOR CERTAIN DATA  
PROCESSING SERVICES.

Be it enacted, etc., as follows:

Section 4 of chapter 40 of the General Laws is hereby amended by striking out the paragraph inserted by chapter 71 of the acts of 1971 and inserting in place thereof the following paragraph:-

For the purchase of data processing services in the absence of a lease or purchase of data processing equipment. Contracts for such purchase may be made for periods not exceeding five years.

Approved June 13, 1979.

Chap. 282. AN ACT PROVIDING FOR A PENALTY FOR  
TENDERING AN INSUFFICIENT FUNDS CHECK  
IN PAYMENT OF CERTAIN TAXES.

Be it enacted, etc., as follows:

Chapter 60 of the General Laws is hereby amended by inserting after section 57 the following section:-

Section 57A. If any check in payment of any tax, interest, penalty, fee or other charge imposed under chapters fifty-nine to sixty-one A, inclusive, or chapter eighty or for any other municipal service rendered is not duly paid there may, in addition to any other penalties provided by law, be paid as a penalty by the person who tendered such check, upon notice and demand by the city or town tax collector, in the same manner as the tax or other amount to which the check relates, an amount equal to one per cent of the amount of such check, provided that if the amount of such check is less than five hundred dollars, the penalty under this section shall be five dollars. Any person upon whom such a penalty is imposed may appeal to the commissioner who shall abate the same if he determines that such person tendered such check in good faith and with reasonable cause to believe that it would be paid.

Approved June 13, 1979.

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Chap. 283. AN ACT RELATIVE TO GIVING NOTICE TO CITIES AND TOWNS OF CHANGES MADE IN PROPOSED EQUALIZED VALUATIONS AND EXTENDING THE TIME FOR APPEALS.

Be it enacted, etc., as follows:

SECTION 1. Section 10A of chapter 58 of the General Laws, as appearing in section 42 of chapter 514 of the acts of 1978, is hereby amended by striking out the last sentence and inserting in place thereof the following sentence:- Notice of any change shall be sent to the assessors of such city or town within thirty days after the close of said hearing.

SECTION 2. Section 10B of said chapter 58, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- On or before June twentieth 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.

Approved June 13, 1979.

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Chap. 284. AN ACT AUTHORIZING THE COMMISSIONER OF PUBLIC HEALTH TO GRANT CERTAIN EASEMENTS OVER CERTAIN LAND TO THE TOWN OF TEWKSBURY.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any provisions of general or special law to the contrary, the town of Tewksbury, by its board of selectmen, is hereby authorized to convey to the department of public health, in the name of and on behalf of the commonwealth, the following parcel of land located in said town, bounded and described as follows:-

Westerly by land of Patten & Co., Inc., Gerald Gross, Town of Tewksbury, John W. Strem and North Street; northerly by the Boston & Maine Railroad; easterly by land of Ark Sing Lee and the Tewksbury Rod & Gun Club; southerly by land of the Tewksbury Cemetery Corporation. Containing ninety (90) acres, plus or minus, as shown on a plan entitled "Study Plan of Proposed School Site in Tewksbury, Mass."; Scale 1" = 100', November, 1969, Emmons, Fleming and Bienvenu, Inc., Engineers and Surveyors, Billerica, Massachusetts; on file in the office of the Tewksbury Town Clerk.

SECTION 2. Upon conveyance of said land, the department of public health, in the name of and on behalf of the commonwealth, is hereby authorized and directed to execute and record a deed granting to the town of Tewksbury a permanent easement, twenty feet in width as shown on sheet two of three sheets of a plan entitled "Plan of Easements in Tewksbury, Massachusetts for Sewer Main Construction & Maintenance, as ordered by Board of Sewer Commissioners, Scale: 1" = 100'; 1973; Emmons, Fleming & Bienvenu, Inc., Engineers and Surveyors, Billerica, Mass." for contract 3 now on deposit in the office of the board of selectmen of said town and to be recorded in Middlesex North District Registry of Deeds, and shown on said plans as a permanent easement.

Said easement is further bounded and described as follows:-

Beginning at a point on the easterly sideline of North Street at the southerly sideline of land of the Boston & Maine Railroad; Thence southerly along the easterly sideline of North Street 20± feet;

Thence S79°-58'-18"E, 1738± feet to the westerly property line of land now or formerly of Yee Ark Sing;

Thence northerly along the westerly property line of said Yee Ark Sing 20± feet to a stone bound on the southerly sideline of the Boston and Maine Railroad;

Thence N79°-58'-18"W along the southerly sideline of the Boston and Maine Railroad 1735.34 feet to the easterly sideline of North Street and the point of beginning.

Containing 34,730± square feet of land as shown on a plan by Emmons, Fleming and Bienvenu, Inc., dated 1973 and revised August 12, 1978, contract 3, sheet 2 of 3.

Such easement shall be to allow the town of Tewksbury to construct, maintain and replace on, over or under the land included in such easement, a sanitary sewer system, tributary connections and necessary appurtenance work, in, on or over said land, including the right to pass and repass in order to clean, repair, replace and maintain such sewer facilities.

SECTION 3. The department of public health, in the name of and on behalf of the commonwealth is hereby authorized and directed to execute and record a deed, granting to the town of Tewksbury a temporary easement, thirty feet in width on the southerly side of and adjacent to the twenty foot easement described in section two, and shown as a temporary easement on sheet two of the plan referred to in section two. Such temporary easement shall be to allow the Town of Tewksbury the right to pass and repass over said area during the period of installation

of the sanitary sewer authorized in said section two.

SECTION 4. The department of public health, in the name of and on behalf of the commonwealth is hereby authorized and directed to execute and record a deed granting a permanent easement to the town of Tewksbury twenty feet in width as shown on sheet three of three sheets of a plan entitled "Plan of Easements in Tewksbury, Mass. for Sewer Mains Construction and Maintenance, as ordered by the Board of Sewer Commissioners, Emmons, Fleming and Bienvenu, Inc., Engineers and Surveyors, Billerica, Mass. dated 1973 for Contract No. 3." now on deposit in the board of selectmens office of said town and to be recorded in Middlesex North District Registry of Deeds, and shown on said plans as a permanent easement.

Said easement is further bounded and described as follows:

Beginning at a point on the southerly property line of land now or formerly Frederick H. Baldwin, Jr.;

Thence S40°-36'-47"E, 492± to a point:

Thence S23°-10'-56"E, 125± feet to the northerly property line of the Town of Tewksbury;

Thence S83°-34'-51"E, 22± feet along the northerly property line of the Town of Tewksbury:

Thence N23°-10'-56"W, 140± feet to the southerly property line of land now or formerly Frederick H. Baldwin, Jr.:

Thence N40°-36'-47"W along the southerly property line of Baldwin 275± feet;

Thence on a curve to the left of radius 1,153.3 feet a distance of 222± feet to the point of beginning.

Containing 11,360± square feet of land as shown on a plan by Emmons, Fleming and Bienvenu, Inc., dated 1973 and revised June 27, 1978, contract 3 sheet 3 of 3.

Such easement shall be to allow the town of Tewksbury to construct, maintain and replace on, over or under the land included in such easement, a sanitary sewer system, tributary connections and necessary appurtenance work, in, on or over said land, including the right to pass and repass in order to clean, repair, replace and maintain such sewer facilities.

SECTION 5. The department of public health, in the name of and on behalf of the commonwealth, is hereby authorized and directed to execute and record a deed approved as to form by the attorney general granting to the town of Tewksbury fifteen feet in width on the westerly side of and adjacent to the twenty foot easement described in section four, and shown as a temporary easement on sheet three of the plan referred to in said section four.

Such permit shall be to allow the town of Tewksbury the right to pass and repass over said area during the period of installation of the sanitary sewer authorized in said section four.

SECTION 6. The department of public health, in the name of and on behalf of the commonwealth, is hereby authorized and directed to execute and record a deed approved as to form by the attorney general granting to the town of Tewksbury a permanent easement as shown on a plan entitled "Plan of Land, Tewksbury, Massachusetts, Proposed Sewer Easement, November, 1978, S.E.A. Consultants,

Inc., engineers/planners, 54 Canal Street, Boston, MA 02114, 165 Charles Street, Rochester, N.H. 03867", said plan being on deposit at the office of the bureau of building construction and recorded in Middlesex North District Registry of Deeds. Said easement is further bounded and described as follows:-

Beginning at the center of Livingston Street, on said plan, which point is 1,261' southerly from a Gas Company test box at the intersection of said East Street and Livingston Street;

thence running S83°-00'W on the centerline of a 10' easement to a point of curvature 183.32' distant from an existing sewer manhole at Livingston Street; thence running southerly 105.68' on an arc of a curve of 100' radius; thence S36°-27'E 106.15' to a point in the center of Wood Road; thence S45°-12'E 66.04' to the beginning of a 200' radius curve to the left; thence 94.71' on the arc of said curve; thence S72°-20'E 422.50' to a point labeled "G" in the existing way about 135' from the northwesterly corner of the treatment plant security fence; thence turning and running S34°-11'E on the centerline of a 20 foot easement 134.86' to a point 10 feet southwesterly from the said corner of the security fence; thence continuing S34°-13'E 290.9' on the centerline of a sewer easement 20 feet wide and parallel to the existing security fence at the westerly side of the treatment plant. The last mentioned course shall include a parallel strip 20' wide as a temporary construction easement referred to in section 6, plus a permanent area 20' x 60' at the beginning of said sewer easement for sewer appurtenances; thence turning and running N88°-11'±E379.86'± on the centerline of a permanent 20' sewer easement and widened to 40' this course at 20' equidistant from the centerline as a temporary construction easement referred to in section 6 to connect with an existing sewer easement.

The bearings used in above description are magnetic in orientation. Such easement shall be to allow the town of Tewksbury to construct, maintain and replace on, over or under the land included in such easement and on the access travelled way to the treatment plant as shown on said plan a sanitary sewer system, tributary connections and necessary appurtenant work in, on or over said land, including the right to pass and repass in order to clean, repair, replace, and maintain such sewer facilities.

SECTION 7. The commissioner of public health, in the name of and on behalf of the commonwealth, is hereby authorized and directed to execute and record a deed approved as to form by the attorney general granting to the town of Tewksbury a temporary easement, twenty feet in width located adjacent to the permanent easement described in section six, as shown as a temporary easement on the plan referred to in said section six.

Such permit shall be to allow the town of Tewksbury the right to pass and repass over said area during the period of installation of the sanitary sewer system authorized in said section six.

SECTION 8. In consideration of the temporary and permanent easements granted to the town of Tewksbury in sections two to seven, inclusive, said town shall, at all times after said grants, make available to the department of public health, without charge, the use of facilities for the disposal of the solid waste materials



of the Tewksbury hospital as long as the physical plant of said hospital remains substantially the same as its present size.

SECTION 9. The department of public health is hereby further authorized to enter into a contractual relationship with the town of Tewksbury for the purposes of connecting into and utilizing said sanitary sewer system for the disposal of sewage from the Tewksbury hospital.

Approved June 13, 1979.

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Chap. 285. AN ACT AMENDING THE ACT OF INCORPORATION OF THE TRUSTEES OF THE ELLIOT SCHOOL.

Be it enacted, etc., as follows:

Chapter 147 of the acts of 1803 is hereby amended by striking out section 6 and inserting in place thereof the following section:-

Section 6. As often as one or more of the said trustees shall die, resign, or, in the judgment of the major part of the said trustees, for the time being, be rendered by age, infirmity, or otherwise, incapable of discharging the duties of his office, then and so often, the remaining part of the trustees surviving and remaining, or the major part of them shall elect one or more persons to supply the vacancy or vacancies by ballot from persons, whether or not such persons are residents of that part of Boston and Roxbury called Jamaica Plain.

Approved June 13, 1979.

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Chap. 286. AN ACT INCREASING THE AMOUNT OF A LOAN WHICH A CO-OPERATIVE BANK MAY MAKE TO FINANCE CERTAIN REAL ESTATE IMPROVEMENTS AND ALTERNATE ENERGY SYSTEMS.

Be it enacted, etc., as follows:

Section 26 of chapter 170 of the General Laws is hereby amended by striking out subsection 6, as most recently amended by chapter 260 of the acts of 1977, and inserting in place thereof the following subsection:-

6. In loans and advances of credit to owners of improved real estate upon which it holds mortgages in any form, for the purpose of financing the repair, alteration, improvement or rehabilitation thereof 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, or durable appliances to be used in the maintenance and ordinary use of said real estate; provided, that at the time of making any loan or advance hereunder, all such loans and advances with respect to any one parcel of real estate then outstanding, together with the loan or advance then being made, exclusive of discounts, shall not exceed fifteen thousand dollars nor, combined with the balances due on mortgages held by such corporation upon said parcel of real estate, exceed the value of said parcel of real estate as then certified by the security com-

mittee of such corporation; and provided, further, that such loans or advances shall be payable at a time not exceeding ten years from the date thereof, and shall require payments to be made on account of the principal in substantially equal monthly installments.

Approved June 13, 1979.

Chap. 287. AN ACT RELATIVE TO PERSONAL LOANS BY CO-OPERATIVE BANKS.

Be it enacted, etc., as follows:

Subsection 8 of section 26 of chapter 170 of the General Laws is hereby amended by striking out the fourth sentence, as amended by chapter 34 of the acts of 1977, and inserting in place thereof the following two sentences:- The total obligation of any one person to any such corporation outstanding at any one time in this class of investment shall not exceed fifteen thousand dollars exclusive of interest or discount; and the aggregate balance of such loans made 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. The aggregate limitation of ten per cent of its deposits may be waived by the commissioner upon the application of a corporation, not to exceed, however, an aggregate limitation of twelve per cent of its deposits.

Approved June 13, 1979.

Chap. 288. AN ACT RELATIVE TO RESERVES WHICH TRUST COMPANIES IN BOSTON SHALL MAINTAIN.

Be it enacted, etc., as follows:

Paragraph A of section 27 of chapter 172 of the General Laws, as amended by chapter 245 of the acts of 1976, is hereby further amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

Except as otherwise provided in this chapter, every trust company shall at all times maintain, as a reserve, an amount equal to fifteen per cent of the total of its demand and time deposits withdrawable within thirty days computed on a weekly average basis.

Approved June 13, 1979.

Chap. 289. AN ACT RELATIVE TO LIMITATIONS ON INVESTMENTS BY CO-OPERATIVE BANKS IN OBLIGATIONS OF BANKING CORPORATIONS.

Be it enacted, etc., as follows:

Clause (ii) of paragraph (e) of subsection 4A of section 26 of chapter 170 of the General Laws is hereby amended by striking out the last sentence, as most recently amended by chapter 165 of the acts of 1976, and inserting in place thereof the following sentence:- Not more than five per cent of its assets shall be

invested by any such corporation in debentures, convertible debentures, notes or other evidences of indebtedness of such banking corporations and not more than four per cent of its assets shall be invested by such corporation in debentures, convertible debentures, notes or other evidences of indebtedness of any one banking corporation; provided, however, that such corporation may invest an additional three per cent of its assets in such evidences of indebtedness commonly known as federal funds.

Approved June 13, 1979.

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Chap. 290. AN ACT AUTHORIZING THE CITY OF NEWTON TO LEASE A CERTAIN BUILDING IN SAID CITY FOR FIFTY YEARS.

Be it enacted, etc., as follows:

Notwithstanding the provisions of section three of chapter forty of the General Laws, the city of Newton is hereby authorized to lease the Peirce school in said city for a term of fifty years.

Approved June 13, 1979.

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Chap. 291. AN ACT AUTHORIZING THE CITY OF SPRINGFIELD TO GRANT AN ANNUITY TO ESTHER L. BELTON.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any law to the contrary and in order to promote the public good, the city of Springfield is hereby authorized to appropriate and pay to Esther L. Belton, widow of William Belton, an annuity under section ninety-five A of chapter thirty-two of the General Laws effective November twenty-first, nineteen hundred and seventy-four. The annuity provided by this act shall be in lieu of any other annuity or pension payable to said widow under any 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 13, 1979.

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Chap. 292. AN ACT EXEMPTING EMPLOYEES OF THE POLICE DEPARTMENT IN THE TOWN OF OAK BLUFFS FROM THE PROVISIONS OF THE CIVIL SERVICE LAW.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any contrary provision of law, employees of the police department in the town of Oak Bluffs shall be exempt from the provisions of chapter thirty-one of the General Laws, and all rules and regulations promulgated thereunder.

SECTION 2. The provisions of section one of this act shall not impair the civil service or probationary status of any employee

of said police department holding such status on the effective date of this act.

Approved June 13, 1979.

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Chap. 293. AN ACT RELATIVE TO BRANCHES AND MERGERS OF BANKS.

Be it enacted, etc., as follows:

SECTION 1. Chapter 168 of the General Laws is hereby amended by striking out section 5, as most recently amended by chapter 204 of the acts of 1977, and inserting in place thereof the following section:-

Section 5. After such notice and hearing as the commissioner may require and with his written permission and under such conditions as he may approve, such corporation may establish and maintain one or more branch offices or depots (a) in the city or town wherein its main office is located, or (b) in other cities or towns within the same county where, in the opinion of the commissioner, the public convenience and advantage would be served by the establishment of additional savings bank facilities, or (c) on a site within twenty-five miles from the premises of the main office where, in the opinion of the commissioner, the public convenience and advantage would be served by the establishment of additional savings bank facilities. Every application to establish and maintain one or more such branch offices or depots shall be accompanied by payment of an investigation fee of five hundred dollars for each branch office or depot applied for. Not more than one application by a savings bank to establish a branch office or depot under this paragraph outside of the county wherein its principal office is located shall be approved in any calendar year.

The offices and depots of any savings bank consolidated or merged under section seventy-two or all or substantially all of the assets and liabilities of which have been acquired and assumed by another savings bank under section seventy-three, may be maintained as branch offices or depots, respectively, of such other savings bank, with the written permission of and under such conditions, if any, as may be approved by the commissioner, provided that the main office of such savings bank either is situated within the county wherein the main office of such other savings bank is located or is situated within twenty-five miles of the premises of the main office of such other savings bank. No savings bank shall be given permission pursuant to this section more than once in any one calendar year either to acquire and maintain offices of another savings bank whose main office is located outside of the county wherein the main office of such savings bank is located, or to establish a branch office outside of the county wherein its main office is located.

With the written consent of the commissioner a branch office or depot may be closed, or its location may be changed subject to the requirements and restrictions contained in the first paragraph of this section.

The restrictions hereinbefore contained in this section shall not

apply to branch offices and depots established on or before November first, nineteen hundred and fifty-five.

Any of the usual business transacted by such corporation at its main office may be transacted at a branch office. The business at a depot shall be transacted only on such days as may be designated by the board of investment and shall be limited to the receipt of deposits and the collection of moneys due or payable to the corporation, and such business shall be subject to such other conditions, if any, as may be prescribed by the commissioner.

SECTION 2. The first paragraph of section 12 of chapter 170 of the General Laws is hereby amended by striking out the second sentence, as amended by chapter 205 of the acts of 1977, and inserting in place thereof the following sentence:- The corporation, after such notice and hearing as the commissioner may require and with his written permission and under such regulations as he may approve, may establish and maintain one or more depots where moneys due the bank may be collected by the treasurer or other persons duly empowered by the directors upon such days as may be designated by vote of the board of directors; or may establish and maintain one or more branch offices (a) in the town wherein its main office is located, or (b) in other towns within the same county where, in the opinion of the commissioner, the public convenience and advantage would be served by the establishment of additional co-operative bank facilities, or (c) on a site within twenty-five miles from the premises of the main office where, in the opinion of the commissioner, the public convenience and advantage would be served by the establishment of additional co-operative bank facilities.

SECTION 3. The second paragraph of said section 12 of said chapter 170, as amended by chapter 168 of the acts of 1976, is hereby further amended by striking out the first sentence and inserting in place thereof the following sentence:- The offices of any co-operative bank consolidated or merged under section forty-eight or all or substantially all of the assets and liabilities of which have been acquired under section forty-seven may be maintained as branch offices of such other co-operative bank, with the written permission of and under such conditions, if any, as may be approved by the commissioner; provided that the main office of such co-operative bank either is situated within the county wherein the main office of such other co-operative bank is located, or is situated within twenty-five miles of the premises of the main office of such other co-operative bank.

SECTION 4. Section 2 of chapter 171 of the General Laws is hereby amended by striking out the second paragraph, as amended by chapter 143 of the acts of 1977, and inserting in place thereof the following two paragraphs:-

After such notice and hearing as the commissioner may require and with his written permission and under such conditions as he may approve, a credit union may establish and maintain one or more branch offices or depots in the county where the main office is located, or on a site within twenty-five miles from the premises of the main office in any city or town in another county. Any

of the usual business transacted by a credit union at its main office may be transacted at a branch office. The business at a depot shall be transacted only on such days as may be designated by the board of directors and shall be limited to the receipt of deposits and the collection of moneys due or payable to the credit union, and such business shall be subject to such other conditions, if any, as may be prescribed by the commissioner. With the written consent of the commissioner a branch office or depot may be closed, or its location may be changed. Not more than one application by a credit union to establish a branch office or depot under this paragraph outside the county in which its main office is located shall be approved in any calendar year.

The offices of any credit union consolidating or merging under section thirty may be maintained as branch offices of such other credit union, with the written permission of and under such conditions, if any, as may be approved by the commissioner; provided that the main office of such credit union either is situated within the county wherein the main office of such other credit union is located or is situated within twenty-five miles of the premises of the main office of such other credit union. No credit union shall be given permission pursuant to this section more than once in any one calendar year to maintain offices of another credit union whose main office is located outside of the county wherein the main office of such credit union is located, or to establish a branch office outside of the county wherein its main office is located.

SECTION 5. The first paragraph of section 30 of said chapter 171, as amended by chapter 26 of the acts of 1973, is hereby further amended by inserting after the first sentence the following sentence:- If the consolidating credit unions have main offices in different counties, the main office of the continuing credit union shall be the main office of that consolidating credit union which has the greater total assets on the date on which the merger or consolidation is approved by the board of directors of the last consolidating corporation so to approve.

SECTION 6. Paragraph (a) of section 11 of chapter 172 of the General Laws, as most recently amended by chapter 352 of the acts of 1978, is hereby further amended by striking out the first sentence and inserting in place thereof the following sentence:- 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 twenty-five 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.

SECTION 7. Said section 11 of said chapter 172 is hereby further amended by striking out paragraph (b), as appearing in section 1 of chapter 493 of the acts of 1961, and inserting in

place thereof the following paragraph:-

(b) With the approval of the commissioner and under such conditions as he may prescribe, such corporation may maintain as a branch office or offices any office of a trust company, banking company or national banking association the business of which has been taken over under section thirty-two or thirty-eight; provided that the main office of such corporation either is situated within the county wherein the main office of such trust company, banking company or national banking association is located or is situated within twenty-five miles of the premises of the main office of such trust company, banking company or national banking association. No trust company shall be given permission pursuant to this section more than once in any one calendar year either to take over a trust company, banking company or national banking association under section thirty-two or thirty-eight whose main office is located outside of the county wherein the main office of such trust company is located or to establish a branch office outside of the county wherein its main office is located.

SECTION 8. Section 38 of said chapter 172 is hereby amended by striking out subsection D, as so appearing, and inserting in place thereof the following subsection:-

D. The continuing trust company into which a trust company, banking company or a national banking association shall have been consolidated or merged or into which a national banking association shall have been converted under this section shall be considered the same business and corporate entity as that of the consolidating or merging or converting institution and the rights, powers and duties of the continuing trust company shall be those established by its charter; provided that if the consolidating corporations have main offices in different counties, the main office of the continuing corporation shall be the main office of that consolidating corporation which has the greater total assets on the date on which the merger or consolidation is approved by the board of directors of the last consolidating corporation so to approve.

Approved June 13, 1979.

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Chap. 294. AN ACT RELATIVE TO THE PREPARATION OF  
PLANS FOR THE REPAIR OF DOMESTIC SUB-  
SURFACE DISPOSAL SYSTEMS.

Be it enacted, etc., as follows:

The first paragraph of section 13 of chapter 21A of the General Laws, as amended by chapter 374 of the acts of 1977, is hereby further amended by adding the following sentence:- Notwithstanding the foregoing provisions, nothing in this section or in any rule or regulation shall prohibit the preparation of plans for the repair of subsurface systems for disposal of domestic sewage of not more than two thousand gallons per day by any agent of the owner thereof; provided, however, that such plans are reviewed and approved by the local health authority and by a licensed sanitarian.

Approved June 13, 1979.

Chap. 295. AN ACT FURTHER REGULATING RECOUNTS OF ELECTIONS.

Be it enacted, etc., as follows:

Section 135 of chapter 54 of the General Laws is hereby amended by striking out the seventh paragraph, as appearing in section 1 of chapter 879 of the acts of 1977, and inserting in place thereof the following paragraph:-

The board of registrars of voters in any city or town shall set the date of any recount for an office or question which appeared on a state primary or state election ballot, except for state-wide offices to be filled or on such questions to be voted on at the state election by all the voters of the commonwealth, for a date not more than six days after the last day for filing a recount petition for a primary, and not more than ten days after the last day for filing a recount petition for an election. Said board shall forthwith, upon setting the date of any such recount, notify the state secretary in writing of the office to be recounted, the time and place of the recount and the number of observers to which each candidate is entitled. Said board shall give not less than three days written notice to each candidate for the office for which a recount was petitioned under authority of this section, or to such person as shall be designated by the petitioners for any recount of ballots cast upon questions submitted to the voters, of the time and place of making the recount, and each such candidate or person representing petitioners as aforesaid shall be allowed to be present and to witness such recount at each table where a recount of the ballots affecting such candidate is being held, accompanied by one or more counsel, if he so desires. Each such candidate or person may also be represented by agents, appointed by him or his counsel in writing, sufficient in number to provide one such agent for each officer counting or checking such ballots; provided, that no such candidate or person may have more than one such agent, other than his counsel, witnessing the work of any one officer at any one time. Each such candidate, person, counsel and agent shall have the right to watch and inspect the ballots, tally sheets and all other papers used in the recount, and to watch every individual act performed in connection therewith. In the case of a recount of ballots cast for offices which are filled by all the voters of the commonwealth, such notice may be given to the duly organized state political committees. In the case of a recount of the ballots cast upon a question submitted to all the voters as aforesaid, one representative from any committee organized to favor or to oppose the question so submitted shall be permitted to be present and witness the recount.

Approved June 13, 1979.

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Chap. 296. AN ACT RELATIVE TO THE SALE OF SECOND-HAND FURNITURE ON SUNDAYS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is relative to the sale of secondhand furniture on Sundays, therefore it is hereby declared to be an emer-



gency law, necessary for the immediate preservation of the public convenience.

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Be it enacted, etc., as follows:

Section 6 of chapter 136 of the General Laws is hereby amended by striking out clause (29), as appearing in section 2 of chapter 616 of the acts of 1962, and inserting in place thereof the following clause:-

(29) The sale, at retail, of gifts, souvenirs, antiques, second-hand furniture, handcrafted goods and art goods, in an establishment primarily engaged in the sale of such merchandise, or on the premises of a licensed common victualler.

Approved June 20, 1979.

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Chap. 297. AN ACT RELATIVE TO THE PERSONNEL EVALUATION SYSTEM FOR STATE POLICE PROMOTIONS.

Be it enacted, etc., as follows:

The first paragraph of section 90 of chapter 22 of the General Laws is hereby amended by striking out subparagraph (2), as appearing in section 1 of chapter 793 of the acts of 1973, and inserting in place thereof the following subparagraph:-

performance evaluation reports which shall be submitted annually to the commissioner by each candidate's first line supervisor under whom each such candidate has served, and the average of said reports since said candidate's previous promotional filing date, in the then current grade of such candidate, if there was such a date or, if not, since said candidate's initial enlistment, shall be the performance evaluation mark.

Approved June 18, 1979.

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Chap. 298. AN ACT RELATIVE TO COMPENSATION ADJUSTMENTS FOR CERTAIN MANAGEMENT EMPLOYEES OF THE MASSACHUSETTS BAY TRANSPORTATION AUTHORITY.

Be it enacted, etc., as follows:

SECTION 1. Chapter 405 of the acts of 1978 is hereby amended by striking out section 3 and inserting in place thereof the following section:-

Section 3. Notwithstanding the provisions of any general or special 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 date of such employee's last salary adjustment; provided, however, that the provisions of this section shall not apply to any cost-of-living adjustment for management employees who are covered in a collective bargaining agreement.

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

Approved June 19, 1979.

Chap. 299. AN ACT AUTHORIZING THE CITY OF REVERE TO APPEAL FROM THE MOST RECENT EQUALIZED VALUATION ESTABLISHED BY THE COMMISSIONER OF REVENUE.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section ten B of chapter fifty-eight of the General Laws, the city of Revere is hereby authorized to appeal from the most recent equalized valuation established by the commissioner of revenue.

SECTION 2. This act shall take effect upon its passage.  
Approved June 22, 1979.

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Chap. 300. AN ACT RELATIVE TO THE NUMBER OF PERSONS WHO MAY BE APPOINTED TO THE RESERVE POLICE FORCE IN THE CITY OF REVERE.

Be it enacted, etc., as follows:

SECTION 1. Chapter one hundred and thirty-eight of the acts of nineteen hundred and sixty-two is hereby repealed.

SECTION 2. Chapter three hundred and twenty of the acts of nineteen hundred and seventy-five is hereby repealed.

SECTION 3. The provisions of sections one and two of this act shall not impair the civil service status of any person holding civil service status under the provisions of the aforementioned special acts on the effective date of this act.

SECTION 4. This act shall take effect upon its passage.  
Approved June 22, 1979.

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Chap. 301. AN ACT AUTHORIZING THE TOWN OF NANTUCKET TO ESTABLISH A SPECIAL FUND FOR THE PROPAGATION, CULTIVATION AND STUDY OF SHELLFISH.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section fifty-three of chapter forty-four of the General Laws, the town of Nantucket may establish in the town treasury a special fund which shall be kept separate and apart from all other monies by the treasurer and in which shall be deposited seventy-five per cent of the receipts received from the issuance of commercial shellfish permits by said town. The principal and interest thereon shall be expended without further appropriation by the Nantucket Harbor and Shellfish Advisory Board, but only with the written approval of the board of selectmen of said town and only for the propagation, cultivation, protection and study of shellfish.

SECTION 2. This act shall take effect upon its passage.  
Approved June 22, 1979.

Chap. 302. 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 bonds or notes of any issue of the four million nine hundred and fifty thousand dollars aggregate principal amount of bonds or notes authorized by vote of the town of Arlington, adopted under article two of the warrant for its special town meeting held on April twenty-third, nineteen hundred and seventy-nine, shall be subject to the provisions of chapter three hundred and twenty-five of the acts of nineteen hundred and seventy-eight relating to the optional call, redemption or refunding of such bonds or notes.

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

Approved June 22, 1979.

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Chap. 303. AN ACT FURTHER REGULATING MORTGAGE INVESTMENTS OF DOMESTIC INSURANCE COMPANIES.

Be it enacted, etc., as follows:

SECTION 1. Paragraph 7 of section 63 of chapter 175 of the General Laws is hereby amended by striking out the third sentence, as appearing in chapter 183 of the acts of 1957, and inserting in place thereof the following sentence:- The commissioner may from time to time establish a schedule of minimum payments which the company shall require to be made on the principal of any such loan made in an amount in excess of sixty per cent of such value; provided, however, that such schedule shall permit payments of interest only for a period not to exceed five years and shall require payments applicable first to interest and then to principal during each year thereafter.

SECTION 2. Said paragraph 7 of said section 63 of said chapter 175 is hereby further amended by striking out the sixth sentence, as so appearing, and inserting in place thereof the following sentence:- No mortgage loan upon a leasehold shall be made or acquired by a company pursuant to this paragraph unless the terms thereof shall provide for such payments of principal, whatever the period of the loan, so that at no time during the term of the loan shall the aggregate payments of principal theretofore required to be made under the terms of the loan be less than would be necessary for a loan payable completely by the end of four-fifths of the period of the leasehold which is unexpired at the time the loan is made, and payments of interest only may be made for a period not to exceed five years, provided, that payments applicable first to interest and then to principal are made during each year thereafter.

Approved June 22, 1979.

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Chap. 304. AN ACT RELATING TO THE AUTHORIZATION OF CERTAIN DOMESTIC INSURANCE COMPANIES

TO INSURE INDIVIDUALS AND MEMBERS OF HIS  
OR HER FAMILY FOR COSTS OF LEGAL SER-  
VICES.

Be it enacted, etc., as follows:

Clause Sixth of section 47 of chapter 175 of the General Laws is hereby amended by striking out subdivision (d), as appearing in chapter 436 of the acts of 1945, and inserting in place thereof the following subdivision:- (d) to make insurance upon the health of individuals or providing for the mental and emotional welfare of individuals and members of his or her family by defraying the costs of legal services.

Approved June 22, 1979.

Chap. 305. AN ACT FURTHER DEFINING THE CRIME OF  
CARNAL KNOWLEDGE OF IDIOTS AND CERTAIN  
OTHER PERSONS.

Be it enacted, etc., as follows:

Chapter 272 of the General Laws is hereby amended by striking out section 5, as most recently amended by chapter 588 of the acts of 1977, and inserting in place thereof the following section:-

Section 5. Whoever has unlawful sexual intercourse with a person who is feeble minded, an idiot or imbecile or insane, under circumstances which do not constitute rape, shall, if such person had reasonable cause to believe that such other person was feeble minded, an idiot or imbecile or insane, be punished as provided in section three.

Approved June 22, 1979.

Chap. 306. AN ACT REPEALING THE LAW RELATIVE TO A  
MARRIED WOMAN'S SEPARATE ESTATE TRUST.

Be it enacted, etc., as follows:

Section twelve of chapter two hundred and nine of the General Laws is hereby repealed.

Approved June 22, 1979.

Chap. 307. AN ACT FURTHER REGULATING ENFORCE-  
ABILITY OF CERTAIN RESTRICTIONS ON LAND.

Be it enacted, etc., as follows:

Section 30 of chapter 184 of the General Laws, as appearing in section 1 of chapter 448 of the acts of 1961, is hereby amended by inserting after the first sentence the following sentence:- There shall be a presumption that no restriction shall be of such actual and substantial benefit except in cases of gifts or devises for public, charitable or religious purposes, if any part of the subject land lies within a city or town having a population greater than one hundred thousand persons unless (1) such restriction

at the time it was imposed is not more burdensome as to requirements for lot size, density, building height, set back, or other yard dimensions than such requirements established by restriction or restrictions applicable to the land of the persons for whose benefit rights of enforcement are claimed; or (2) such restriction is part of a common scheme applicable to four or more parcels contiguous except for any intervening streets or ways to land of the grantor or other premises purported to be benefited thereby; or (3) unless such restriction is in favor of contiguous land of the grantor.

Approved June 22, 1979.

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Chap. 308.      AN ACT REVISING THE PERSONNEL DEPARTMENT STRUCTURE AND ESTABLISHING A PERSONNEL REVIEW AND APPEALS BOARD IN THE TOWN OF ARLINGTON.

Be it enacted, etc., as follows:

SECTION 1. Section 15 of chapter 503 of the acts of 1952 is hereby amended by striking out paragraph (a), as amended by section 6 of chapter 634 of the acts of 1956, and inserting in place thereof the following paragraph:-

(a) The town manager shall supervise and direct the administration of all departments, commissions, boards and offices, except the board of selectmen, the school committee, moderator, town clerk, town treasurer and collector, comptroller, assessors, registrars of voters, election officers, boards of appeal, the finance committee, and the personnel review and appeals board.

SECTION 2. Said chapter 503 is hereby further amended by striking out section 24 and inserting in place thereof the following two sections:-

Section 24. Personnel Department. - The town manager shall appoint, subject to confirmation by the board of selectmen, a suitably qualified person to be personnel director of the town, who shall have overall supervision of the personnel department of the town, and who shall be responsible for the development and implementation of personnel policies and procedures based on the concept of merit. It shall be the duty of the director to administer the pay and classification plans as now or hereafter provided in the town by-laws, to maintain employee records, and to perform such other duties as may be assigned by a vote of the town meeting.

Section 24A. Personnel Review and Appeals Board. - There shall be established a personnel review and appeals board which shall consist of five members. The board shall be empowered to review classification determinations made by the personnel director, to hear appeals of those determinations, and to make recommendations on classifications or reclassifications to the town meeting. The board shall perform such other functions as may be provided for in the town by-laws or in applicable collective bargaining agreements.

Approved June 22, 1979.

Chap. 309. AN ACT RELATIVE TO INVESTMENTS BY CREDIT UNIONS.

Be it enacted, etc., as follows:

The third paragraph of section 21 of chapter 171 of the General Laws is hereby amended by striking out paragraph (1), as amended by section 1 of chapter 65 of the acts of 1978, and inserting in place thereof the following paragraph:-

(1) In any bonds or notes which are on the legal list for savings banks with a maturity of up to three years, provided that such bonds or notes are rated as A, AA, or AAA.

Approved June 22, 1979.

Chap. 310. AN ACT REQUIRING NOTICE TO GUARANTORS.

Be it enacted, etc., as follows:

Section 3-416 of chapter 106 of the General Laws, as appearing in section 1 of chapter 765 of the acts of 1957, is hereby amended by adding the following subsection:-

(7) where guaranty is not limited to a sum certain, guarantor shall be notified in advance of any increase in liability.

Approved June 22, 1979.

Chap. 311. AN ACT INCREASING THE AUTHORITY OF CERTAIN CONSTABLES TO SERVE CIVIL PROCESS.

Be it enacted, etc., as follows:

Section 92 of chapter 41 of the General Laws is hereby amended by striking out the second sentence, as amended by section 33 of chapter 478 of the acts of 1978, and inserting in place thereof the following sentence:- A constable who has filed such a bond, in a sum not less than five 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 eighteen hundred dollars, and any process in replevin in which the subject matter does not exceed in value eighteen hundred dollars.

Approved June 22, 1979.

Chap. 312. AN ACT REQUIRING FOSTER PARENTS TO REPORT CASES OF CHILD ABUSE OR NEGLECT.

Be it enacted, etc., as follows:

SECTION 1. The first sentence of the first paragraph of section 51A of chapter 119 of the General Laws is hereby amended by inserting after the word "worker", in line 3, as appearing in section 5 of chapter 1076 of the acts of 1973, the words:- , foster parent.

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

Approved June 22, 1979.

Chap. 313. AN ACT RELATIVE TO FOREIGN LIMITED PARTNERSHIPS.

Be it enacted, etc., as follows:

SECTION 1. Chapter 109 of the General Laws is hereby amended by adding the following section:-

Section 32. (a) A foreign limited partnership is a partnership formed by two or more persons under the laws of any jurisdiction other than this commonwealth and having as partners one or more general partners and one or more limited partners. A foreign limited partnership shall not do any business in the commonwealth which is prohibited to a limited partnership organized under this chapter. A foreign limited partnership shall be considered to be doing business in the commonwealth for the purposes of this section if it would be considered to be doing business in the commonwealth for the purposes of chapter one hundred and eighty-one if it were a foreign corporation.

(b) Every foreign limited partnership doing business in the commonwealth shall submit to the state secretary, within ten days after it commences doing business in the commonwealth, an application for registration as a foreign limited partnership, which shall be signed and sworn to by a general partner. The application shall be in such form as the state secretary shall require, and shall be accompanied by a certificate of legal existence of the foreign limited partnership, issued by an officer or agency properly authorized in the jurisdiction in which the foreign limited partnership is organized, or such other evidence of legal existence as the state secretary shall approve. If the certificate or such evidence is in a foreign language, a translation thereof, under oath of the translator, shall be attached thereto.

The application for registration shall set forth the following information:-

(1) the name of the foreign limited partnership and, if different, the name under which it proposes to do business in the commonwealth;

(2) the jurisdiction where such partnership was organized and the date of its organization;

(3) the general character of the business it proposes to do in the commonwealth;

(4) the business address of its principal office;

(5) the names, business addresses and residence addresses of its general partners;

(6) the business address of its principal office in the commonwealth, if any; and

(7) the name and business address of its resident agent.

If the foreign limited partnership's certificate of partnership from its jurisdiction of organization sets forth any part of the information required to be set forth in the application for registration in the commonwealth, the foreign limited partnership may submit a certified copy of such certificate, with a sworn translation, if necessary, in lieu of such part of the application for registration.

(c) The state secretary shall examine and endorse his approval on the application for registration if the business of the foreign

limited partnership is not prohibited by law to a limited partnership formed under this chapter and if the state secretary determines that the application complies with this section. Upon such approval and payment of the required fee, the application shall be deemed to be filed with the state secretary and the foreign limited partnership shall be deemed to be registered to do business in the commonwealth. The state secretary shall keep such records and have such other duties with respect to foreign limited partnerships as are provided in section six of chapter one hundred and eighty-one relative to foreign corporations.

(d) A foreign limited partnership may register with the state secretary and do business in the commonwealth under any name, whether or not it is the name under which it is registered in its jurisdiction of organization, that could be assumed by a limited partnership.

(e) Each foreign limited partnership doing business in the commonwealth shall appoint a resident agent as its true and lawful attorney upon whom all lawful processes in any action or proceeding against such foreign limited partnership in the commonwealth may be served. The provisions of section forty-nine of chapter one hundred and fifty-six B relative to the appointment and qualifications of a resident agent for a corporation shall be applicable to the appointment of a resident agent pursuant to this section. A foreign limited partnership may revoke any such appointment or appoint a new resident agent, and any such resident agent may change his or its business address or resign in substantially the manner set forth in said section forty-nine; provided that each certificate required or permitted to be filed with the state secretary by the officers of a corporation under said section forty-nine shall be signed on behalf of a foreign limited partnership by a general partner thereof, and each action required or permitted to be taken by the directors of a corporation under said section forty-nine shall be required or permitted in the manner provided in the foreign limited partnership's governing instrument. Compliance with this clause shall be deemed compliance with the provisions of section five of chapter two hundred and twenty-seven.

(f) The registration of a foreign limited partnership doing business in this commonwealth shall be cancelled or amended in the manner and at such times as are provided in section twenty-four. A foreign limited partnership doing business in this commonwealth may withdraw from the commonwealth by submitting to the state secretary a certificate of withdrawal, in such form as the state secretary shall require, signed and sworn to by a general partner, stating:

- (1) the name of the foreign limited partnership and, if different, the name under which it is registered and doing business in the commonwealth;
- (2) the business address of its principal office;
- (3) the business address of its principal office in the commonwealth, if any, and the name and business address of its resident agent in the commonwealth;
- (4) that the foreign limited partnership is not doing business in the commonwealth; and
- (5) that all taxes and fees owed the commonwealth have been



paid or provided for.

The state secretary shall examine and endorse his approval on the certificate of withdrawal if he determines that the certificate complies with this section. Upon such approval and payment of the required fee, the certificate of withdrawal shall be deemed to be filed with the state secretary.

(g) A foreign limited partnership doing business in the commonwealth which fails to register with the state secretary shall, for each year that such failure shall continue, be fined not more than five hundred dollars. No such failure shall affect the validity of any contract involving the foreign limited partnership, nor is a limited partner of a foreign limited partnership liable as a general partner thereof solely by reason of such failure, but no action shall be maintained or recovery had by the foreign limited partnership in any of the courts of the commonwealth as long as such failure continues.

(h) Foreign limited partnerships shall be liable to be sued and to have their property attached in the same manner and to the same extent as individuals who are residents of other jurisdictions. Every foreign limited partnership doing business in the commonwealth without having registered as prescribed in this section, and every foreign limited partnership which shall have withdrawn from the commonwealth shall be deemed to have appointed the state secretary and his successor in office to be its true and lawful attorney upon whom all lawful process in any action or proceeding in the commonwealth may be served, in the manner set forth in section fourteen of chapter one hundred and eighty-one relative to foreign corporations.

(i) A general partner or other agent of a foreign limited partnership shall be subject to such liabilities, and shall have such defenses, with respect to such foreign limited partnership, as officers, directors and the other agents of a foreign corporation have under sections ten, eleven, twelve, thirteen and fourteen of said chapter one hundred and eighty-one relative to such foreign corporation.

(j) The fee for filing an application for registration, an amendment to the application for registration, or a certificate of withdrawal pursuant to this section shall be the same as the fee for filing a certificate under section thirty-one.

SECTION 2. Foreign limited partnerships doing business in the commonwealth on the effective date of this act shall not be required to submit an application for registration as provided in section one until one hundred and eighty days after such effective date.

Approved June 22, 1979.

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Chap. 314. AN ACT RELATIVE TO NOMINATION PAPERS AND BALLOTS IN THE TOWN OF NORTH ATTLEBOROUGH.

Be it enacted, etc., as follows:

Section 3 of chapter 751 of the acts of 1977 is hereby amended by adding the following paragraph:-

If at the expiration of the time for filing nomination papers of candidates to be voted for at the preliminary election not more than twice as many candidates have filed such papers with the board of election commissioners for an office as are to be elected to such office, the candidates whose papers have been filed shall be deemed to have been nominated to said office, and their names shall be printed on the official ballots to be used at the succeeding regular election, and the board of election commissioners shall not print said names upon the ballot to be used at said preliminary election and no other nomination to said office shall be made. If in consequence it shall appear that no names are to be printed on the ballot to be used at any preliminary election, no preliminary election shall be held.

Approved June 22, 1979.

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Chap. 315.      AN ACT FURTHER CLARIFYING THE APPEAL  
PROCEDURES IN THE COASTAL AND INLAND  
WETLANDS ACTS.

Be it enacted, etc., as follows:

SECTION 1. The fifth paragraph of section 105 of chapter 130 of the General Laws, as appearing in section 220 of chapter 706 of the acts of 1975, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- Any person having an ownership interest, any lessee holding a lease of twenty-five years length or more and any mortgagor having an interest in land affected by any such order, may, within ninety days after receiving notice thereof, petition the superior court to determine whether such order so restricts the use of his property as to deprive him of the practical uses thereof and is therefor an unreasonable exercise of the police power because the order constitutes the equivalent of taking without compensation.

SECTION 2. The fifth paragraph of section 40A of chapter 131 of the General Laws, as appearing in section 1 of chapter 782 of the acts of 1972, is hereby amended by striking out, in line 1, the words "an interest" and inserting in place thereof the words:- an ownership interest, any lessee holding a lease of twenty-five years length or more and any mortgagor having an interest.

Approved June 22, 1979.

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Chap. 316.      AN ACT RELATIVE TO THE ELECTION OF CERTAIN  
PERSONS FOR THE COUNTY OF DUKES COUNTY  
TO THE FINANCE ADVISORY BOARD OF THE  
WOODS HOLE, MARTHA'S VINEYARD AND NAN-  
TUCKET STEAMSHIP AUTHORITY.

Be it enacted, etc., as follows:

Section 14 of chapter 701 of the acts of 1960 is hereby amended by striking out the second, third and fourth sentences, inserted by chapter 313 of the acts of 1964, and inserting in place thereof the following two sentences:- Upon the expiration of the term of

a member, a successor shall be elected in like manner for a term of two years. In the event of a vacancy on said board from whatever cause, such vacancy shall be filled for the remainder of the term in the case of the county of Dukes County by appointment by the county commissioners thereof, and in the case of said towns, by appointment by the selectmen.

Approved June 22, 1979.

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Chap. 317.      AN ACT INCREASING THE AMOUNT OF A LOAN  
WHICH A CREDIT UNION MAY MAKE TO FINANCE  
CERTAIN REAL ESTATE IMPROVEMENTS AND  
ALTERNATE ENERGY SYSTEMS.

Be it enacted, etc., as follows:

Section 24 of chapter 171 of the General Laws is hereby amended by striking out subdivision (D), as most recently amended by section 3 of chapter 28 of the acts of 1978, and inserting in place thereof the following subdivision:-

(D) LOANS FOR THE IMPROVEMENT OF IMPROVED REAL ESTATE.

A credit union may make loans to the owner of improved real estate 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 ten 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 within ten years from the date of the note. 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 installments 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 ten per cent of the deposits and shares of such credit union; provided, however, that the aggregate balance of principal outstanding at any one time on loans of this class for a credit union which is a member of the Massachusetts Credit Union Share Insurance Corporation shall not exceed twenty per cent of the deposits and shares of such corporation. Loans made under this paragraph may be secured by a security agreement, financing statement, or a second mortgage on the real estate to be improved, to be recorded in the appropriate registry of deeds.

Approved June 22, 1979.

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Chap. 318.      AN ACT AUTHORIZING THE APPOINTMENT OF  
EILEEN RODGERSON AS A POLICE OFFICER IN

THE CITY OF BOSTON NOTWITHSTANDING  
CERTAIN MAXIMUM AGE REQUIREMENTS FOR  
SUCH APPOINTMENT.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary regulating the maximum age of applicants for appointment as a police officer, Eileen Rodgerson, incumbent in the position of parking meter supervisor, shall be eligible for certification and appointment as a police officer in the city of Boston provided she has passed a written examination for police entrance within the past nine years and provided further that she meets all other requirements for such appointment.

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

(The foregoing was laid before the Governor on the 11th day of June, 1979 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.)

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Chap. 319. AN ACT CLARIFYING THE LAW RELATIVE TO  
THE PROTECTION OF THE LAND AND WATERS  
OF THE ISLAND OF MARTHA'S VINEYARD.

Be it enacted, etc., as follows:

SECTION 1. Section 2 of chapter 831 of the acts of 1977 is hereby amended by striking out the third paragraph.

SECTION 2. The fourth paragraph of said section 2 of said chapter 831 is hereby amended by striking out the sixth sentence and inserting in place thereof the following sentence:- All appointing authorities shall appoint members to the commission no later than fifteen days after the date of certification of the election of the nine at-large commission members, and said authorities shall notify the state secretary of their appointments in writing.

SECTION 3. Section 10 of said chapter 831 is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

Pursuant to the issuance of broad guidelines for the development of the district by the commission in its designation of a district of critical planning concern, four town boards, the town planning board, the board of health, the board of selectmen and the conservation commission shall prepare proposed regulations which conform to the guidelines. Said proposed regulations shall be transmitted to the commission by the boards of the town concerned.

SECTION 4. Said section 10 of said chapter 831 is hereby further amended by striking out the third, fourth and fifth paragraphs and inserting in place thereof the following two paragraphs:-

If the commission determines that the proposed regulations, or regulations amended by the commission, submitted conform to the

guidelines for the development of the district specified in the commission's designation of the district, the commission shall, after notice to all municipalities which include within their boundaries any part of the district of critical planning concern and after notice and public hearing pursuant to section two of chapter thirty A of the General Laws, notify the four town boards of conformance to the guidelines. When boards from more than one town shall, pursuant to this act, submit proposed regulations for areas within a single district, the commission may encourage such boards to submit compatible regulations, notwithstanding the differences between the municipalities.

If the commission determines that said proposed regulations are not in conformance to the guidelines, the commission shall specify to the four town boards why the regulations fail to conform to the guidelines. The four town boards may then submit to the commission proposed amended regulations. Upon the approval by the commission of proposed regulations or proposed amended regulations, the municipality in whose boundaries the district was designated, may adopt the regulations or amended regulations by a two-thirds vote on a town ballot, with discussion of the question on the town meeting floor at the discretion of the moderator. A failure to adopt by a two-thirds vote of a town meeting constitutes a rejection of regulations.

SECTION 5. Said section 10 of said chapter 831 is hereby further amended by striking out the seventh paragraph.

SECTION 6. Said section 10 of said chapter 831 is hereby further amended by striking out the tenth paragraph and inserting in place thereof the following four paragraphs:-

A municipality may rescind regulations in the manner provided. The process to rescind regulations may be initiated by a written request by the commission or by the board of selectmen, planning board, board of health, or conservation commission of the town affected, or by a petition of seventy-five island taxpayers.

The written request for rescission shall be presented to the following four town boards: board of selectmen, planning board, board of health and conservation commission. The four town boards shall hold a public hearing with due notice.

Following the hearing, the boards shall transmit to the commission, a recommendation for its consideration. The commission shall hold a public hearing with due notice and shall make a recommendation for town meeting consideration.

The board of selectmen of the town concerned shall place upon the town ballot a question regarding rescinding of regulations. Regulations shall be rescinded by a two-thirds vote on a town ballot, with discussion of the question on the town floor by discretion of the moderator, or at a special hearing called for the purpose by the board of selectmen in which town the question will take place. Regulations so rescinded shall immediately be removed from the local development ordinances and by-laws and shall not be supplementary thereto.

SECTION 7. Section 11 of said chapter 831 is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- If the commission has not approved or

adopted regulations applicable to the entirety of a district within twelve months after designation of such district, the designation of such part for which regulations have not been approved or adopted shall be terminated.

SECTION 8. Section 12 of said chapter 831 is hereby amended by adding the following three paragraphs:-

Notice shall be given by the commission at least fourteen days prior to a public hearing on amendments to the criteria and standards for development of regional impact.

Said notice shall be given by certified mail by the commission to but not limited to the following town boards or officials of each town on Martha's Vineyard: board of selectmen, board of health, planning board, building official, conservation commission, and board of assessors.

Within ninety days following the public hearing, the commission shall consider changes to the standards and criteria, which shall be submitted in accordance with section seven.

SECTION 9. Chapter three hundred and six of the acts of nineteen hundred and seventy-eight is hereby repealed.

SECTION 10. This act shall take effect on July first, nineteen hundred and seventy-nine.

Approved June 25, 1979.

Chap. 320. AN ACT ESTABLISHING A CORPS OF ELDER VOLUNTEERS TO PROVIDE VISITING SERVICES TO NURSING HOME RESIDENTS.

Be it enacted, etc., as follows:

The third paragraph of section 4 of chapter 19A of the General Laws, as amended by chapter 538 of the acts of 1977, is hereby further amended by adding the following clause:-

(p) to establish a corps of elder volunteers in each planning and service area, as designated by the department pursuant to 42 USC Sec 3025, the purpose of which shall be to provide visiting services to the residents of nursing homes within such area.

Approved June 25, 1979.

Chap. 321. AN ACT EXEMPTING THE POSITION OF ELECTRIC LIGHT MANAGER IN THE TOWN OF IPSWICH FROM THE CIVIL SERVICE LAW.

Be it enacted, etc., as follows:

SECTION 1. The position of electric light manager in the town of Ipswich 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 the incumbent of the office of electric light manager holding such status on the effective date of this act.

Approved June 25, 1979.

Chap. 322.     AN ACT AUTHORIZING THE TOWN OF ARLINGTON  
                  TO LEASE A CERTAIN PARCEL OF LAND IN SAID  
                  TOWN.

Be it enacted, etc., as follows:

Notwithstanding any general or special law to the contrary, the board of selectmen of the town of Arlington is hereby authorized to lease for commercial purposes for a period not to exceed ninety-nine years, on such terms or conditions as said board may determine, property located at eleven Water street, in said town, and acquired under the vote of the special town meeting of October, nineteen hundred and seventy-seven.

Approved June 25, 1979.

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Chap. 323.     AN ACT AUTHORIZING THE CITY OF SPRINGFIELD  
                  TO PAY CERTAIN RETIREMENT BENEFITS TO  
                  THE SURVIVING SPOUSE OF HENRY HUETTNER.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any general or special law to the contrary and notwithstanding the fact that Henry Huettner died prior to his scheduled medical examination under the provisions of section six of chapter thirty-two of the General Laws, and for the purpose of promoting the public good, the retirement board of the city of Springfield is hereby authorized and directed to pay to Janet Huettner, the surviving spouse of Henry Huettner of said city, a former employee of the housing department of said city, the disability retirement benefits payable, under the provisions of option c, of subdivision (2) of section twelve of said chapter thirty-two to survivors of members of any retirement system established under said chapter thirty-two, whose death occurred after the date of retirement.

SECTION 2. This act shall take effect upon its acceptance during the current year by the city of Springfield.

Approved June 25, 1979.

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Chap. 324.     AN ACT MAKING A CORRECTIVE CHANGE IN  
                  THE LAW RELATING TO ABANDONED PRO-  
                  PERTY.

Be it enacted, etc., as follows:

The third paragraph of section 17 of chapter 158 of the General Laws is hereby amended by striking out the second sentence, as amended by section 209 of chapter 514 of the acts of 1978, and inserting in place thereof the following sentence:- If such package remains unclaimed for seven years and the amounts due as above provided remain unpaid the bank may mail, postpaid, to the person or persons to whom, and at the address at which, the notice provided for above was mailed, a notice stating that if such amounts shall not be paid within sixty days from the date of such notice, the bank will turn over the contents less the rental charges to the state treasurer as abandoned property, to

be held by him subject to the provisions of chapter two hundred A.

Approved June 25, 1979.

Chap. 325. AN ACT REQUIRING NOTICE AND A PUBLIC HEARING ON THE SALE OR LEASE OF ANY COUNTY OWNED REAL ESTATE.

Be it enacted, etc., as follows:

Section 14 of chapter 34 of the General Laws, as most recently amended by section 18 of chapter 478 of the acts of 1978, is hereby further amended by adding the following two sentences:- The commissioners shall at least one hundred and twenty days prior to the sale or lease of two acres or more of such land notify, in writing, the city council in the case of a city or the board of selectmen in the case of a town in which such land is located, the present use, the reason for selling or leasing and the proposed use of such land. Said commissioners shall, at least ninety days prior to the sale or lease of such land, cause a public hearing, after publication, to be held in the city or town where such land is located for the purpose of disclosing the conditions and reasons for the sale or lease.

Approved June 25, 1979.

Chap. 326. AN ACT CONFIRMING THE DISPOSITION OF INTERESTS IN EMPLOYEE BENEFIT PLANS.

Be it enacted, etc., as follows:

Section 68 of chapter 167 of the General Laws, added by chapter 445 of the acts of 1976, is hereby amended by adding the following sentence:- Nothing in this section is intended to limit, by implication or otherwise, any nonstatutory right of an employee to designate one or more beneficiaries of the employee's interest under any retirement plan not described in this section or under any other employee benefit plan.

Approved June 25, 1979.

Chap. 327. AN ACT AUTHORIZING THE CITY OF MARLBOROUGH TO ESTABLISH A DEPARTMENT OF COMMUNITY DEVELOPMENT.

Be it enacted, etc., as follows:

SECTION 1. There shall be established in the city of Marlborough, hereinafter called the city, a department of community development, hereinafter called the department, subject to a Community Development Authority hereby established in section four of this act. The redevelopment authority and the housing authority of the city are hereby abolished. All powers, duties, liabilities, property and functions thereof are transferred as provided for in this act. All salaried employees as of July first, nineteen hundred and seventy-nine appointed by, through, or under said authorities are hereby transferred to and made em-



ployees of the department of community development. At the discretion of the mayor, and with the concurrence of the city council, said employees shall not suffer reduction in their rank or compensation, or impairment of their retirement rights, or their vacation, holiday, or sick leave rights, or their civil service seniority and other rights in the position held on the effective date of this act, except insofar as any of those rights are not consistent with comparable rights in the city personnel administration plan. The department shall include, with the concurrence of the city council, such boards, committees, commissions, agencies, or departments as may from time to time be authorized under municipal, state, or federal law to undertake community development activities.

The powers, duties, property, functions of, and appointments to said commissions, boards, committees, agencies and departments shall continue in accordance with all applicable law now governing them unless otherwise provided in this act.

SECTION 2. There shall be a director of the department, hereinafter called the director, who may be removed by the mayor, subject to confirmation by the city council. The position of director created under this section shall not be subject to the provisions of chapter thirty-one of the General Laws, or the provisions of section nine A of chapter thirty of the General Laws. The director shall be appointed by the mayor for an initial term of three years, and subsequent terms of five years subject to confirmation by the city council and shall have full charge and supervision of the work of the department and its personnel, and exercise such other duties, powers, and functions as may be established by ordinance.

SECTION 3. The director and all officers and employees necessary to carry out the work of the department shall receive such annual salary as shall be fixed by the mayor with the approval of the city council.

SECTION 4. There is hereby established a Community Development Authority of the city, herein referred to as the authority, which shall be an operating agency and an urban renewal agency within the meaning of chapter one hundred and twenty-one B of the General Laws, an economic development and industrial corporation within the meaning of chapter one hundred and twenty-one C of the General Laws, and a housing authority within the meaning of chapter one hundred and twenty-one B of the General Laws. The powers of the authority under said chapters one hundred and twenty-one B and one hundred and twenty-one C shall be exercised in conformity with the restrictions contained in this act. The authority shall be managed, controlled and governed by a board consisting of five members, the chairman of which shall be the mayor, three members who shall be appointed by the mayor with the approval of the city council, and one member who shall be appointed by the secretary of the executive office of communities and development. The members appointed by the mayor shall serve initial terms of one, two, and three years respectively, and thereafter as the term of a member expires, his successor shall be appointed for a term of three years. The member appointed by the secretary of the executive office of com-

munities and development shall serve for a term of five years. After the qualification of such members, the city clerk shall forthwith file a certificate of their appointments with the department of community affairs and a duplicate thereof in the office of the state secretary. Thereupon the state secretary shall issue to the authority a certificate of organization as provided in said chapter one hundred and twenty-one B.

The chairman of the authority shall not receive additional compensation and the authority shall make use of the services of the department for staff and administrative functions and the department may charge the authority for such services an amount agreed to by the department and the authority with the approval of the mayor.

SECTION 5. The city of Marlborough may annually appropriate money to defray expenses incurred by the department in exercising powers and performing duties under this act.

SECTION 6. The powers of the department, while not expressly limited to, shall include the following powers subject to the limitations provided in this act:

(a) To conduct investigations, make studies, surveys, and plans and disseminate information relative to community development, including desirable patterns for land use and community growth, urban renewal, public housing, relocation, and any other matter deemed by it to be material in connection with any of its powers and duties, and to make such studies, plans, and information available to the federal government, to agencies and subdivisions of the commonwealth, and to interested persons.

(b) To develop, test, and report on methods and techniques and pilot projects relative to community development.

(c) To provide to the city auditor the data necessary to compute and the actual computation or relocation payments due to persons and businesses displaced as a result of carrying out any such project.

(d) To make studies and conduct investigations related to community development for all city departments which have or project capital expenditures or which contribute to the physical development of the city.

(e) To compile, analyze, and interpret data pertaining to municipal planning; initiate and conduct studies of the resources, possibilities, and needs of the city; prepare plans and drafts of recommendations for: (1) use of land for residential, commercial, industrial, recreational and other purposes, (2) control of shifts of population, (3) situating public and private ways, bridges, parks, recreation facilities, public buildings, public utility services, public garages, and off-street parking facilities, and (4) affording further facilities for the housing, transportation, employment, health, safety, and general welfare of the population.

(f) To prepare and submit annually a long-range capital improvement program for the city, including data as to the cost of each project recommended, relative priorities of projects from the standpoint of urgency and desirability, and the aid or loans, special revenue and trust funds, accumulated surplus, and funds obtained from the annual tax levy, together with the estimated

amounts returnable to the city by betterment assessments.

SECTION 7. The authority shall have, in addition to the powers set forth in section four, the following powers and duties, subject to the provisions of chapter one hundred and twenty-one B of the General Laws:

(a) to determine what areas within its jurisdiction constitute decadent, substandard, or blighted open areas;

(b) to prepare and execute plans approved by the city council for the clearance, conservation, and rehabilitation of congested, substandard, or blighted open areas, including plans for carrying out a program of voluntary repair and rehabilitation of buildings and improvements, plans for the enforcement of laws, codes and regulations relating to the use of land and the use or occupancy of buildings and improvements, plans for the compulsory repair and rehabilitation of buildings and improvements, and plans for the demolition and removal of buildings and improvements;

(c) to clear and improve property acquired by it or the city;

(d) to prepare or cause to be prepared urban renewal programs, and any plans or studies required or assisted under state or federal laws;

(e) to engage in urban renewal or community development projects only after the procedures specified in section forty-eight of chapter one hundred and twenty-one B of the General Laws have been complied with, and shall further be subject to the prior approval of the city council;

(f) to enforce restrictions and controls contained in any approved urban renewal or community development plan or any covenant or agreement contained in any contract, deed, or lease by the authority notwithstanding that the authority may no longer have any title to or interest in the property to which such restrictions and controls apply or to any neighboring property;

(g) to act as agent of the city or to cooperate under the authority and direction of the city with the federal and state governments in any clearance, relocation, urban renewal, rehabilitation, community development, or other projects which it is authorized to undertake by and within the city;

(h) to recommend to the city the taking by eminent domain under chapter seventy-nine or chapter eighty A of the General Laws, or to purchase or lease, or to acquire by gift, bequest, or grant, of any property, real or personal, or any interest therein, found by it to be necessary or reasonably required to carry out its purpose, and to sell, exchange, transfer, lease, or assign the same;

(i) to acquire from the city by purchase, exchange, transfer, lease, gift, grant, or assignment and to hold any property, real or personal, or any interest therein, found by it to be reasonably required to carry out its purpose, and to sell, exchange, transfer, lease, or assign such property to the city or to any other person;

(j) to make studies of housing needs and markets, including data with respect to population and family groups and their distribution according to income groups, the amount and quality of available housing and its distribution according to rental and sales prices, employment, wages and other factors affecting housing

needs and markets, and surveys and plans for housing related to community development, including those desirable for land use and community growth, and to make such studies, surveys, and plans available to the federal government, state agencies, and the public;

(k) to undertake as a separate project the demolition, clearance, preparation for sale, and sale or other disposition pursuant to chapter one hundred and twenty-one B of the General Laws, of any existing housing project;

(l) to conduct investigations and disseminate information relative to housing and living conditions and any other matter deemed by it to be material in connection with any of its powers and duties;

(m) to exercise, upon a finding by the city council and certification by the state that there exists in the city conditions of unemployment or threat of future unemployment resulting from obsolescent industrial and manufacturing facilities within the meaning of chapter one hundred and twenty-one C of the General Laws, all the powers of an economic development and industrial corporation established under said chapter.

SECTION 8. The powers, duties, and functions that shall be reserved to the city are: to enter into, execute, and carry out contracts and all other instruments necessary or convenient to the exercise of the powers granted by this act.

SECTION 9. The city or the authority may obligate itself, in any contract with the federal government for a loan or the payment of annual contributions authorized by general law or this act, to convey to the federal government the project to which such contract relates, upon the occurrence of a substantial default with respect to the covenants, terms and conditions of such contract to which the city or the authority is subject. Such contract may further provide that, in case of such conveyance, the federal government may complete, operate, manage, lease, convey, or otherwise deal with the project in accordance with the terms of such contract, provided that the contract shall require that, as soon as practicable, after the federal government is satisfied that all the defaults on account of which it acquired the project have been remedied, and that the project will thereafter be operated in compliance with the terms of the contract, the federal government shall reconvey to the city or the authority the project in the condition in which it then exists. The obligation of the city or the authority to the project under such contract shall be subject to specific enforcement by any court having jurisdiction.

SECTION 10. The provisions of this act are hereby declared to be severable and if any such provision or the application of such provision to any person or circumstances shall be held to be invalid or unconstitutional, such invalidity or unconstitutionality of any of the remaining provisions of this act or the application of such provisions to persons or circumstances other than those as to which it is held invalid. It is hereby declared to be the legislative intent that this act would have been adopted had such invalid or unconstitutional provisions not been included therein.

It is hereby further declared to be the legislative intent that all rights and powers given to redevelopment authorities and housing authorities under the provisions of any laws which do not conflict with specific provisions of this act shall be given to the Community Development Authority.

SECTION 11. Upon the passage of this act, all moneys, real property, furniture, fixtures, supplies, equipment, contractual obligations, and rights of Marlborough Redevelopment Authority and the Marlborough Housing Authority shall be assigned, transferred, and delivered to the Marlborough Community Development Authority, and all indebtedness of the Marlborough Redevelopment Authority with their bonding limits of the urban renewal project number Mass. R136 of July first, nineteen hundred and eighty, shall be assumed by the Marlborough Community Development Authority.

SECTION 12. This act shall take effect upon its acceptance by the city of Marlborough.

Approved June 25, 1979.

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Chap. 328. AN ACT DESIGNATING THE BRIDGE TO BE CONSTRUCTED OVER THE WEYMOUTH FORE RIVER BETWEEN THE TOWN OF WEYMOUTH AND THE CITY OF QUINCY AS THE JAMES A. BURKE BRIDGE.

Be it enacted, etc., as follows:

The existing bridge and any bridge to be constructed over the Fore river between the town of Weymouth and the city of Quincy, on state highway route 3A, shall be dedicated and known as the James A. Burke bridge, in honor of former Congressman James A. Burke, who performed many works of great service to the southeastern area of the commonwealth, and whose leadership made possible the federal assistance available for this and other bridge replacement projects. A suitable marker bearing such designation shall be attached thereto by the department of public works in compliance with the standards of said department, and as authorized by the federal highway administration.

Approved June 25, 1979.

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Chap. 329. AN ACT PROVIDING FOR THE LIMITED REGISTRATION OF PODIATRISTS.

Be it enacted, etc., as follows:

Chapter 112 of the General Laws is hereby amended by inserting after section 16 the following three sections:-

Section 16A. An applicant for limited registration under this section may, upon payment of twenty-five dollars, be registered by the board as an intern, resident, fellow, extern, preceptor or podiatric medical officer for such time as it may subscribe if he furnishes the board with satisfactory proof that he is eighteen years of age or over and of good moral character, he has credit-

ably completed two years of a pre-podiatric medical course of study in a college or university and not less than three and one-half years of study or the comparable requisite years of study at a legally chartered podiatric medical school offering an accelerated course or two years in a podiatry program at a medical school chartered in the commonwealth, followed by one and one-half years at a legally chartered podiatric medical school having the power to grant a degree in podiatric medicine, and that he has been appointed a resident, fellow, intern, extern, preceptor or podiatric medical officer in a health care program. All such schools and programs must be approved by the board of registration in podiatry pursuant to section sixteen and leading toward certification by specialty boards recognized by the American Podiatry Association.

Such limited registration shall entitle said applicant to practice podiatric medicine only in the hospital, institution, clinic or program designated on his certificate of limited registration, or outside such hospital, institution, clinic or program for the treatment, under supervision of one of its medical officers who is a duly registered physician, or one of its podiatric medical officers who is a duly registered podiatric physician, of persons accepted as patients, by any hospital, institution, clinic or program affiliated for training purposes with the hospital, institution, clinic or program designated on such certificate, which affiliation is approved by the board, and in any case, under regulations established by such hospital, institution, clinic or program. The name of any hospital, institution, clinic or program so affiliated and so approved shall also be indicated on such certificate. Limited registration under this section may be revoked at any time by the board.

Section 16B. A student of podiatric medicine who has creditably completed not less than two years of study in a legally chartered medical or podiatric medical school, wherever located, may practice podiatric medicine, but only under the supervision of an instructor in a legally chartered medical, or podiatric medical school, which instructor shall be a registered physician or podiatrist in the commonwealth and a duly appointed field faculty member of a legally chartered medical or podiatric medical college to which the student may be assigned. The board may, in its discretion from time to time designate other facilities or locations in which said student may practice podiatric medicine under the conditions described above. Said student of podiatric medicine shall not prescribe or dispense narcotic drugs as defined in section one of chapter ninety-four C.

Section 16C. Temporary registration as a qualified podiatric physician may be granted to a visiting podiatric physician holding a license to practice in another state or territory or in the District of Columbia and having a temporary faculty appointment certified by the chairman of the board of registration in podiatry for purposes of podiatric medical education, such registration to terminate automatically upon termination of the faculty appointment and, in any event, at the end of eight months; to a podiatric physician holding a license to practice in another state or territory or in the District of Columbia to permit him to act as a substitute

podiatric physician for a registered podiatric physician in the commonwealth, to be granted only upon written request of said registered podiatric physician and to be limited to three months or less; and to a podiatric physician eligible for examination or registration in the commonwealth who is a diplomate of a specialty board approved by the American Podiatry Association to permit him to act as a substitute podiatric physician for a registered podiatric physician in the commonwealth, to be granted only upon written request of said podiatric physician, to be limited to the specialty to which the applicant is certified and to be limited to three months or less. The fee for such temporary registration in any case shall be fifty dollars.

Approved June 25, 1979.

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Chap. 330. AN ACT PROVIDING FOR THE PAYMENT OF CERTAIN DEATH BENEFITS TO MEMBERS OF THE WAKEFIELD POLICE RELIEF ASSOCIATION, INC. UPON THEIR RETIREMENT FROM THE POLICE DEPARTMENT OF THE TOWN OF WAKEFIELD.

Be it enacted, etc., as follows:

Any member of the Wakefield Police Relief Association, Inc., a corporation duly established under the laws of the commonwealth, having been a member of said Association for at least twenty years, if he elects may, by writing filed with the secretary of said Association within ninety days after he is pensioned or retired from the police department of the town of Wakefield, receive from said Association upon surrender of his member's certificate of membership the sum of three thousand dollars in lieu of the death benefit provided by the by-laws of said Association and he shall thereupon cease to be a member of said Association and entitled to any benefits therefrom. Such member shall have the further option to surrender his certificate of membership as aforesaid and receive the sum of fifteen hundred dollars and a certificate of membership issued which shall entitle his beneficiary to the sum of fifteen hundred dollars upon said member's death.

Approved June 25, 1979.

EMERGENCY LETTER - July 6, 1979 @ 1:36 P.M.

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Chap. 331. AN ACT RELATIVE TO THE ANNUAL OBSERVANCE OF STATE WALKING SUNDAY.

Be it enacted, etc., as follows:

Chapter 6 of the General Laws is hereby amended by inserting after section 15MM, inserted by chapter 244 of the acts of 1979, the following section:-

Section 15NN. The governor shall annually issue a proclamation setting apart the second Sunday in June as State Walking Sunday, and recommending that said day be observed in an appropriate manner by the people.

Approved June 25, 1979.

Chap. 332. FURTHER REGULATING A BOARD OF DIRECTORS  
APPROVAL OF CERTAIN SALARIES IN DOMESTIC  
INSURANCE COMPANIES.

Be it enacted, etc., as follows:

Section 35 of chapter 175 of the General Laws is hereby amended by striking out the first sentence, as most recently amended by chapter 549 of the acts of 1973, and inserting in place thereof the following sentence:- No domestic company 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 forty thousand dollars to any person, unless such payment be first authorized by a vote of its board of directors or a committee thereof.

Approved June 26, 1979.

Chap. 333. AN ACT DESIGNATING RHODONITE AS THE GEM  
OR GEM EMBLEM OF THE COMMONWEALTH.

Be it enacted, etc., as follows:

Chapter 2 of the General Laws is hereby amended by adding the following section:-

Section 15. Rhodonite shall be the gem or gem emblem of the commonwealth.

Approved June 26, 1979.

Chap. 334. FURTHER REGULATING THE TIME PERIODS IN  
WHICH A CHILD IN NEED OF SERVICE MAY BE  
COMMITTED TO THE DEPARTMENT OF PUBLIC  
WELFARE.

Be it enacted, etc., as follows:

Section 39G of chapter 119 of the General Laws, as appearing in section 5 of chapter 1073 of the acts of 1973, is hereby amended by striking out the third paragraph and inserting in place thereof the following paragraph:-

Any order of disposition pursuant to this section shall continue in force for not more than six months; provided, however, that the court which entered the order may, after a hearing, extend its duration for additional periods, each such period not to exceed six months if the court finds that the purposes of the order have not been accomplished and that such extension would be reasonably likely to further those purposes.

Approved June 26, 1979.

Chap. 335. MAKING CERTAIN CHANGES IN THE REPORTING  
OF CAMPAIGN CONTRIBUTIONS.

Be it enacted, etc., as follows:

SECTION 1. Section 18 of chapter 55 of the General Laws is hereby amended by adding the following two paragraphs:-



The provisions of this section requiring candidates to file reports shall not apply to candidates who during any reporting period have not received contributions, incurred any liabilities, nor made expenditures on their own behalf independent from the political committee organized on their behalf. Said candidates shall sign an affidavit under the pains and penalties of perjury that they have not received any contributions, incurred any liabilities, nor made any expenditures on their own behalf during that reporting period. Said affidavit shall be made on the report filed by the candidate's political committee for that reporting period.

Candidates who have no political committee organized on their behalf and who have not received any campaign contributions, incurred any liabilities, nor expended money on their behalf during any reporting period need only sign an affidavit on a form provided by the director stating that they have not received a campaign contribution, incurred any liabilities, nor made any expenditure on their own behalf. Said statement shall be signed under the pains and penalties of perjury.

SECTION 2. Section twenty of said chapter fifty-five of the General Laws is hereby repealed.

SECTION 3. Section twenty-one of said chapter fifty-five of the General Laws is hereby repealed.

SECTION 4. This act shall take effect on February fourth, nineteen hundred and eighty.

Approved June 26, 1979.

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Chap. 336.      RELATIVE TO THE PLACEMENT OF AN EIGHT  
WORD STATEMENT ON NOMINATION PAPERS  
IN CERTAIN ELECTIONS.

Be it enacted, etc., as follows:

SECTION 1. Section 45 of chapter 53 of the General Laws is hereby amended by striking out the first paragraph, as most recently amended by section 28 of chapter 393 of the acts of 1978, and inserting in place thereof the following paragraph:-

Every nomination paper shall state in addition to the name of the candidate, (1) his residence, with street and number thereof, if any, (2) the office for which he is nominated, and (3) the political party whose nomination he seeks. This information, in addition to the district name or number, if any, shall be stated on the nomination papers before any signature of a purported registered voter is obtained and the circulation of nomination papers without such information is prohibited. The candidate may state, on one or more nomination papers, in not more than eight words, any of the following public offices which he holds or has held:

those offices which are voted for at state primaries, mayor, city councillor, alderman, town councillor, selectman, and school committee member. 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 renomina-

tion that he is a candidate for such renomination. 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 2. 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 the first sentence and inserting in place thereof the following sentence:- The provisions of section forty-five shall apply to the nomination papers of candidates to be voted for at presidential primaries, except that only candidates for state committee may use the eight word statement allowed under the provisions of said section forty-five; provided, however, that a candidate for state committee may, if he is a veteran, as defined in section one of chapter thirty-one, use the word "veteran".

Approved June 26, 1979.

Chap. 337. EXEMPTING THE POSITION OF TOWN ENGINEER OF THE TOWN OF RANDOLPH FROM THE CIVIL SERVICE LAW.

Be it enacted, etc., as follows:

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

SECTION 2. The provisions of section one shall not impair the civil service status of any person employed in the position of town engineer of the town of Randolph on the effective date of this act.

Approved June 26, 1979.

Chap. 338. FURTHER REGULATING THE AWARDED OF RACING DAYS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately provide for the authorization of racing dates in Hampden county, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Section 13 of chapter 494 of the acts of 1978 is hereby amended by striking out clause (c) and inserting in place thereof the following clause:-

(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 four hundred of the remaining such days may be awarded only for racing in Bristol county; 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 in Suffolk county during forty-five weeks in any calendar year;.

SECTION 2. Said section 13 of said chapter 494 is hereby further amended by striking out clause (f) and inserting in place thereof the following clause:-

(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; provided, however, that one such license may be issued only for racing in Hampden county.

SECTION 3. Said chapter 494 is hereby further amended by inserting after section 17 the following section:-

Section 17A. Notwithstanding the provisions of section two of chapter one hundred and twenty-eight A of the General Laws, applications for licenses to hold and conduct racing meetings in Hampden county for the number of dates authorized by clauses (b) and (c) of section thirteen for said county may be filed with the state racing commission within thirty days following the effective date of this act. Said commission is hereby authorized to award such racing meetings to be held or conducted during the calendar year nineteen hundred and seventy-nine. 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 said chapter one hundred and twenty-eight A.

Approved June 27, 1979.

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Chap. 339. EXEMPTING FROM TAXATION CERTAIN REAL PROPERTY HELD BY URBAN REDEVELOPMENT CORPORATIONS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to clarify immediately the classification of real property for the purpose of taxation, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Section 5 of chapter 59 of the General Laws is hereby amended by adding the following clause:-

Forty-seventh, Real property subject to taxation under section ten of chapter one hundred and twenty-one A.

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

Approved June 28, 1979.

Chap. 340. REPEALING THE REQUIREMENT THAT CERTAIN DISCLOSURES RELATIVE TO CONSUMERS BE IN A SECOND LANGUAGE.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to regulate bilingual disclosures in consumer credit forms, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Section 5 of chapter 140C of the General Laws is hereby amended by striking out subsection (k), added by chapter 75 of the acts of 1978.

Approved June 28, 1979.

Chap. 341. AUTHORIZING THE TRANSPORTATION OF GASOLINE, DIESEL FUEL, HEATING OIL AND LIKE PETROLEUM PRODUCTS DURING CERTAIN HOURS ON SUNDAY.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide immediately for the delivery of gasoline and petroleum products between the hours of eight o'clock ante meridiem and eight o'clock post meridiem on Sunday, 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 provision of chapter one hundred and thirty-six of the general laws or any other law or rule or regulaton to the contrary, it is hereby authorized to transport or aid in the transport of gasoline, diesel fuel, heating oil, and like petroleum products by motor truck or trailer between the hours of eight o'clock ante meridiem and eight o'clock post meridiem on Sunday.

SECTION 2. This act shall cease to be operative on January seventh, nineteen hundred and eighty.

Approved June 29, 1979.

Chap. 342. AN ACT MAKING APPROPRIATIONS FOR THE FISCAL YEAR ENDING JUNE THE THIRTIETH, NINETEEN HUNDRED AND SEVENTY-NINE 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 appropriations 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-seven of the acts of nineteen hundred and seventy-eight, for the fiscal year ending June thirtieth, nineteen hundred and seventy-nine 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.

Item

## JUDICIARY.

Supreme Judicial Court.

0301-0001	Item 0301-0001 of chapter three hundred and sixty-seven of the acts of nineteen hundred and seventy-eight is hereby amended by striking out the wording and inserting in place thereof the following wording:- For the salaries, travelling allowances and expenses of the chief justice and of the six associate justices; provided that, the comptroller shall write off a certain prior year advance unaccounted for in the amount of six hundred and sixty-three dollars previously charged to this item	\$29,000
0301-0002	For law clerks and clerical assistance for the justices	\$12,100
0301-0500	For expenses of the executive secretary; provided, that 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	\$32,223
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	\$20,085

Appeals Court.

0301-3001	For the salaries, travelling allowances and expenses of the chief justice and of the five associate justices	\$41,607
0301-3003	For clerical assistance for the justices	\$39,158
0301-3005	For court expenses	\$58,201

Superior Court.

0302-0001	For the salaries, travelling allowances and expenses of the chief justice and of the forty-five justices	\$312,982
0302-0004	For clerical assistance to the justices	\$4,431

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	\$20,000
0305-5001	For office expenses of the chief judge	\$4,000

District Attorneys.

0308-0010	For the travelling expenses necessarily incurred by the district attorneys except in the Suffolk district, in-	
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Item

cluding expenses incurred in previous years  
..... \$5,000

EXECUTIVE.

Governor.

0411-1000 For the salaries of the governor and officers and employees in the governor's office..... \$37,243

0411-1601 For a pilot program in the use of gasohol in certain state vehicles, appropriation expires June thirtieth, nineteen hundred and eighty..... \$9,000

0411-1901 For postage, printing, office and other contingent expenses including travel of the governor..... \$72,000

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..... \$27,035

MILITARY DIVISION.

Adjutant General.

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..... \$6,000

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  
..... \$10,000

0432-0002 For the service of the civil defense agency nonmatching fund program..... \$1,500

0433-0100 For providing matching funds of twenty-five per cent for a federal planning and administration grant to the governor's highway safety program under the provisions of the Surface Transportation Act of 23 USC Section 402(d)..... \$97,500

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..... \$375,259

Highway Fund 30.0%

General Fund 70.0%

0611-4000 For the payment of bonus benefits to certain veterans of the Vietnam conflict as authorized by section one of chapter six hundred and ninety-two of the acts of nineteen hundred and seventy-three..... \$120,000

## Item

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 ..... \$78,958
- 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 further expenditure without further appropriation..... \$1,000,000
- 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 an additional thirty-five million one hundred and thirty-nine thousand five hundred and nine dollars shall be paid from this item in accordance with section ten A of chapter five hundred and thirteen of the acts of nineteen hundred and seventy-eight..... \$35,139,509

Debt Service.

- 0699-7100 To meet the cost of expenditures already in the main incurred, as authorized by chapter six hundred and ninety-two of the acts of nineteen hundred and seventy-three, the sum of three hundred thirty thousand six hundred and fifty dollars is hereby appropriated from the General Fund; provided, that the state treasurer has not borrowed the sums authorized in said chapter six hundred and ninety-two of the acts of nineteen hundred and seventy-three on the effective date of this act the amount appropriated in this item shall reduce the authority to borrow by the amount listed ..... \$330,650
- 0699-7101 To meet the cost of expenditures already in the main incurred, as authorized by chapter three hundred and seventy-five of the acts of nineteen hundred and twenty-six, the sum of two hundred eighteen thousand five hundred and seventy-six dollars and three cents; provided, that in the event the state treasurer has not borrowed the sum authorized in said chapter three hundred and seventy-five of the acts of nineteen hundred and twenty-six on the effective date of this act the amount appropriated in this section shall reduce the authority to to borrow the above amount..... \$218,577
- MDC Water District Fund 100.0%
- 0699-7102 To meet the cost of expenditures already in the main incurred, as authorized by the acts listed below, the sum of one hundred forty-five thousand eight hundred and thirty-five dollars and forty-two cents; provided, that in the event 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

Item

	in each of the listed chapters by the amount listed	\$145,836
	MDC Malden Relief Sewer - Chapter 478 of the acts of 1966.....	\$72,000.00
	MDC Sewerage Relief - Chapter 655 of the acts of 1962	\$73,835.42
	MDC Sewerage District Fund 100.0%	
0699-7103	To meet the cost of expenditures already in the main incurred, as authorized by the several acts listed below, the sum of three hundred twenty-two thousand nine hundred and sixty-three dollars and fifty cents; provided, that in the event 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	\$322,964
	MDC Recreational Loan - Chapter 627 of the acts of 1957	\$222,667.27
	MDC Mystic River Dam Loan - Chapter 647 of the acts of 1957.....	\$93,106.23
	MDC Lynn Nahant Beach Erosion - Chapter 576 of the acts of 1966.....	\$2,675.00
	MDC Central Garage - Chapter 1105 of the acts of 1971.....	\$4,515.00
	MDC Parks District Fund 33.0%	
	Highway Fund 67.0%	
0699-7800)	From the unexpended balance remaining in item number	
0699-7810)	0699-7810 of section two of chapter three hundred	
0612-1500)	and sixty-seven of the acts of nineteen hundred and seventy-eight the sum of nineteen million three hundred and twenty-seven thousand four hundred and ninety-one dollars is hereby transferred and made available for the purposes of item number 0699-7800; and provided, further, an additional amount of twenty-seven million six hundred and thirty-four thousand, five hundred and nine dollars is hereby transferred and made available for the purposes of item number 0612-1500	
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	\$19,327,491
0699-7920)	From the unexpended balance remaining in item number	
0612-1500)	0699-7920 of section two of chapter three hundred and sixty-seven of the acts of nineteen hundred and seventy-eight the sum of seven million five hundred and five thousand dollars is hereby transferred and made available for the purposes of item number 0612-1500.	

Attorney General.

Special Commission on State & County Buildings.

0810-0041	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 June thirtieth, nineteen hundred and eighty; provided, that the amount of twenty-three thousand	
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## Item

and two hundred and seventy-nine dollars shall be designated for the purpose of the state share of a federal grant..... \$1,135,000

Commission on Uniform State Laws.

0830-0100 For the expenses of the commission, appropriation expires June thirtieth, nineteen hundred and eighty ..... \$15,000

EXECUTIVE OFFICE OF ADMINISTRATION AND FINANCE.

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..... \$300,000

1102-3915 For certain renovations and improvements to the state house, including furnishings and equipment, appropriation expires June thirtieth, nineteen hundred and eighty..... \$275,000

DEPARTMENT OF CORPORATIONS AND TAXATION.Bureau of Local Taxation.

1233-3100 For reimbursing certain cities and towns for fifty per cent of career incentive salary increases for police officers..... \$6,237

Miscellaneous.

1599-0004 For the payment of claims for unpaid checks, with the approval of the state treasurer and certification by him to the comptroller of the amount due where payment has otherwise been prevented as a result of the application of section thirty-two of chapter twenty-nine of the General Laws..... \$24,356

1599-0008 For the payment of certain claims, as provided in chapter two hundred and fifty-eight of the General Laws, inserted by section fifteen of chapter five hundred and twelve of the acts of nineteen hundred and seventy-eight, including prior years, based upon schedules filed with the comptroller; 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 be chargeable if appropriations had been available therefor; provided, further, claims under the above cited chapter shall not be chargeable to any other item of appropriation..... \$113,620

1599-0061 For the payment of a certain claim as authorized by section seven of chapter one hundred and fifty-two of the General Laws..... \$9,560

1599-0067 For the payment of a certain claim as authorized entered in the Plymouth superior court, docket number 60883..... \$71,000

1599-0069 For the payment of a certain court judgement entered in the Suffolk superior court, docket number 23624 ..... \$1,994

Highway Fund 67.0%  
MDC Parks District Fund 33.0%

1599-0070 For the payment of a certain court judgement entered in the Suffolk superior court, docket number 86849 ..... \$17,000

1599-0072 For the payment of a certain court judgement entered in the Hampden superior court, docket number

Item		
	133287.....	\$10,000
	Highway Fund 100.0%	
1599-0073	For the payment of certain court judgement entered in the Plymouth superior court, docket number 61418.....	\$10,000
1599-0074	For the payment of a certain court judgement entered in the Middlesex superior court, docket number 328979.....	\$26,038
	MDC Parks District Fund 100.0%	
1599-0081	For the payment of a certain court judgement entered in the Suffolk superior court, docket numbers 684172, 684173, and 684174.....	\$64,989
1599-0083	For the payment of a certain court judgement entered in the Suffolk superior court, docket number 32777.....	\$5,596
1599-0085	For the payment of a claim, authorized by chapter sixteen of the resolves of nineteen hundred and seventy-eight.....	\$5,750
1599-2025	For a reserve to meet 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 emergency shall have been certified by the agency and the secretary having jurisdiction over the requesting agency; that the existence of the said 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; and provided, further, that funds appropriated herein may be used for the purposes of a summer job program, provided that the participants in said program shall register with the division of employment security. This item shall expire on June 30, 1980.....	\$900,000
1599-2036	For the payment of deficiencies in certain appropriations for previous years based upon schedules approved by the joint committees on ways and means; provided, that the comptroller is hereby authorized to allocate the amounts of such payments to the several state or other funds to which said payments would have been chargeable if appropriations had been available therefor.....	\$1,250,000
1599-2040	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-eight appropriation expires June thirtieth, nineteen hundred and eighty.....	\$114,000
1599-2043	For a reserve to meet certain costs pursuant to the training and career ladder program provided for by certain collective bargaining agreements; provided, that the governor, upon recommendation of the commissioner of administration, is hereby authorized to transfer from the sum appropriated herein to other	

## Item

appropriation items; and provided further, that the governor, upon the 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

..... \$250,000

- 1599-2094 Item 1599-2094 of section two of chapter three hundred and sixty-seven of the acts of nineteen hundred and seventy-eight is hereby amended by striking out the wording and inserting in place thereof the following:-

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, but prior to June twenty-eighth, nineteen hundred and seventy-nine, and to meet the costs of certain salary adjustments and other related cost items authorized by either certain collective bargaining agreements or the boards of trustees of higher education for any of its employees to whom no such collective bargaining agreement is applicable; 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; 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; 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; and provided, further, that no more than five hundred thousand dollars shall be used for the payment of the educational and professional development of faculty collective bargaining contracts with the board of trustees of state colleges, board of trustees of the University of Lowell, board of trustees of Southeastern Massachusetts University, board of trustees of the University of Massachusetts, and the Massachusetts Board of Regional Community Colleges, appropriation expires June thirtieth, nineteen hundred and eighty

..... \$8,155,000

- 1599-3100 For the payment of certain employment security benefits, prior appropriation continued..... \$3,304,226

EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS.

Division of Forests and Parks.

- 2120-0040 Item 2120-0400 of Section two of chapter three hundred and sixty-seven of the acts of nineteen hundred and seventy-eight is hereby amended by striking out the words and inserting in place thereof the following new words:- "For the operation of forests and parks facilities under the management of the bureau of recreation; provided that a payment in the amount of twelve dollars and fifty cents for

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an outstanding salary draw issued in a prior fiscal year shall be allowed and paid from this item, including not more than one hundred and forty-seven permanent positions.

State Recreation Areas Fund 100.0%

2120-9009 For roof repairs and security apparatus to a certain building at Webb Memorial state park, appropriation expires June thirtieth, nineteen hundred and eighty..... \$16,500

Division of Water Resources.

2130-0100 Item 2130-0100 of section two of chapter three hundred and sixty-seven of the acts of nineteen hundred and seventy-eight is hereby amended by adding the words:- provided, that, notwithstanding any provision of law to the contrary, there shall be allowed and paid from this item one thousand one hundred and twenty-five dollars representing payment for an employee's overtime incurred in the previous fiscal year.

Bureau of Solid Waste Disposal.

2140-0150 For a generic environmental impact report regarding the management of hazardous wastes within the commonwealth, appropriation expires June thirtieth, nineteen hundred and eighty..... \$100,000

Department of Environmental Quality Engineering.

Division of Water Pollution Control.

2240-0200 Item 2240-0200 of section two of chapter three hundred and sixty-seven of the acts of nineteen hundred and seventy-eight is hereby amended by inserting after the word "Fund" the words:- notwithstanding the provisions of section twenty-nine A of chapter twenty-nine of the General Laws, certain invoices in the total amount of four hundred and eight dollars for contractual services rendered during July of nineteen hundred and seventy-eight shall be allowed and paid from this account.

2240-0800 For the costs of removing hazardous waste accumulations, supervising said removal, monitoring the environmental effects of said accumulations, and for reimbursement for the costs of replacing public drinking water lost on account of said accumulation, appropriation expires June thirtieth, nineteen hundred and eighty..... \$500,000

Division of Waterways.

2270-1400 For replacement of retaining wall at Pico beach, town of Winthrop, appropriation expires June thirtieth, nineteen hundred and eighty..... \$50,000

2270-9002 For the repairs and construction of Lake Ripple Dam in the town of Grafton..... \$175,000

Department of the Metropolitan District Commission.

Administration.

2410-1000 For general administration, including not more than sixty-two permanent positions..... \$30,000

Highway Fund 25.0%  
MDC Parks District Fund 25.0%  
MDC Water District Fund 25.0%

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	MDC Sewerage District Fund	25.0%	
	<u>Metropolitan Water System.</u>		
2420-0100	Item 2420-0100 of section two of chapter three hundred and sixty-seven of the acts of nineteen hundred and seventy-eight is hereby amended by inserting after the word "system" the words:- , provided, that the payment of certain career incentive pay in the amount of two thousand six hundred and thirty-eight dollars due for the fiscal year nineteen hundred and seventy-eight shall be allowed and paid from this account.		
	MDC Water District Fund	100.0%	
	<u>Metropolitan Sewerage District.</u>		
2430-9008	For the payment of a claim, authorized by chapter twenty-two of the resolves of nineteen hundred and seventy-eight .....		\$16,373
	MDC Sewerage District Fund	100.0%	
	<u>Metropolitan Parks District.</u>		
2440-0012	For the payment of certain court time and career incentive pay due for the fiscal year nineteen hundred and seventy-eight.....		\$43,972
	Highway Fund	67.0%	
	MDC Parks District Fund	33.0%	
	<u>Division of Animal Health.</u>		
2515-1000	For the administration of the division, including not more than twenty-four permanent positions.....		\$17,000
	<u>For the expenses of the following mosquito control projects:</u>		
2520-1000	Central Massachusetts.....		\$13,078
	Mosquito and Greenhead		
	Fly Control Fund	100.0%	
	EXECUTIVE OFFICE OF HUMAN SERVICES.		
	<u>Massachusetts Commission for the Blind.</u>		
4110-1020	For support of a medical assistance program for the blind, including previous fiscal years, and including not more than five permanent positions .....		\$3,998,409
	<u>Department of Correction.</u>		
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.....		\$97,000
4311-0004	For a health service program, including not more than ninety-six permanent positions.....		\$225,000
4312-0001	Correctional institution at Bridgewater, including not more than four hundred and forty-four permanent positions.....		\$550,000
4313-9001	For certain security renovations, appropriation expires		

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	June thirtieth, nineteen hundred and eighty.....	\$250,000
4316-0001	Correctional institution at Norfolk, including not more than two hundred and eighty-five permanent positions.....	\$310,000
4317-0001	Item 4317-0001 of section two of chapter three hundred and sixty-seven of the acts of nineteen hundred and seventy-eight is hereby amended by adding at the end thereof the following:- ; provided, that notwithstanding section eight A of chapter twenty-nine of the General Laws there shall be allowed and paid from this item the sum of seventeen thousand seven hundred and fifty dollars for certain emergency repairs to the streamline and heating system.	

Department of Public Welfare.

4400-1000	Item 4400-1000 of section two of chapter three hundred and sixty-seven of the acts of nineteen hundred and seventy-eight is hereby amended by adding at the end thereof the following:- ; provided, further, that prior year travel expenses not to exceed fifty thousand dollars may be allowed and paid from this item, and provided further, that compensation in the amount of one thousand eight hundred and forty-two dollars and ninety-seven cents for services rendered in a prior year may be allowed and paid from this item, and provided further, that the sum of four thousand and seventy-eight dollars and twelve cents may be allowed and paid from this item to comply with Hampden county superior court civil action number 77-877.	
4400-1200	Item 4400-1200 of section two of chapter three hundred and sixty-seven of the acts of nineteen hundred and seventy-eight is hereby amended by adding at the end thereof the following:- ; and provided, further, that compensation in the amount of one thousand seven hundred and fifty-six dollars and ninety-one cents for services rendered in a prior fiscal year may be allowed and paid from this item.	
4401-1000	For care and maintenance of children under the jurisdiction of the division of children and family services; provided, 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.....	\$800,000
4401-1011	For prior fiscal year expenses for a program for care and maintenance of children under the jurisdiction of the division of child and family services.....	\$155,000
4401-2001	For prior year expenses for the tuition in public schools of school age children boarded by the department of public welfare, under the supervision of the group care unit, in a place elsewhere than in his or her town, provided that the reimbursement shall be based on the average annual per pupil cost of education as determined by the department of education.....	\$50,000
4402-5000	Item 4402-5000 of section two of chapter three hundred and sixty-seven of the acts of nineteen hundred and seventy-eight is hereby amended by striking out the following wording after the words ways and means; "and provided further, that an amount not exceeding one hundred twenty million dollars may be expended from this item for expenses in-	

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	<p>curred in the prior fiscal year" and inserting in place thereof the following:- "and provided, further, that an amount not exceeding one hundred thirty million dollars may be expended from this item for expenses incurred in the prior fiscal year, and provided, further, that an amount not exceeding two million dollars may be expended from this item for expenses incurred in fiscal years nineteen hundred and seventy-seven and prior....</p>	\$73,000,000
4403-2000	Item 4403-2000 of section two of chapter three hundred and sixty-seven of the acts of nineteen hundred and seventy-eight is hereby amended by adding the words:- ; and provided, further, that compensation determined to be owed from prior fiscal years as a result of appeals decisions rendered in the current fiscal year may be paid from this item.	
4403-2009	For prior fiscal year expenses for certain donated funds .....	\$6,000
4403-2100	Item 4403-2100 of section two of chapter three hundred and sixty-seven of the acts of nineteen hundred and seventy-eight is hereby amended by striking out the wording and by inserting in place thereof the following:-  For a program of day care services; provided, that the federal reimbursement for any expenditures from this item shall not be less than fifty 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.	
4403-2102	For prior fiscal year expenses for a program of day care services.....	\$18,000
4403-2202	For prior fiscal year expenses for a program of social services to families and children.....	\$14,000
4405-2000	Item 4405-2000 of section two of chapter three hundred and sixty-seven of the acts of nineteen hundred and seventy-eight is hereby amended by adding the words:- ; and provided, further, that all final rate changes for services provided in a prior year may be paid from this item.	
4406-2000	Item 4406-2000 of section two of chapter three hundred and sixty-seven of the acts of nineteen hundred and seventy-eight is hereby amended by adding the words:- ; and provided, further, that an amount not exceeding two hundred and fifty thousand dollars may be expended from this item for medical expenses in prior fiscal years.	
4408-1002	For prior fiscal year expenses for a program to provide services to the disabled.....	\$7,000
4408-2000	Item 4408-2000 of section two of chapter three hundred and sixty-seven of the acts of nineteen hundred and seventy-eight is hereby amended by adding the words:- , and provided that payment of a court judgment (Suffolk superior court docket number 96372) of two hundred and fifteen dollars for prior year services may be allowed and paid from this item.	
4409-3000	Item 4409-3000 of section two of chapter three hundred and sixty-seven of the acts of nineteen hundred and seventy-eight is hereby amended by striking	

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out the words and inserting in place thereof the following words:- "For assistance to United States citizens returned from foreign countries and emergency assistance to resettled 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.

- 4510-0100 Item 4510-0100 of section two of chapter three hundred and sixty-seven of the acts of nineteen hundred and seventy-eight is hereby amended by adding at the end thereof the following:- and provided further, that a certain judgement entered in the United States District Court for the District of Massachusetts, civil action number 75-3867-S, be allowed and paid from this item
- ..... \$2,963
- 4513-1000 Item 4513-1000 of section two of chapter three hundred and sixty-seven of the acts of nineteen hundred and seventy-eight is hereby amended by adding at the end thereof the following:- and provided further, that certain prior years obligations not to exceed forty thousand dollars be allowed and paid from this item.
- 4516-0201 Item 4516-0201 of section two of chapter three hundred and sixty-seven of the acts of nineteen hundred and seventy-eight is hereby amended by inserting after the word "poisoning" the following:- provided that the amount of three thousand one hundred and seventy-seven dollars and six cents shall be allowed and paid from this item for obligations due former employees who were terminated due to lack of funds in a prior fiscal year from federal account 4516-0260 for Childhood Lead Paint Poisoning Prevention Program - Title X.
- 4533-0001 Item 4533-0001 of section two of chapter three hundred and sixty-seven of the acts of nineteen hundred and seventy-eight is hereby amended by inserting after the word "school" the following:- provided that the amount of eleven thousand six hundred and twenty-seven dollars and twelve cents shall be allowed and paid from this item for certain services rendered in a prior fiscal year.
- 4537-0001 Item 4537-0001 of section two of chapter three hundred and sixty-seven of the acts of nineteen hundred and seventy-eight is hereby amended by adding at the end thereof the following:- and provided further, that certain prior year obligations in the amount of nine thousand four hundred sixty-two dollars and forty-seven cents be allowed and paid from this item.

DEPARTMENT OF MENTAL HEALTH.

- 5011-0000 Item 5011-0000 of section two of chapter three hundred and sixty-seven of the acts of nineteen hundred and seventy-eight is hereby amended by adding at the end thereof the following:- ; and provided, further, that a certain prior year obligation in the amount of two thousand five hundred seventy-nine



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dollars and ten cents be allowed and paid from this item.

Region Two.

- 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 ..... \$27,666

Region Three.

- 5361-0000 Item 5361-0000 of section two of chapter three hundred and sixty-seven of the acts of nineteen hundred and seventy-eight is hereby amended by inserting after the word "center", the word:- provided, that notwithstanding the provisions of section twenty-nine A of chapter twenty-nine of the General Laws, payments for certain consultants services rendered during the months of August, September, and October of the current fiscal year shall be paid from this item.
- 5381-0000 For the maintenance of the Walter E. Fernald state school, including not more than one thousand one hundred and fifty permanent positions..... \$169,000
- 5391-0000 Item 5391-0000 of section two of chapter three hundred and sixty-seven of the acts of nineteen hundred and seventy-eight is hereby amended by adding after the word "hospital" the following words:- provided, that notwithstanding the provisions of section twenty-nine A of chapter twenty-nine of the General Laws, payments for certain consultants services rendered during the months of July, August, September, October and November of the current fiscal year shall be paid from this item.

Region Five.

- 5591-0000 Item 5591-0000 of section two of chapter three hundred and sixty-seven of the acts of nineteen hundred and seventy-eight is hereby amended by inserting after the word "hospital" the words:- provided, that, notwithstanding the provisions of section twenty-nine A of chapter twenty-nine of the General Laws, payments for certain legal services in the amount of one thousand and eighty-two dollars and sixty-two cents, provided during fiscal year nineteen hundred and seventy-eight shall be paid from this item.

EXECUTIVE OFFICE FOR TRANSPORTATION AND CONSTRUCTION.

Massachusetts Bay Transportation Authority.

- 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..... \$9,702
- 6005-0017 Item 6005-0017 of section two of chapter three hundred and sixty-seven of the acts of nineteen hundred and seventy-eight is hereby amended by inserting after the word "Laws", the words:- , provided, that proceeds of said taxes in excess of the amount appropriated in this item shall be added to the amount appropriated herein and shall be distributed without further appropriation.
- 6005-0100 For contracts to provide for the operation of commuter

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	boat services .....	\$40,000
	<u>Massachusetts Aeronautics Commission.</u>	
6006-0001	For the personal services and expenses of the commissioners, including not more than five permanent positions.....	\$1,600
6010-0001	Item 6010-0001 of section two of chapter three hundred and sixty-seven of the acts of nineteen hundred and seventy-eight is hereby amended by adding the words:-and provided that notwithstanding any provisions of law to the contrary certain compensation in the amount of four thousand six hundred and twelve dollars and forty-nine cents earned but not paid in a prior year may be allowed and paid from this item.	
6020-2501	For certain administrative and engineering expenses of the commission, the office of the public works commissioner and the divisions of administrative services, telephone service in the public works building, highway engineering, highway maintenance, highway construction and the district and other highway activity offices .....	\$25,000
	Highway Fund 100.0%	
6020-2913	For the payment of claims as authorized by section eighteen of chapter eighty-one of the General Laws.....	\$800
	Highway Fund 100.0%	
6030-7601	For payment to the Flintkote Company for certain paving work performed in the town of Oak Bluffs.....	\$63,721
6030-7604	Item 6030-7604 of section two of chapter three hundred and sixty-seven of the acts of nineteen hundred and seventy-eight is hereby amended by adding the following paragraph:-	
	Highway Fund 100.0%	
6033-9001	For reimbursement of a certain relocation cost.....	\$3,300
	Highway Fund 100.0%	
	<u>EXECUTIVE OFFICE OF EDUCATIONAL AFFAIRS.</u>	
	<u>Division of Special Education.</u>	
7028-0031	Item 7028-0031 of section two of chapter three hundred and sixty-seven of the acts of nineteen hundred and seventy-eight is hereby amended by adding the words:- provided, that compensation in the amount of three thousand four hundred dollars for services rendered in a prior year shall be allowed and paid from this item.	
7028-0302	Item 7028-0302 of section two of chapter three hundred and sixty-seven of the acts of nineteen hundred and seventy-eight is hereby amended by adding the words:- ; and provided, further, that certain prior year obligations in the amount of seventeen thousand nine hundred twenty-five dollars and five cents shall be allowed and paid from this item.	
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.....	\$47,800
7111-0100	State college at Framingham, including not more than three hundred and seventy-one permanent positions .....	\$73,000

## Item

7111-9001	State college at Framingham, provided that notwithstanding any law to the contrary, a certain payment for services rendered in the amount of fifty-eight thousand one hundred thirty-one dollars and seventy-one cents, for which prior approval had not been given, shall be allowed and paid from this item	
	.....	\$58,132
7113-0100	State college at North Adams, including not more than two hundred and thirty-eight permanent positions	
	.....	\$95,000
7114-0100	State college at Salem, including not more than five hundred and seventy-six permanent positions.....	\$42,000
7115-0100	State college at Westfield, including not more than three hundred and forty-three permanent positions	
	.....	\$162,792
7117-0100	Massachusetts college of art, including not more than one hundred and thirty-one permanent positions	
	.....	\$52,000
7118-9101	Item 7118-9101 of section two of chapter four hundred and forty-two of the acts of nineteen hundred and seventy-eight is hereby amended by inserting after the word "repairs" in line one the following:-and certain emergency repairs to the wharf, appropriation expires June thirtieth, nineteen hundred and eighty.	

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.....	\$150,000
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Southeastern Massachusetts University.

7310-9006	For the costs of securing and cleaning the research laboratory building, appropriation expires June thirtieth nineteen hundred and eighty	
	.....	\$147,500

University of Massachusetts.

7416-9001	For the construction of roadway improvements including fill, excavation, foundation and surface roadway construction, drainage, lighting and restoration, so as to provide a roadway sufficient to accommodate increased vehicular traffic access to the John Fitzgerald Kennedy Library situated at the northeasterly portion of the peninsula of land known as Columbia Point adjacent to Dorchester Bay in the city of Boston, appropriation expires June thirtieth, nineteen hundred and eighty.....	\$350,000
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Massachusetts Board of Regional Community Colleges.

7501-1001	Item 7501-1001 of section two of chapter three hundred and sixty-seven of the acts of nineteen hundred and	
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Item

seventy-eight is hereby amended by adding at the end thereof the following words:- provided that there shall be paid from this item one thousand four hundred and four dollars for certain salaries earned but not paid in the prior fiscal year.

7502-0100	Berkshire community college, including not more than one hundred and seventy-two permanent positions .....	\$70,000
7504-0100	Item 7504-0100 of section two of chapter three hundred and sixty-seven of the acts of nineteen hundred and seventy-eight is hereby amended by adding the words:- provided, that certain wage increases authorized by chapter one hundred and ninety-nine of the acts of nineteen hundred and seventy-six in the amount of nine hundred and three dollars and ninety cents be paid from this item.	
7504-8792	Cape Cod Community College. For interior and exterior renovations, modifications and repairs of buildings, including the cost of furnishings and equipment.....	\$820,000
7508-8721	Item 8072-67 of section two of chapter nine hundred and seventy-six of the acts of nineteen hundred and seventy-one is hereby amended by inserting after the word "dollars", in line 6, the words:- provided, that application shall be made for federal funds and such funds, when received, shall be credited to the General Fund Debt Service account.	
7509-0100	Mount Wachusett community college, including not more than one hundred and seventy permanent positions .....	\$25,000
7514-0100	Item 7514-0100 of section two of chapter three hundred and sixty-seven of the acts of nineteen hundred and seventy-eight is hereby amended by adding at the end thereof the following:- provided that there shall be paid from this item three thousand three hundred and sixty-seven dollars and thirty-four cents for certain salaries earned but not paid in the prior fiscal year.....	\$60,000
7700-0001	Item 7700-0001 of section two of chapter three hundred and sixty-seven of the acts of nineteen hundred and seventy-eight is hereby amended by adding at the end thereof the following:- provided further, that the comptroller shall write off a certain prior year advance unaccounted for in the amount of two hundred fifty-two dollars and fourteen cents previously charged to this item.	

EXECUTIVE OFFICE OF PUBLIC SAFETY.

Department of Public Safety.

8311-9001	For roof construction to public safety building, appropriation expires June thirtieth, nineteen hundred and eighty.....	\$45,000
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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; provided, that the cost of certain allowances be effective for the period July first, nineteen hundred and seventy-seven through November thirtieth, nineteen hundred and seventy-eight may be paid from this account.....	\$80,000
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General Fund

15.0%

## Item

## Highway Fund

85.0%

## EXECUTIVE OFFICE OF MANPOWER AFFAIRS.

Department of Labor and Industries.

- 9020-3001 Item 9020-3001 of section two of chapter three hundred and sixty-seven of the acts of nineteen hundred and seventy-eight is hereby amended by adding the words:- provided, that a payment in the amount of thirty-eight dollars and sixty-three cents for an outstanding salary draw issued in prior fiscal year shall be allowed and paid from this item.
- 9091-0211 For financial assistance for local tourist councils, appropriation expires June thirtieth, nineteen hundred and eighty..... \$250,000
- 9091-0404 For the administration of the Foreign Business Council ..... \$50,000
- 9091-0405 For the purpose of financing the required state share of the cost of operating a small business development center; provided that no funds shall be expended from this account until such time as the Small Business Administration has executed a grant or contract with the University of Massachusetts for the operation of the center; and provided further, that the funds expended from this account shall not exceed twenty-five per cent of the gross operating costs, appropriation expires June thirtieth, nineteen hundred and eighty, and provided further that a detailed report of expenditures shall be filed quarterly with the House and Senate Committees on Ways and Means ..... \$300,000

Massachusetts Industrial Mortgage Insurance Agency.

- 9091-1002 Item 9091-1002 of section two of chapter three hundred and sixty-seven of the acts of nineteen hundred and seventy-eight is hereby amended by striking out the wording and inserting in place thereof the following:
- For the administration of the Massachusetts Industrial Mortgage Insurance agency; provided, that the agency shall reimburse the commonwealth for the appropriation herein.

## EXECUTIVE OFFICE OF CONSUMER AFFAIRS.

Division of Insurance.

- 9222-0100 Item 9222-0100 of section two of chapter three hundred and sixty-seven of the acts of nineteen hundred and seventy-eight is hereby amended by adding the words:- ; "and provided, further, that notwithstanding any provisions of law to the contrary there shall be allowed and paid from this item five thousand and seventy-seven dollars and ninety-five cents representing certain settlements for employees wages due in prior fiscal years; and provided, further, that the comptroller shall write off certain prior years advances unaccounted for in the amount of one hundred ninety dollars previously charged to this item..."

Division of Registration.

- 9230-0001 For the administration of the division; provided, that the position of investigator of radio-television technicians shall not be subject to chapter thirty-one of the General Laws; including not more than eighty-four permanent positions..... \$29,452

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9230-0150	Board of registration and discipline in medicine, including not more than eight permanent positions.....	\$105,000
9230-0200	Board of dental examiners, including not more than six permanent positions.....	\$1,000
9230-0400	Board of Registration in Pharmacy, including not more than ten permanent positions.....	\$1,396
9230-0600	Board of Registration in Embalming and Funeral Directing, including not more than five permanent positions.....	\$1,628
9230-1000	Board of registration of architects, including not more than five permanent positions.....	\$12,000
9230-1100	Board of registration of professional engineers and land surveyors.....	\$6,121
9230-1200	Board of public accountancy, including not more than eleven permanent positions.....	\$34,000
9230-1400	Board of State Examiners of Plumbers and Gas Fitters, including not more than nine positions.....	\$2,014
9230-1500	Board of Registration in 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.....	\$8,481
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 positions.....	\$2,207
9230-1800	Item 9230-1800 of section two of chapter three hundred and sixty-seven of the acts of nineteen hundred and seventy-eight is hereby amended by striking out the wording and inserting in place thereof the following wording:- Board of registration of hairdressers, including not more than seventeen permanent positions; provided, that the sum of three thousand seven hundred and fifty-six dollars and ninety cents shall be allowed and paid from this item for certain compensation for the period of June fourteenth through November tenth, nineteen hundred and seventy-five.....	\$11,632
9230-2100	Board of Registration of radio and television technicians, including not more than seven permanent positions.....	\$2,000
9230-2700	Board of Registration of psychologists.....	\$400
9230-2800	Board of Registration of social workers.....	\$349

SECTION 2A. For the purpose of making available for expenditure in the fiscal year nineteen hundred and eighty certain balances of appropriations which otherwise would revert on June thirtieth, nineteen hundred and seventy-nine, the unexpended balances of the items shown below are hereby reappropriated for the fiscal year nineteen hundred and eighty:

0301-0553	2425-9002	2490-0001
1100-2302	2425-9003	3724-9002
1100-8752	2429-7140	4120-0010
1100-8755	2429-7150	4120-0051
1100-8757	2439-7270	4170-0400
1100-8758	2439-7340	4202-0025
1100-9510	2440-0013	4313-8751
1102-3901	2440-8778	4513-2110
1103-1010	2440-8783	5011-9001
1120-1600	2440-8793	5011-9003

1599-2012	2442-9032	5036-0100
1599-3500	2444-9001	5046-0100
2120-1215	2444-9013	5363-0100
2240-0290	2444-9018	6000-3400
2240-0700	2444-9020	6030-7403
2270-1000	2444-9026	6030-7604
2270-1100	2444-9028	6031-0131
2270-1300	2449-7050	6033-1007
2410-9051	2449-7120	6033-1011
2420-1200	2449-7270	6034-0001
2423-3007	2449-7280	7000-8751
2423-3008	2449-7330	7118-9002
2425-9001	2449-7350	8400-0100

SECTION 2B. For the purpose of making available for expenditure in the fiscal year nineteen hundred and eighty certain balances of appropriation which otherwise would revert on June thirtieth, nineteen hundred and seventy-nine, the unexpended balances of the items shown below are hereby appropriated for the fiscal year nineteen hundred and eighty; provided, that unexpended balances in any other items of appropriation included by reference in the accounts listed below are not reappropriated:

0138-0010	5191-8741	7117-8751
0138-8741	5294-8741	7117-8752
0138-8742	5294-8751	7118-8705
0138-8751	5381-8742	7250-8671
1100-8751	5471-8721	7250-8712
2429-7090	5491-8721	7490-0048
2429-7091	5561-8721	7490-8684
2429-7100	5691-8741	7490-8702
2429-7141	5765-8721	7490-8706
2429-7160	5766-8741	7490-8716
2429-8751	5781-8741	7490-8717
2429-8752	6004-8694	7490-8721
2429-8753	6004-8726	7490-8722
2429-8757	6004-8727	7490-8727
2429-8758	6004-8728	7490-8751
2430-9007	6004-8743	7490-8753
2439-7250	6004-8753	7503-8751
2439-8751	6004-8756	7504-8701
2439-8752	6006-8731	7504-8752
2444-9003	6008-9018	7506-8711
2448-8752	6032-2021	7506-8721
2449-7260	6032-4023	7506-8722
2449-7320	6032-4030	7508-8691
2449-8754	6032-4037	7508-8721
2449-8755	6032-4038	7509-8721
2490-8751	6032-4040	7510-8721
2611-8751	6032-5003	7511-8751
2611-9023	6032-7000	7511-8752
2630-8701	6032-8573	7512-8751
2630-9060	6032-8581	7514-8721
2630-9100	6032-8591	7514-8722
2632-7200	6032-8611	7514-8751

2670-9016	6032-8621	7514-8752
2670-9020	6032-8671	7514-8753
2681-8751	6032-8691	7515-8711
2681-8752	6059-0000	7516-8751
2681-9011	7108-8692	
2681-9029	7108-8711	
2681-9030	7108-8741	
2685-9011	7109-8691	
4180-8753	7109-8711	
4180-8754	7109-8721	
4223-8721	7110-8714	
4312-8721	7110-8723	
4312-8751	7110-8725	
4314-8721	7111-8722	
4314-8751	7112-8721	
4314-9002	7113-8712	
4314-9003	7113-8713	
4532-8751	7113-9001	
4533-8751	7114-8693	
4534-8751	7114-8721	
4535-8751	7114-8723	
5162-8741	7114-8751	
5163-8741	7114-8752	
5164-8681	7114-8753	
5164-8741	7115-8741	
5181-8741	7116-8751	
5182-8721	7117-0110	

SECTION 3. The comptroller is hereby authorized to write-off certain prior year advances unaccounted for in the total amount of twelve thousand five hundred fifty-eight dollars and thirty-five cents in accordance with a detailed schedule on file with the house and senate committees on ways and means.

SECTION 4. As of June thirtieth, nineteen hundred and seventy-nine, the comptroller shall charge the surplus account of the General Fund with the amount of deficit in the Highway Fund.

SECTION 5. As of June thirtieth, nineteen hundred and seventy-nine, the comptroller shall charge the surplus account of the General Fund with the amount of the deficit in the Local Aid Fund.

SECTION 6. 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, and the sum of not more than twenty-two thousand five hundred dollars may be expended therefrom annually without further appropriation.

SECTION 7. Amounts appropriated in section two of chapter three hundred and sixty-seven of the acts of nineteen hundred and seventy-eight for the following accounts are hereby charged against the Local Aid Fund:



0312-0001	4170-0400	7035-0004
0315-0001	6034-0008	7035-0005
1111-1002	6034-0009	7052-0004
1233-1000	7000-9401	7052-0005
1233-1500	7000-9501	7052-0006
1233-2000	7010-0012	7053-1909
1233-3000	7010-0042	7053-1910
1233-3100	7010-0043	7061-0003
3722-9101	7027-0014	7061-0008
3722-9102	7028-0101	7061-0009
		7061-0010
		7061-0011

Unexpended balances brought forward in any of the above accounts from the fiscal year nineteen hundred and seventy-eight shall be transferred to the Local Aid Fund, provided that the charges for said balances remain in the General Fund.

The provisions of this section shall be effective as of July first, nineteen hundred and seventy-eight.

SECTION 8. Section 2 of chapter 18 of the General Laws is hereby amended by adding the following subsection:-

(D) the department shall administer a program of emergency assistance to needy families with children, subject to and in accordance with the provisions of the Social Security Act of 1935, as defined in 42 USC 606 (e) to provide benefits to avoid destitution or to provide living arrangements in a home. The commonwealth shall accept matching funds from the appropriate federal authorities for said program. Nothing contained in this section shall require the department to provide benefits under such program in excess of those required by said Social Security Act.

The department shall, consistent with current regulations, administer a program to provide emergency shelter for any family qualified under this section when such family has no feasible alternative housing available. The department shall not deem any housing unit to be a feasible alternative unless it is within twenty-five miles of the most recent residence of said family; provided, however, that the department may exceed the said twenty-five mile limit only if the alternative placement remains within the county of the most recent residence of said family. The department shall file rules and regulations of said program with the clerks of the house and the senate not less than sixty days prior to their adoption.

SECTION 8A. Section 2 of chapter 118 of the General Laws is hereby amended by striking out the fourth paragraph, inserted by section 25A½ of chapter 684 of the acts of 1975.

SECTION 9. Item 0611-5500 of section 2 of chapter 367 of the acts of 1978 is hereby amended by striking out the wording and inserting in place thereof the following:

For additional assistance to the cities and towns there is hereby appropriated the sum of sixty million dollars 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.

Local Aid Fund

100.0%

SECTION 10. Said chapter 367 of the acts of 1978 is hereby further amended by striking out section 36 and inserting in place thereof the following section:-

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 except, that a governmental unit may make payments to a physician for services performed by a nurse professional if explicitly authorized by rule or regulation of that governmental unit.

SECTION 11. Section forty-four A of said chapter three hundred and sixty-seven is hereby repealed.

SECTION 12. Said chapter 367 is hereby further amended by striking out section 47 and inserting in place thereof the following section:-

Section 47. Ten million dollars is hereby appropriated from the Local Aid Fund 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 sixty-seven.

SECTION 12A. Section 38 of chapter 363A of the acts of 1977 is hereby amended by adding the following two sentences:- The department may establish regulations which provide exceptions to the ninety day billing limitation for providers of medical and social services. Said regulations shall not permit payment of bills submitted more than one year after the last day of the month in which the goods are sold or the services are provided.

SECTION 13. Section 2 of chapter 967 of the acts of 1977 is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- The commonwealth, commencing in fiscal year nineteen hundred seventy-nine, shall unit.

SECTION 13A. Notwithstanding the provisions of section eight A of chapter twenty-nine of the General Laws or any other provisions of law to the contrary a payment in the amount of eight thousand seventy-eight dollars and twenty-two cents due and owing be allowed and paid from federal grant account number 7516-9721 to Maura and Sforza, Incorporated for services rendered in connection with the construction and modification of certain dental hygiene and mannikin laboratory facilities at Middlesex community college.

SECTION 13B. Paragraph (a) of section 7 of chapter 150E of the General Laws, as appearing in section 4 of chapter 278 of the acts of 1977, is hereby amended by inserting after the word "commission" in line 5, the words:- and with the house and senate committees on ways and means forthwith.

SECTION 14. Chapter 74 of the General Laws is hereby amended by inserting after section 5A the following section:-

Section 5B. Regional school districts or cities and towns which are not members of vocational regional school districts may, through educational collaboratives formed under the provisions of section four E of chapter forty, conduct vocational education programs approved under the provisions of this chapter. In determining

the sum of weighted full-time equivalent pupils under section two A of chapter seventy in any city, town or regional school district which enrolls pupils in such vocational education collaborative programs, said pupils shall be assigned the pupil weight applied to vocational education programs.

SECTION 15. No adjustment or withholding of funds from any city or town on account of monies paid to such city or town for special education charges for the fiscal year nineteen hundred and seventy-seven shall be made by the department of revenue in any case presently in litigation until the final disposition of such case.

SECTION 16. Section 11 of chapter 15 of the acts of 1979 is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

Said commission shall hold hearings, make findings and file a report with the clerk of the senate not later than October first, nineteen hundred and seventy-nine.

SECTION 17. No funds shall be expended by the department of youth services for a secure detention center located in the Howland Building on the grounds of Taunton State Hospital after September first, nineteen hundred and seventy-nine.

SECTION 18. Paragraph (d) of subdivision (1) of section 23 of chapter 32 of the General Laws, as amended by section 1 of chapter 343 of the acts of nineteen hundred and seventy-eight, is hereby further amended by striking out the introductory paragraph and inserting in place thereof the following paragraph:-

Subject in each instance to the approval of the investment committee established under the provisions of paragraph (a) of this subdivision, the state treasurer shall invest and reinvest such funds, to the extent not required for current disbursements, as much as reasonably possible to benefit and expand the economic climate within the commonwealth so long as such use is consistent with sound investment policy and the other requirements of this section, as follows:.

SECTION 19. This act shall take effect upon its passage.

I disapprove Item 9091-0405 and Sections 8 and 17.

The remainder of the Bill I approve.

Approved June 30, 1979

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Chap. 343. AN ACT ADDING THE TOWN OF ATHOL TO THE JURISDICTION OF THE DISTRICT COURT OF EASTERN FRANKLIN.

Be it enacted etc., as follows:

SECTION 1. Section 1 of chapter 218 of the General Laws is hereby amended by striking out the second paragraph under the caption "Franklin", as appearing in the Tercentenary Edition, and inserting in place thereof the following paragraph:-

The district court of eastern Franklin, held at Orange; Athol,

Orange, Erving, Warwick, Wendell and New Salem. Said court shall be held in Athol at least one day each week of the year.

SECTION 2. Said section 1 of said chapter 218 is hereby further amended by striking out the second paragraph under the caption "Worcester", as amended by section 1 of chapter 446 of the acts of 1972, and inserting in place thereof the following paragraph:-

The first district court of northern Worcester, held at Gardner; Gardner, Petersham, Phillipston, Royalston, Templeton, Hubbardston and Westminster.

SECTION 3. For the purposes of all civil and criminal matters related thereto, the town of Athol shall be considered to be within the jurisdiction of the county of Franklin.

Approved June 26, 1979.

Chap. 344. AN ACT CONFORMING THE GENERAL LAWS TO THE MASSACHUSETTS RULES OF CRIMINAL PROCEDURE.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is, in part, to have the provisions thereof effective on July first, nineteen hundred and seventy-nine, the date on which the Massachusetts Rules of Criminal Procedure adopted by the Massachusetts Supreme Judicial Court take effect, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted etc., as follows:

SECTION 1. The fourth paragraph of section 56 of chapter 119 of the General Laws, as appearing in section 57 of chapter 478 of the acts of 1978, is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:- Review may be had directly by the appeals court, by appeal, report or otherwise in the same manner provided for trials of criminal cases in the superior court.

SECTION 2. Chapter 211A of the General Laws, as appearing in section 1 of chapter 740 of the acts of 1972, is hereby amended by striking out section 10 and inserting in place thereof the following section:-

Section 10. Subject to such further appellate review by the supreme judicial court as may be permitted pursuant to section eleven or otherwise, the appeals court shall have concurrent appellate jurisdiction with the supreme judicial court, to the extent review is otherwise allowable, with respect to a determination made in the superior court, the land court, the probate courts, and the district courts in jury session (a) in all civil proceedings at law or in equity without limit as to the subject matter or amount in controversy; (b) in proceedings in the superior court for the review of administrative determinations; (c) in proceedings in the superior court relating to mandamus, certiorari, and all other extraordinary writs; and (d) in criminal cases, irrespective of whether sentence has been imposed, except in review of convictions for first degree murder where a sentence of death or life imprisonment has been imposed. A report from the superior, land or probate courts or the district courts in jury session of any

case, in whole or in part, or any question of law arising therein shall be deemed within the concurrent appellate jurisdiction of the supreme judicial court and the appeals court.

Without regard to whether review is by appeal, bill of exceptions, report or otherwise, appellate review of decisions made in the superior, land or probate courts or the district courts in jury session, if within the jurisdiction of the appeals court, shall be in the first instance by the appeals court except in the following cases in which appellate review shall be directly by the supreme judicial court without the necessity of any prior hearing or decision by the appeals court on the merits of the issues sought to be reviewed:-

(A) Whenever two justices of the supreme judicial court issue an order for direct review by the supreme judicial court in any case on appeal, either at the request of one of the parties or at the court's own initiative, upon finding that the questions to be decided are: (1) questions of first impression or novel questions of law which should be submitted for final determination to the supreme judicial court; (2) questions of law concerning the Constitution of the commonwealth or questions concerning the Constitution of the United States which have been raised in a court of the commonwealth; (3) questions of such public interest that justice requires a final determination by the supreme judicial court.

(B) Whenever the appeals court as a body or a majority of the justices of the appeals court considering a particular case certifies that direct review by the supreme judicial court is in the public interest.

In each case where appellate review is not within the jurisdiction of the appeals court, appellate review shall be directly by the supreme judicial court, unless such case is transferred by the supreme judicial court to the appeals court for determination in accordance with section twelve of this chapter.

SECTION 3. Paragraph (d) of section 27A of chapter 218 of the General Laws, as appearing in section 189 of chapter 478 of the acts of 1978, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- 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 including the power to report questions of law to the appeals court, but in no case may he impose a sentence to the state prison.

SECTION 4. Paragraph (g) of said section 27A of said chapter 218, as so appearing, is hereby amended by striking out the third sentence and inserting in place thereof the following sentence:- Review may be had directly by the appeals court, by appeal, report or otherwise in the same manner provided for trials of criminal cases in the superior court.

SECTION 5. Section 30 of said chapter 218 is hereby amended by striking out the second sentence, as amended by section 25 of chapter 888 of the acts of 1978.

SECTION 6. Sections twelve, thirteen, and fourteen of chapter two hundred and seventy-three A of the General Laws are hereby

repealed.

SECTION 7. Chapter 233 of the General Laws is hereby amended by striking out section 3, as appearing in the Tercentenary Edition, and inserting in place thereof the following section:-

Section 3. No person shall be required to attend as a witness in a civil case or for the defendant in a criminal case except a person summonsed to attend as a witness for an indigent defendant in a criminal case, unless the legal fees for one day's attendance and for travel to and from the place where he is required to attend are paid or tendered to him.

SECTION 8. Said chapter 233 is hereby further amended by striking out section 20H, inserted by chapter 408 of the acts of 1970, and inserting in place thereof the following section:-

Section 20H. If a witness has been granted immunity pursuant to the provisions of section twenty E or twenty F by a justice of the supreme judicial court or the superior court and thereafter refuses to testify or produce evidence after being so ordered by such justice, the attorney general or district attorney shall institute contempt proceedings against such witness in the court where the alleged contempt occurred, and, after hearing or trial, if such witness is adjudged in contempt of court, he shall be punished by imprisonment in the house of correction for a term not to exceed one year or until he complies with the order of the court, whichever occurs first. The rules of practice and procedure relative to criminal appeals as provided by the Massachusetts Rules of Criminal Procedure and the Massachusetts Rules of Appellate Procedure shall apply to appeals under this section.

SECTION 9. Section twenty-six A of chapter two hundred and thirty-four of the General Laws is hereby repealed.

SECTION 9A. The first paragraph of section 26B of chapter 234 of the General Laws, as appearing in chapter 285 of the acts of 1967, is hereby amended by striking out, in line 3, the words "may so certify and".

SECTION 10. Said chapter 234 is hereby further amended by striking out section 29, as most recently amended by chapter 285 of the acts of 1972, and inserting in place thereof the following section:-

Section 29. In a civil case each party shall be entitled to four peremptory challenges. Such challenges shall be made before the commencement of the trial and may be made after it has been determined that a person called to serve as a juror stands indifferent in the case.

SECTION 11. Section thirty-one of said chapter two hundred and thirty-four is hereby repealed.

SECTION 12. Chapter 248 of the General Laws is hereby amended by striking out section 25, as appearing in the Tercentenary Edition, and inserting in place thereof the following section:-

Section 25. This chapter shall not affect the power of the supreme judicial court, or the superior court, or a justice thereof,

to issue a writ of habeas corpus in its discretion, and thereupon grant bail to a person for whatever cause he has been committed or restrained, or to discharge him as law and justice require. The court shall have no power to issue a writ of habeas corpus, at its discretion for - a person who has been committed by the governor and council, the senate, or the house of representatives in the manner and for the causes mentioned in the constitution, or a person who is imprisoned or restrained of his liberty pursuant to a criminal conviction.

This chapter shall not affect the power of any court or magistrate to issue a writ of habeas corpus, when necessary to bring before it a prisoner for trial in a pending criminal case; or to bring a prisoner to be examined as a witness in a suit or proceeding, civil or criminal, pending before the court, if the personal attendance and examination of the witness is necessary for the attainment of justice.

SECTION 13. Sections one, two, nine, ten, eleven, and twelve of chapter two hundred and fifty of the General Laws are hereby repealed.

SECTION 14. Said chapter 250 is hereby further amended by striking out section 13, as appearing in the Tercentenary Edition, and inserting in place thereof the following section:-

Section 13. Upon a proceeding to reverse or avoid a conviction of crime or to obtain the discharge of a person who is held in custody thereunder, the fact that the person was under the age of seventeen at the time of the conviction shall not affect the validity of the conviction nor entitle the person to be discharged.

SECTION 15. Chapter 261 of the General Laws is hereby amended by striking out section 27B, as most recently amended by section 268 of chapter 478 of the acts of 1978, 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, or for review, or upon appeal 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.

SECTION 16. Section 29 of chapter 262 of the General Laws, is hereby amended by adding the following paragraph:-

Expenses incurred by witnesses summonsed on behalf of a defendant determined to be indigent, as well as expenses incurred by witnesses summonsed on behalf of the commonwealth, as such expenses are determined in accordance with this section, shall be paid by the commonwealth after such witness has certified with the court the amount of his travel and attendance.

SECTION 17. Section 4 of chapter 263 of the General Laws, as most recently amended by section 19 of chapter 591 of the acts of 1973, is hereby further amended by adding the following paragraph:-

A defendant charged with an offense punishable by imprisonment in state prison shall have the right to be proceeded against by indictment except when the offense charged is within the concurrent jurisdiction of the district and superior courts and the district court retains jurisdiction.

SECTION 18. Said chapter 263 is hereby further amended by striking out section 4A, inserted by chapter 358 of the acts of 1934, and inserting in place thereof the following section:-

Section 4A. A defendant charged in the district court with an offense as to which he has the right to be proceeded against by indictment shall have the right, except when the offenses charged is a capital crime, to waive that right, whereupon the court shall have as full jurisdiction of the complaint as if an indictment had been found. If a defendant is so charged and requests a probable cause hearing in district court, that request shall constitute a waiver of the right to be proceeded against by indictment and the prosecution may proceed upon the complaint. If a defendant waives the right to be proceeded against by indictment, a probable cause hearing shall be held in the district court unless the defendant waives the probable cause hearing or unless the prosecutor elects to proceed by indictment pursuant to the Massachusetts Rules of Criminal Procedure.

If the district attorney desires to charge a defendant who waives indictment hereunder with an additional non-capital crime which is not charged in the complaint upon which the prosecution is proceeding and as to which there is the right to be proceeded against by indictment, the district attorney may prepare an additional complaint charging such additional crime and serve that complaint upon the defendant so as to give the defendant an opportunity to waive indictment upon such additional charge.

SECTION 19. Said chapter 263 is hereby further amended by striking out section 6, as most recently amended by section 20 of chapter 591 of the acts of 1973, and inserting in place thereof the following section:-

Section 6. A person indicted for a crime shall not be convicted thereof except by confessing his guilt in open court, by admitting the truth of the charge against him by his plea or demurrer or by the verdict of a jury accepted and recorded by the court or, in any criminal case other than a capital case, by the judgment of the court. Any defendant in a criminal case other than a capital case, whether begun by indictment or upon complaint, may, if he shall so elect, when called upon to plead, or later and before a jury has been impanelled to try him upon such indictment or complaint, waive his right to trial by jury by signing a written waiver thereof and filing the same with the clerk of the court. If the court consents to the waiver, he shall be tried by the court instead of by a jury, but not, however, unless all the defendants, if there are two or more charged with related offenses, whether prosecuted under the same or different indictments or

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complaints shall have exercised such election before a jury has been impanelled to try any of the defendants; and in every such case the court shall have jurisdiction to hear and try such cause and render judgment and sentence thereon.

SECTION 20. Chapter 276 of the General Laws is hereby amended by striking out section 22, as amended by section 21 of chapter 313 of the acts of 1959, and inserting in place thereof the following section:-

Section 22. Upon complaint made to any justice that a crime has been committed, he shall examine on oath the complainant and any witnesses produced by him, reduce the complaint to writing, and cause it to be subscribed by the complainant, and, if it appears that a crime has been committed, shall issue a summons or warrant in compliance with the provisions of the Massachusetts Rules of Criminal Procedure.

SECTION 21. Said chapter 276 is hereby further amended by striking out section 24, as amended by chapter 556 of the acts of 1973, and inserting in place thereof the following section:-

Section 24. Upon a complaint or indictment for any offense, a summons shall issue instead of a warrant, unless, in the judgment of the court or justice, there is reason to believe that the defendant will not appear upon summons.

SECTION 22. Said chapter 276 is hereby further amended by striking out section 25, as most recently amended by chapter 698 of the acts of 1968, and inserting in place thereof the following section:-

Section 25. A summons shall require the defendant to appear before the court at a stated time and place on the return day and shall be served by an officer authorized to serve criminal process by giving to the defendant in hand or by leaving at his dwelling house or last and usual place of abode with some person of suitable age and discretion then residing therein an attested copy not less than twenty-four hours before the return day, or by mailing an attested copy to the defendant's last known address.

SECTION 23. Section thirty-four of said chapter two hundred and seventy-six is hereby repealed.

SECTION 24. Section 37A of said chapter 276, as most recently amended by section 285 of chapter 478 of the acts of 1978, is hereby further amended by striking out the first sentence and inserting in place thereof the following sentence:- If a person is charged with a capital crime and brought before a district court for the initial appearance, 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.

SECTION 25. Sections thirty-nine and fifty of said chapter two hundred and seventy-six are hereby repealed.

SECTION 26. Section 82 of said chapter 276, as appearing in the Tercentenary Edition, is hereby amended by inserting after the word "commissioner", in line 3, the words:- or special magistrate.

SECTION 27. 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 323 of the acts of 1978, 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 forty-five veniremen, from whose numbers the court shall select twenty-three grand jurors who shall serve in said court until the first regular sitting in the year next after they have been impanelled and until another grand jury has been impanelled in their stead.

SECTION 28. Said chapter 277 is hereby further amended by striking out section 2, as most recently amended by section 1 of chapter 130 of the acts of 1979, and inserting in place thereof the following section:-

Section 2. The clerk of the superior court for criminal business in Suffolk county shall, not less than twenty-eight days before the first Mondays of January and July, respectively, issue writs of venire facias for forty-five veniremen of whom thirty-nine shall be from Boston and two each from Chelsea, Revere and Winthrop. From these forty-five veniremen the court shall then select twenty-three grand jurors to serve in said court, who shall serve for each sitting thereof for six months and until another grand jury has been impanelled in their stead.

SECTION 29. The first sentence of section 2A of said chapter 277, as appearing in section 3 of chapter 415 of the acts of 1966, is hereby amended by striking out, in line 5, the word "thirty-five" and inserting in place thereof the word:- forty-five.

SECTION 30. Section 2C of said chapter 277 inserted by section 2 of chapter 464 of the acts of 1973, is hereby amended by striking out, in line 4, the word "thirty-five" and inserting in place thereof the word:- forty-five.

SECTION 31. Section 2D of said chapter 277 of the General Laws, inserted by section 2 of chapter 809 of the acts of 1975, is hereby amended by striking out, in line 4, the word "thirty-five" and inserting in place thereof the word:- forty-five.

SECTION 32. Section 2E of said chapter 277, inserted by section 2 of chapter 315 of the acts of 1977, is hereby amended by striking out, in line 3, the word "thirty-five" and inserting in place thereof the word:- forty-five.

SECTION 32A. Said chapter 277 is hereby further amended by striking out section 2G, inserted by section 2 of chapter 323 of the acts of 1978, and inserting in place thereof 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 forty-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 33. Sections seven, eight, nine, ten, twelve, thirteen, and seventeen of said chapter two hundred and seventy-seven, all as appearing in the Tercentenary Edition, are hereby repealed.

SECTION 34. Said chapter 277 is hereby further amended by striking out section 34, as appearing in the Tercentenary Edition, and inserting in place thereof the following section:-

Section 34. An indictment shall not be dismissed or be considered defective or insufficient if it is sufficient to enable the defendant to understand the charge and to prepare his defense; nor shall it be considered defective or insufficient for lack of any description or information which might be obtained by requiring a bill of particulars.

SECTION 35. Section thirty-five A of said chapter two hundred and seventy-seven, as so appearing, is hereby repealed.

SECTION 36. Section 38 of said chapter 277, as most recently amended by section 8 of chapter 1071 of the acts of 1971, is hereby further amended by striking out, in line 9, the words "under section forty".

SECTION 37. Sections forty and forty-six of said chapter two hundred and seventy-seven, as appearing in the Tercentenary Edition, are hereby repealed.

SECTION 38. Section 47 of said chapter 277, as so appearing, is hereby amended by striking out, in line 5, the words "section seventy-two" and inserting in place thereof the words:- the Massachusetts Rules of Criminal Procedure.

SECTION 39. Said chapter 277 is hereby further amended by striking out section 47A, as most recently amended by section 298 of chapter 478 of the acts of 1978, and inserting in place thereof the following section:-

Section 47A. In a criminal case, any defense or objection based upon defects in the institution of the prosecution or in the complaint or indictment, other than a failure to show jurisdiction in the court or to charge an offense, shall only be raised prior to trial and only by a motion in conformity with the requirements of the Massachusetts Rules of Criminal Procedure. The failure to raise any such defense or objection by motion prior to trial shall constitute a waiver thereof, but a judge or special magistrate may, for cause shown, grant relief from such waiver. A defense or objection based upon a failure to show jurisdiction in the court or the failure to charge an offense may be raised by motion to dismiss prior to trial, but shall be noticed by the court at any time.

SECTION 40. Sections fifty-one and fifty-two of said chapter two hundred and seventy-seven, as appearing in the Tercentenary Edition, are hereby repealed.

SECTION 41. Said chapter 277 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. If a case is transferred for plea or trial and sentence pursuant to the Massachusetts Rules of Criminal Procedure, the district attorney for the county to which the case is transferred or the district attorney for the county from which the case is transferred shall have the same authority and duty in the case as if it had not been transferred, depending upon which of the district attorneys is to try the case.

SECTION 42. Sections sixty-nine, seventy A, seventy-one, seventy-two, seventy-two A, seventy-four, seventy-five, seventy-six, and seventy-seven of said chapter two hundred and seventy-seven are hereby repealed.

SECTION 43. Sections two A, three, and six, of chapter two hundred and seventy-eight of the General Laws are hereby repealed.

SECTION 43A. Said chapter 278 is hereby further amended by striking out section 11, as most recently amended by section 2 of chapter 108 of the acts of 1964, and inserting in place thereof the following section:-

Section 11. If a motion for a directed verdict of not guilty is denied and the case is submitted to the jury and a verdict of guilty is returned, the judge may on a renewed motion for a directed verdict of not guilty pursuant to the Massachusetts Rules of Criminal Procedure set aside the verdict and order a new trial, or order the entry of a finding of guilty of any offense included in the offense charged in the indictment or complaint.

SECTION 43B. Sections seventeen and twenty-seven of said chapter two hundred and seventy-eight, as appearing in the Tercentenary Edition, are hereby repealed.

SECTION 44. Said chapter 278 is hereby further amended by striking out section 28, as appearing in the Tercentenary Edition, and inserting in place thereof the following section:-

Section 28. A defendant aggrieved by a judgment of the district court in jury session or of the superior court in any criminal proceeding may appeal therefrom to the supreme judicial court.

SECTION 45. Said chapter 278 is hereby further amended by striking out section 28E, as amended by section 16 of chapter 740 of the acts of 1972, and inserting in place thereof the following section:-

Section 28E. An appeal may be taken by and on behalf of the commonwealth by the attorney general or a district attorney from the district court to the appeals court in all criminal cases from a decision, order or judgment of the court (1) allowing a motion to dismiss an indictment or complaint, or (2) allowing a motion to suppress evidence.

An appeal may be taken by and on behalf of the commonwealth by the attorney general or a district attorney from the superior court to the supreme judicial court in all criminal cases from a decision, order or judgment of the court (1) allowing a motion to dismiss an indictment or complaint, or (2) allowing a motion for appropriate relief under the Massachusetts Rules of Criminal Pro-

cedure.

An application for an appeal from a decision, order or judgment of the superior court determining a motion to suppress evidence prior to trial may be filed in the supreme judicial court by a defendant or by and on behalf of the commonwealth by the attorney general or a district attorney. If such application is denied, or if such application is granted but the interlocutory appeal is heard by a single justice, the determination of the motion to suppress evidence shall be open to review by the full court after trial in the same manner and to the same extent as determinations of such motions not appealed under the interlocutory procedure herein authorized.

Rules of practice and procedure with respect to appeals authorized by this section shall be the same as those applicable to criminal appeals under the Massachusetts Rules of Appellate Procedure.

SECTION 46. Sections twenty-nine and twenty-nine A of said chapter two hundred and seventy-eight are hereby repealed.

SECTION 47. Said chapter 278 is hereby further amended by striking out section 29B, inserted by section 1 of chapter 262 of the acts of 1962, and inserting in place thereof the following section:-

Section 29B. If a defendant having a right to counsel in a criminal proceeding has not been represented by counsel or has not properly waived his right to counsel and has entered a plea of guilty, such defendant may withdraw such plea as a matter of right at any time prior to imposition of sentence by the court.

SECTION 48. Sections twenty-nine C, thirty, thirty A, thirty-one, thirty-one A, thirty-one B, and thirty-one C of said chapter two hundred and seventy-eight are hereby repealed.

SECTION 49. Section 4 of chapter 279 of the General Laws is hereby amended by striking out the first paragraph, as most recently amended by section 17 of chapter 740 of the acts of 1972, and inserting in place thereof the following paragraph:-

Sentence shall be imposed upon conviction of a crime, regardless of whether an appeal has been taken, except as otherwise provided in section forty-seven in case of a conviction of a capital crime.

SECTION 50. Section four A of said chapter two hundred and seventy-nine is hereby repealed.

SECTION 51. This act shall take effect on July first, nineteen hundred and seventy-nine.

Approved June 30, 1979.

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Chap. 345. AN ACT REQUIRING THE MASSACHUSETTS BAY TRANSPORTATION AUTHORITY TO PROVIDE GATE ATTENDANTS ON HIGH STREET IN THE CITY OF MEDFORD.

Be it enacted, etc., as follows:

Section 5 of chapter 161A of the General Laws is hereby amended by adding after subsection (m), added by chapter 640 of the acts of 1977, the following subsection:-

(n) The authority shall provide gate attendants daily from seven o'clock ante meridian until two o'clock ante meridian on the following day, on High street in the city of Medford at the railroad crossing.

Approved June 30, 1979.

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Chap. 346. AN ACT CONFORMING THE GENERAL LAWS TO THE MASSACHUSETTS RULES OF APPELLATE PROCEDURE.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is, in part, to have the provisions thereof effective on July first, nineteen hundred and seventy-nine, the date on which the Massachusetts Rules of Appellate Procedure take effect, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

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Be it enacted, etc., as follows:

SECTION 1. Sections thirty-two, thirty-two A, thirty-three, thirty-three A, thirty-three B, thirty-three C, and thirty-three D of chapter two hundred and seventy-eight of the General Laws are hereby repealed.

SECTION 2. Section 33E of said chapter 278, as most recently amended by chapter 457 of the acts of 1974, is hereby further amended by striking out the first and second paragraphs and inserting in place thereof the following paragraph:-

In a capital case as hereinafter defined the entry in the supreme judicial court shall transfer to that court the whole case for its consideration of the law and the evidence. Upon such consideration the court may, if satisfied that the verdict was against the law or the weight of the evidence, or because of newly discovered evidence, or for any other reason that justice may require (a) order a new trial or (b) direct the entry of a verdict of a lesser degree of guilt, and remand the case to the superior court for the imposition of sentence. For the purpose of such review a capital case shall mean a case in which the defendant was tried on an indictment for murder in the first degree and was convicted of murder in the first degree. After the entry of the appeal in a capital case and until the filing of the rescript by the supreme judicial court motions for a new trial shall be presented to that court and shall be dealt with by the full court, which may itself hear and determine such motions or remit the same to the trial judge for hearing and determination. If any motion is filed in the superior court after rescript, no appeal shall lie from the decision of that court upon such motion unless the appeal is allowed by a single justice of the supreme judicial court on the ground that it presents a new and substantial question which ought to be determined by the full court.

SECTION 3. Sections thirty-three F, thirty-three G, and thirty-three H of said chapter two hundred and seventy-eight are hereby repealed.

SECTION 4. This act shall take effect on July first, nineteen

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hundred and seventy-nine.

Approved July 2, 1979.

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Chap. 347. AN ACT AUTHORIZING THE CITY MANAGER OF THE CITY OF WORCESTER TO APPOINT GEORGE KALIL AND JOHN CAPITE OF SAID CITY EACH TO A POSITION OF CHIEF FIRE ALARM OPERATOR IN THE FIRE DEPARTMENT OF SAID CITY.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any contrary provision of chapter thirty-one of the General Laws or of any other general or special law to the contrary, the city manager of the city of Worcester is hereby authorized to appoint George Kalil and John Capite of said city each to a position of chief fire alarm operator in the fire department of said city.

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

Approved July 3, 1979.

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Chap. 348. AN ACT FURTHER REGULATING THE MEMBERSHIP OF THE BOARD OF REGISTRATION IN NURSING.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to further regulate the membership of the board of registration in nursing, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Section 13 of chapter 13 of the General Laws is hereby amended by striking out the fourth sentence, as appearing in section 1 of chapter 436 of the acts of 1976, and inserting in place thereof the following sentence:- At the time of appointment, one of said registered nurses shall be on the teaching staff of a collegiate school for nurses, one shall be on the teaching staff of a diploma school for nurses, one shall be on the nursing service administration staff of a hospital duly licensed in accordance with chapter one hundred and eleven, one shall be practicing in the field of public health and one on the teaching staff of a practical-vocational school of nursing; provided, however, that the membership of any such member shall terminate if such member ceases to be so employed, and the governor shall appoint a person to fill such vacancy as herein provided.

SECTION 2. The fifth sentence of said section 13 of said chapter 13, as amended by chapter 111 of the acts of 1977, is hereby further amended by inserting after the word "nurses", in line 6, the words:- ; provided, however, that the membership of any such member shall terminate if such member ceases to be so employed, and the governor shall appoint a person to fill such vacancy as herein provided.

SECTION 3. The requirements for continuing membership on the board of registration in nursing prescribed in this act shall

only be complied with as vacancies occur or as terms of the members expire.

Approved July 3, 1979.

Chap. 349. AN ACT AUTHORIZING THE TRANSFER OF CERTAIN LAND IN THE TOWN OF BRAINTREE TO THE CONSERVATION COMMISSION.

Be it enacted, etc., as follows:

SECTION 1. The town of Braintree is hereby authorized to transfer the care, custody and control of a certain parcel of land on Harding Avenue in said town and shown as Plot No. 22 on Assessor's Plan No. 2016 from the board of parks and playgrounds commission to the conservation commission in said town. Said land being bounded and described as follows:-

Beginning at a point on the southerly sideline of Harding Avenue, so called, as laid out by the Board Of Selectmen on January 30, 1967, where said southerly sideline intersects the projected easterly sideline of Jersey Avenue (Extension), so called, a private way, said point being also located on the westerly terminus of said Harding Avenue as accepted by the Braintree Annual Town Meeting on March 28, 1967; thence running in a general southerly direction for a distance of ninety-eight (98) feet, more or less; thence turning to the right and running in a southwesterly direction for a distance of one hundred sixty-five (165) feet, more or less, to a point on the easterly right of way line of the Southeast Expressway, (Route 3), so called, layout plan no. 4500, said layout plan having been adopted by the State Highway Commission on December 18, 1956; thence turning to the right and running in a northwesterly direction along the said easterly right of way line for a distance of two hundred thirty-five (235) feet, more or less, to a point; thence running in a northerly and northwesterly direction following along the easterly bank of the Monatiquot River for a distance of two hundred seventy (270) feet, more or less, to a point; thence turning to the right and running in an easterly direction for a distance of two hundred forty (240) feet, more or less, to a point on the westerly sideline of the said Jersey Avenue (Extension), so called; thence turning to the right and running in a southerly direction for a distance of three hundred fifty-seven (357) feet, more or less, along said westerly sideline of Jersey Avenue (Extension), so called, to a point on the projection of the said southerly sideline of Harding Avenue, so called; thence turning to the left and running in an easterly direction along said projected southerly sideline of Harding Avenue for a distance of forty (40) feet, more or less, to the point of beginning; containing in all an area of eighty thousand four hundred seventy (80,470) square feet, more or less.

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

Approved July 3, 1979.

Chap. 350. AN ACT RELATIVE TO THE HOURS OF THE SALE OF ALCOHOLIC BEVERAGES.



Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide immediately for a more equitable manner of determining the hours in which alcoholic beverages may be sold, 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 138 of the General Laws is hereby amended by striking out section 33A, inserted by section 2 of chapter 608 of the acts of 1973, and inserting in place thereof the following two sections:-

Section 33A. The local licensing authority of any city or town which accepts this section may authorize licensees under section twelve to sell alcoholic beverages between the hours of one o'clock ante meridian and two o'clock ante meridian on Sundays, the last Monday in May and on Christmas day or on the day following when said day occurs on Sunday.

Section 33B. The local licensing authority of any city or town which accepts this section may authorize licensees under section twelve to sell alcoholic beverages between the hours of eleven o'clock ante meridian and twelve o'clock noon on Sundays, the last Monday in May and on Christmas day or on the day following when said day occurs on Sunday.

Approved July 3, 1979.

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Chap. 351.     AN ACT MAKING A CORRECTIVE CHANGE IN  
                 ACT RELATIVE TO A CERTAIN BRIDGE IN THE  
                 CITY OF HAVERHILL AS THE JOSEPH C.  
                 COMEAU BRIDGE.

Be it enacted, etc., as follows:

SECTION 1. Chapter eighty-three of the acts of nineteen hundred and seventy-nine is hereby repealed.

SECTION 2. The bridge known as the Old County bridge located at Railroad street and Elm street in the Bradford section of the city of Haverhill shall be designated and known as the Joseph C. Comeau bridge, in memory of Joseph C. Comeau, a decorated hero of World War II who dedicated his life to the development of the youth of said city. A suitable marker bearing such designation shall be attached thereto by the department of public works in compliance with the standards of said department.

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

Approved July 3, 1979.

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Chap. 352.     AN ACT AUTHORIZING THE TOWN OF LUDLOW  
                 TO CONVEY A CERTAIN PARCEL OF FOREST  
                 LAND TO THE MASSACHUSETTS MUNICIPAL  
                 WHOLESALE ELECTRIC COMPANY.

Be it enacted, etc., as follows:

SECTION 1. The town of Ludlow, acting by and through its

board of selectmen, is hereby authorized to convey to the Massachusetts Municipal Wholesale Electric Company, a public corporation organized pursuant to chapter seven hundred and seventy-five of the acts of nineteen hundred and seventy-five, certain forest lands owned and under the control of the said town, being Parcel #6 (six) as shown on a plan of land to be recorded in registry of deeds in Hampden county, said plan drawn by A. Phillips Bill & Associates, Registered Land Surveyors of South Deerfield, Massachusetts, dated February 19, 1977 and revised September 22, 1977, being land in Ludlow, Massachusetts surveyed for the Massachusetts Municipal Wholesale Electric Company, and being Sheet 1 of 4 sheets. Said land is more particularly bounded and described as follows:

WESTERLY by land of the Town of Ludlow, as shown on said plan, four hundred forty-six and 49/100 (446.49) feet; thence

NORTHERLY by land now or formerly of Munsing, as shown on said plan, two hundred ninety-nine and 05/100 (299.05) feet; thence

EASTERLY by land of the Town of Ludlow, as shown on said plan, four hundred fifty-three and 02/100 (453.02) feet; thence

SOUTHERLY by land of said Munsing, as shown on said plan, three hundred two and 70/100 (302.70) feet.

Being a portion of the premises described in a deed to the Grantor and recorded in Hampden County Registry of Deeds in Book 1282, Page 513.

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

Approved July 3, 1979.

Chap. 353. AN ACT AUTHORIZING THE CITY OF LAWRENCE TO PAY CERTAIN NONSUPERVISORY AIDES IN THE SCHOOL DEPARTMENT OF SAID CITY CERTAIN SUMS OF MONEY.

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 four thousand four hundred and five dollars and twenty-three cents, and after such appropriation, the treasurer of said city is hereby authorized to pay such sum to the school department nonsupervisory aides in the school department of said city who are entitled to a retroactive increase in salary.

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

Approved July 3, 1979.

Chap. 354. AN ACT REQUIRING INSURANCE POLICIES TO BE WRITTEN IN A FORM THAT CAN BE EASILY UNDERSTOOD.

Be it enacted, etc., as follows:

SECTION 1. Subsection 2 of section 2B of chapter 175 of the

General Laws, as appearing in section 1 of chapter 801 of the acts of 1977, is hereby amended by striking out clauses (b) and (c) and inserting in place thereof the following two clauses:-

(b) which is issued in connection with any employee benefit plan which is either subject to Title I of the Employee Retirement Income Security Act of 1974, 29 United States Code, sections 1002 to 1144, inclusive, or described in 26 United States Code, sections 79, 105, 125, 401, 403(a) or 409A of the Internal Revenue Code.

(c) which conforms to the requirements of 26 United States Code, sections 403(b), 408 or 457 of said Code, or.

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

Approved July 3, 1979.

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Chap. 355. AN ACT AUTHORIZING THE TOWN OF WEST BOYLSTON TO APPOINT ALCIDE L'ECUYER, NORMAN FAUCHER AND PAUL DANAHY AS PERMANENT INTERMITTENT POLICE OFFICERS IN THE POLICE DEPARTMENT OF SAID TOWN.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any provision of law to the contrary, Alcide L'Ecuyer, Norman Faucher and Paul Danahy, members of the police department of the town of West Boylston as special police officers at the time said town voted to place its police department under the provisions of chapter thirty-one of the General Laws, shall be subjected to a qualifying examination for the position of police officer as provided in clause 4 of the third paragraph of section fifty-six of said chapter thirty-one and upon passing such examination shall be eligible for appointment as a permanent intermittent police officer in the police department of said town, and when so appointed shall be deemed to have been appointed under the provisions of the civil service law and rules.

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

Approved July 3, 1979.

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Chap. 356. AN ACT AUTHORIZING THE TOWN OF LONGMEADOW TO CONVEY TO INTERFAITH HOMES OF LONGMEADOW, INC. CERTAIN EASEMENTS FOR SEWAGE AND DRAINAGE PURPOSES IN LAND CONVEYED TO SAID TOWN FOR CONSERVATION PURPOSES.

Be it enacted, etc., as follows:

SECTION 1. The town of Longmeadow, acting through its board of selectmen, is hereby authorized to convey to Interfaith Homes of Longmeadow, Inc., an easement for sewage purposes and an easement for drainage purposes located on the property situated on the northerly side of Emerson Road in said town and conveyed to said town for conservation purposes, as described in section eight C of chapter forty of the General Laws, by deed of Agnes R. Munson, dated February twenty-seventh, nineteen hundred

and seventy-three, recorded with Hampden County Registry of Deeds, Book 3779, Page 573, and bounded and described as follows:

Sewage Easement: Beginning at a point on the easterly line of land n/f of the Town of Longmeadow, said point being a total distance of 153.92' northerly of the south west corner of land n/f of Interfaith Homes of Longmeadow, Inc. (said 153.92' being measured along the westerly line of land of said Interfaith Home of Longmeadow, Inc.) in the Town of Longmeadow, Hampden County, Massachusetts

Thence running N.77° 30' 00" W. a distance of 76.50' to a point on the easterly line of an existing 30' wide sewer easement;

Thence running northerly along the easterly line of the existing 30' wide sewer easement a distance of 15.07' to a point;

Thence running S.77° 30' 00" E. along a line 15' northerly of and parallel to the first described line a distance of 77.38' to a point on the westerly line of land n/f of Interfaith Homes of Longmeadow, Inc.

Thence running S.10° 10' 55" W. along the westerly line of land n/f of Interfaith Homes of Longmeadow, Inc. a distance of 15.01' to the point of beginning.

Drainage Easement: Beginning at a point on the easterly line of land n/f of the Town of Longmeadow, said point being also a total distance of 168.93' northerly of the southwest corner of land n/f of Interfaith Homes of Longmeadow, Inc. (said 168.93' being measured along the westerly line of land of said Interfaith Homes of Longmeadow, Inc.) in the Town of Longmeadow, Hampden County, Massachusetts

Thence running N.77° 30' 00" W. a distance of 107.53' to a point on the westerly line of an existing 30' wide sewer easement;

Thence running southerly along the westerly line of the existing 30' wide sewer easement a distance of 125.75' to a point;

Thence running S69° 30' 00" W. a distance of 81.50' to a point on the easterly line of Interstate Rt. #91;

Thence running northerly along the easterly line of Interstate Rt. #91 a distance of 24.50' to a point;

Thence running N.69° 30' 00" E. along a line 20' northerly of and parallel to the southerly boundary line of this easement a distance of 58.95' to a point, said point being also 20' westerly of the westerly line of the existing 30' wide sewer easement,

Thence running northerly along a line 20' westerly of and parallel to the westerly line of the existing 30' wide sewer easement a distance of 126.00' to a point;

Thence running S.77° 30' 00" E. a distance of 128.51' to a point on the westerly line of land n/f of Interfaith Homes of Longmeadow, Inc.;

Thence running S.10° 10' 55" W. along the westerly line of land n/f of Interfaith Homes of Longmeadow, Inc., a distance of 15.01' to the point of beginning.

Said easements being so described on a plan entitled "Longmeadow Mass, Topographic Survey for Interfaith Homes of Longmeadow, Inc., scale 1"=40', dated December 27, 1976, and most recently revised on January 18, 1979, by Pharmer Engineering Corporation, Holyoke, Massachusetts, William D. Pharmer, Registered Professional Engineer".

SECTION 2. This act shall take effect upon its passage.  
Approved July 3, 1979.

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Chap. 357. AN ACT VALIDATING CERTAIN PROCEEDINGS  
TAKEN BY THE TOWN OF FALMOUTH AT A  
SPECIAL MEETING HELD IN THE YEAR NINE-  
TEEN HUNDRED AND SEVENTY-NINE.

Be it enacted, etc., as follows:

SECTION 1. The proceedings taken by the town of Falmouth under article two of the warrant for its special town meeting held on January fourth, nineteen hundred and seventy-nine and at the special referendum meeting held thereon on February fourteenth, nineteen hundred and seventy-nine, and all action subsequently taken pursuant thereto, are hereby validated and confirmed, notwithstanding that the warrant for the said special referendum meeting was not posted in the manner required by law and the by-laws of said town.

SECTION 2. This act shall take effect upon its passage.  
Approved July 3, 1979.

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Chap. 358. AN ACT RELATIVE TO THE LICENSING OF  
PUBLIC AMUSEMENTS, SODA SHOPS AND  
JUICE BARS, SO-CALLED.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to further regulate the licensing of public amusements, soda shops and juice bars, so-called, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

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Be it enacted, etc., as follows:

SECTION 1. Chapter 140 of the General Laws is hereby amended by striking out section 21A, as appearing in the Tercentenary Edition, and inserting in place thereof the following section:-

Section 21A. Cities and towns may provide by ordinance or by-law for the licensing of persons to keep open their places of business for the retail sale of beverages derived wholly or in part from cereals or substitutes therefor and containing less than one-half of one per cent of alcohol, unfermented grape juice, ginger ale, root beer, sarsaparilla, pop, artificial mineral waters, carbonated waters or beverages, natural fruit juices, and other so-called soft drinks, and may fix the fee for said licenses within the limit hereinafter provided, except that in cities having licensing boards the authority to provide for the licensing of such persons and the fixing of fees therefor shall be vested in said licensing boards. For the purposes of this section, the term retail sale shall mean the providing of a beverage as herein defined to a patron in or by a licensed premise in exchange for something of value by means of an in-person exchange or by means of a vending machine exchange or by means of a cover charge, so-called, which gives the patron the right to obtain drinks without additional pay-

ment.

SECTION 2. Said chapter 140 is hereby further amended by striking out section 21C, as so appearing, and inserting in place thereof the following section:-

Section 21C. Whoever not being licensed as aforesaid keeps open his place of business for the retail sale of any such beverage shall be punished by a fine of fifty dollars for each day of violation, and whoever commits a second such offense shall be punished by a fine of one hundred dollars for each day of violation; and whoever commits a third such offense shall be punished by a fine of one thousand dollars for each day of violation; and whoever commits a fourth or subsequent such offense shall be punished by a fine of five thousand dollars for each day of violation. In addition to any criminal penalty, herein provided, the attorney general or district attorney for the district or the city or town may petition the superior court department of the trial court to enjoin any violation of chapter twenty-one A to twenty-one D, inclusive.

SECTION 3. Section 181 of said chapter 140, as amended by chapter 996 of the acts of 1971, is hereby further amended by striking out the first paragraph and inserting in place thereof the following five paragraphs:-

The mayor or selectmen may, except as provided in section one hundred and five of chapter one hundred and forty-nine, grant, upon such terms and conditions as are described hereinafter, a license for theatrical exhibitions, public shows, public amusements and exhibitions of every description, to be held upon week days only, to which admission is obtained upon payment of money or upon delivery of any valuable thing, or by a ticket or voucher obtained for money or any valuable thing, or in which, after free admission, amusement is furnished upon a deposit of money in a coin controlled apparatus.

The application for such a license shall be in writing and shall fully and specifically describe the conditions of the proposed exhibition, show, or amusement and the premises upon which the proposed exhibition, show, or amusement is to take place, to the extent that such conditions or premises would affect the public safety, health or order. Upon written request of the mayor or selectmen, the applicant shall in addition furnish reasonable information concerning the conditions of the premises and actions to be taken in order to prevent danger to the public safety, health, or order. Within thirty days following receipt of such application, the mayor or selectmen shall grant a license or shall order a hearing preceded by at least ten days written notice to the applicant. Within forty-five days next following the close of such hearing, the mayor or selectmen shall grant such license or shall deny such license upon a finding that issuance of such a license would lead to the creation of a nuisance or would endanger the public health, safety or order by:

- (a) unreasonably increasing pedestrian traffic in the area in which the premises are located or
  - (b) increasing the incidence of disruptive conduct in the area in which the premises are located or
  - (c) unreasonably increasing the level of noise in the area in
-

which the premises are located.

Notice of such a denial shall be delivered to the applicant in writing and shall be accompanied by a statement of the reasons therefor. No application shall be denied if the anticipated harm is not significant or if the likelihood of its occurrence is remote. The mayor or selectmen may impose conditions upon a license but said conditions may only relate to compliance with applicable laws or ordinances, or to public safety, health or order, or to steps required to be taken to guard against creation of a nuisance or to insure adequate safety and security for patrons or the affected public.

No applicant having been denied a license as aforesaid shall submit the same or a similar application within one year of said denial without including in said new application facts showing that the circumstances upon which the original denial was based have substantially changed.

The mayor or selectman may revoke or suspend a license granted pursuant to the provisions of this section upon finding, after a hearing preceded by ten days written notice to the licensee, that conditions exist which would have justified denial of the original application for such license provided, that the mayor or selectmen may petition the superior court department of the trial court to enjoin any violation of this section.

SECTION 4. Section 182 of said chapter 140, as appearing in the Tercentenary Edition, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- Whoever offers to view, sets up, sets on foot, maintains, carries on, publishes or otherwise assists in or promotes any such exhibition, show or amusement without such license shall be punished by a fine of fifty dollars for each day in violation; and whoever commits a second such offense shall be punished by a fine of one hundred dollars for each day in violation; and whoever commits a third such offense shall be punished by a fine of five hundred dollars for each day in violation; and whoever commits a fourth such offense shall be punished by a fine of one thousand dollars a day for the next five days in violation and whoever commits a fifth or subsequent such offense shall be punished by a fine of five thousand dollars for each day in violation.

Approved July 3, 1979.

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Chap. 359.      AN ACT AUTHORIZING THE TOWN OF LINCOLN  
                    TO PROVIDE HOUSING FOR PERSONS OF LOW  
                    AND MODERATE INCOME AND OTHERS.

Be it enacted, etc., as follows:

SECTION 1. The town of Lincoln is hereby authorized to appropriate money and receive gifts and grants to acquire land, including buildings thereon, to construct, renovate, reconstruct, equip, furnish, rent, manage, maintain or sell land or buildings, or any portions of such land or buildings, at a location or locations to be selected by said town for the purpose of providing housing for persons of low and moderate income and others whose needs may be identified from time to time.

SECTION 2. At any special or annual town meeting of the town of Lincoln, such town meeting may authorize the moderator to appoint a commission, to be known as the Lincoln housing commission, and fill vacancies occurring therein, of five members, to carry out the purposes of this act. The terms of such appointees shall be for the periods specified by vote of the town at said town meeting. The town shall further provide by vote at said town meeting and other town meetings as may from time to time be found appropriate for a method of electing or appointing their successors in a manner that shall ensure overlapping terms of at least three years and filling vacancies in unexpired terms.

SECTION 3. To provide such housing, the town of Lincoln may appropriate money not in excess of two million five hundred thousand dollars for acquisition of property and the renovation, construction, reconstruction, equipping, furnishing, management and maintenance of a building or buildings at such sites as may be selected therefor and, any appropriation therefor shall be raised by taxation or the issuance of bonds or notes and for such borrowing there shall be required a two-thirds vote at a town meeting and shall be for a period not exceeding twenty-five 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. The town is further authorized to secure any borrowing by a grant of mortgages and other securities as appropriate in connection with which such borrowing is incurred.

SECTION 4. The Lincoln housing commission shall, on behalf of the town, have the authority to employ agents, managers and employees, enter into contracts, including construction contracts and loans, subject to approval of the town counsel of the town of Lincoln as to form, for the purposes of this act, establish rents and sale prices, receive and expend funds appropriated by the town and from state and federal housing agencies and other sources, and make such rules and regulations concerning use, occupancy and other matters relating thereto and as it shall deem proper. All revenues of the land, buildings, or land and buildings, shall be town funds and the Lincoln housing commission shall, except as provided above or as otherwise provided by law, expend only such funds as are appropriated for it by said town. Said commission shall annually report to the town on its activities.

SECTION 5. This act shall take effect upon its passage.  
Approved July 3, 1979.

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Chap. 360. AN ACT RELATIVE TO DEPOSITS AND SHARES  
IN SAVINGS BANKS, CO-OPERATIVE BANKS,  
AND CREDIT UNIONS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is, in part, to immediately allow savings banks, co-operative banks, and credit unions to offer deposit and share accounts to the same extent as permitted federally regulated banking institutions, 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. Subsection 1 of section 22C of chapter 168 of the General Laws is hereby amended by striking out clause (b), as appearing in section 1 of chapter 73 of the acts of 1974, and inserting in place thereof the following clause:-

(b) the minimum amount, if any, and the maximum amount of deposit balances and the minimum period, which shall be not less than six months, of maintenance of such balances to which such specified rates shall apply.

SECTION 2. Provision 1 of subsection 3B of section 13 of chapter 170 of the General Laws is hereby amended by striking out clause (b), as amended by chapter 55 of the acts of 1977, and inserting in place thereof the following clause:-

(b) the minimum amount, if any, and the maximum amount of the deposit balances and the minimum period, which shall be not less than six months, of maintenance of such balances to which such specified rates shall apply.

SECTION 3. The second paragraph of section 10B of chapter 171 of the General Laws is hereby amended by striking out clause (b), as appearing in chapter 909 of the acts of 1973, and inserting in place thereof the following clause:-

(b) the minimum amount, if any, and the maximum amount of share or deposit balances and the minimum period, which shall be not less than six months, of maintenance of such balances to which such specified rates shall apply.

Approved July 3, 1979.

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Chap. 361. AN ACT FURTHER REGULATING LEAVES OF ABSENCE FOR TEACHERS.

Be it enacted, etc., as follows:

Section 41A of chapter 71 of the General Laws, as most recently amended by chapter 349 of the acts of 1975, is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:- A school committee may also grant a leave of absence to any teacher, registered nurse, principal, supervisor or superintendent serving at discretion for service to a statewide professional educational organization of which such teacher, registered nurse, principal, supervisor or superintendent is a member and has been elected to hold the office of president therein, such leave to be for a period not exceeding two full years at full or partial pay; provided, that such professional educational organization shall reimburse the school committee for any salary paid to said teacher, registered nurse, principal, supervisor or superintendent during such period.

Approved July 3, 1979.

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Chap. 362. AN ACT CLARIFYING CERTAIN PROVISIONS OF THE SEPARATION AGREEMENT IN AN ACTION

ON THE GROUND OF IRRETRIEVABLE BREAK-DOWN.

Be it enacted, etc., as follows:

SECTION 1. The first paragraph of section 1A of chapter 208 of the General Laws, as appearing in section 2 of chapter 698 of the acts of 1975, is hereby amended by inserting after the word "property", in line 12, the words:- , where applicable.

SECTION 2. Said section 1A of said chapter 208 is hereby further amended by striking out the third paragraph, as amended by section 1 of chapter 531 of the acts of 1977, and inserting in place thereof the following paragraph:-

Six months from the time that the court has given its initial approval to a dissolution agreement of the parties which makes proper provisions for custody, support and maintenance, alimony, and for the disposition of marital property, where applicable, notwithstanding subsequent modification of said agreement, a judgment of divorce nisi shall be entered without further action by the parties.

Approved July 3, 1979.

Chap. 363. AN ACT AUTHORIZING THE CITY OF NEWBURYPORT TO SELL AND CONVEY OR LEASE CERTAIN PARK LAND IN SAID CITY TO LOW STREET ASSOCIATES.

Be it enacted, etc., as follows:

The city of Newburyport is hereby authorized to sell and convey, lease, and grant an easement across a certain parcel of land located in said city as hereinafter described, to Low Street Associates, a Massachusetts limited partnership, for the purpose of developing thereon approximately one hundred units of elderly housing.

Said parcel of land being bounded and described as follows:

Land in Newburyport, Essex County, Massachusetts bounded and described as follows:

Beginning at an iron pin on the Southwesterly side of Dexter Lane, two hundred fifty-five and 17/100 (255.17) feet southeasterly of a drill hole in a stone bound;

Thence running South 59°51'16" East, ninety-eight and 81/100 (98.81) feet to a drill hole in a stone bound;

Thence turning and running North 30°31'13" East, one hundred thirty-five and 23/100 (135.23) feet to a drill hole in a stone bound;

Thence turning and running South 65°19'10" East, three hundred twenty-two and 06/100 (322.06) feet to a drill hole in a stone bound;

Thence turning and running South 25°39'40" West, sixty-two and 95/100 (62.95) feet to a drill hole in a stone bound;

Thence turning and running South 27°25'09" West, two hundred fifteen and 39/100 (215.39) feet to a drill hole in a stone bound;

Thence turning and running South 27°40'03" West, five hundred twenty-five and 20/100 (525.20) feet to a drill hole in a stone bound;

Thence turning and running North 75°30'00" West, one hundred forty-four and 54/100 (144.54) feet to a stone bound;

Thence turning and running North 79°34'55" West, five and

46/100 (5.46) feet to a point;

Thence turning and running North 27°40'03" East, two hundred sixty-eight and 64/100 (268.64) feet to a point;

Thence turning and running North 34°56'30" West, three hundred thirty and 36/100 (330.36) feet to a point;

Thence turning and running North 29°35'34" East two hundred seventy (270.00) feet to the point of beginning.

Containing 5.6 acres.

Being the premises shown on a plan by Pembroke Land Survey Co., dated December 21, 1978.

Approved July 3, 1979.

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Chap. 364.      AN ACT RELATIVE TO PETITIONS THAT  
                      QUESTIONS INVOLVED IN A VOTE OF THE  
                      REPRESENTATIVE TOWN MEETING IN THE  
                      TOWN OF GREENFIELD BE SUBMITTED TO  
                      THE VOTERS AT LARGE IN SAID TOWN.

Be it enacted, etc., as follows.

Chapter 440 of the acts of 1921 is hereby amended by striking out section 8, as amended by section 1 of chapter 391 of the acts of 1957 and inserting in place thereof the following section.

Section 8. No article in the warrant shall at any representative town meeting be finally disposed of by a vote to pass over, to lay upon the table, to indefinitely postpone or to take no action thereon. No vote passed at any representative town meeting under any article in the warrant, except a vote to adjourn or a vote for the temporary borrowing of money in anticipation of taxes, shall be operative until after the expiration of five days, exclusive of Sundays and holidays, from the dissolution of the meeting. If, within said five days, a petition, signed by not less than five per cent of the total registered voters of the town, containing their names and addresses, as they appear on the list of voters, is filed with the selectmen requesting that the question or questions involved in such vote be submitted to the voters of the town at large, then the selectmen, within eight days after the filing of the petition, shall call a special meeting, which shall be held within ten days after the issuing of the call, for the sole purpose of presenting to the voters at large the question or questions so involved. The polls shall be open at two o'clock in the afternoon, and shall be closed not earlier than eight o'clock in the evening, and all votes upon questions so submitted shall be taken by ballot, and the check list shall be used in the several precincts in the same manner as in the election of town officers. The questions so submitted shall be determined by a majority vote of the registered voters of the town voting thereon, but no action of the town meeting shall be reversed unless at least twenty per cent of all the registered voters shall vote in such referendum. 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)?" If such petition is not filed within said period of five

days, the vote of the representative town meeting shall become operative and effective upon the expiration of said period.

Approved July 3, 1979.

Chap. 365. AN ACT FURTHER REGULATING MEDICAL SERVICE CORPORATIONS.

Be it enacted, etc., as follows:

SECTION 1. Section 1 of chapter 176B of the General Laws as most recently amended by section 1 of chapter 574 of the acts of 1978, is hereby further amended by striking out the definition "Medical service" and inserting in place thereof the following definition:-

"Medical service", the medical services ordinarily provided by registered physicians in accordance with accepted practices in the community where the services are rendered.

SECTION 2. The first paragraph of section 3 of said chapter 176B, as appearing in chapter 306 of the acts of 1941, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- The by-laws of a medical service corporation may contain any lawful provisions approved by the commissioner and shall provide that a majority of the incorporators or members of the corporation and a majority of the directors shall at all times be persons who are not providers of health services licensed under the laws of the commonwealth and that a majority of the directors shall at all times be persons who are or agree to become subscribers to the nonprofit medical service plan.

SECTION 3. The members of the corporation of a medical service corporation established under section two of chapter one hundred and seventy-six B of the General Laws which are in existence upon the effective date of this act, shall be those persons then holding office as directors of the corporation. Such members shall have the power to adopt by-laws determining the future disposition and powers of the corporation.

Approved June 30, 1979.

EMERGENCY LETTER July 6, 1979 @ 1:36 P.M.

Chap. 366. AN ACT MAKING CERTAIN APPROPRIATIONS FOR THE FISCAL YEAR NINETEEN HUNDRED AND EIGHTY PRIOR TO ACTION ON THE GENERAL APPROPRIATION BILL FOR SAID YEAR.

Be it enacted, etc., as follows:

SECTION 1. To provide for the maintenance of the several departments, boards, commissions and institutions of sundry or other services, and for certain permanent improvements, and to meet certain requirements of law during the month of July, the amounts specified in section two of this act shall be made available for the month of July of the fiscal year nineteen hundred and eighty, effective on the passage of this act; provided, that

expenditures thereunder shall be limited to the amounts made available by allotment by the Governor upon recommendation of the commissioner of administration; and provided further, that said commissioner is hereby directed to limit the amounts so allotted to those appropriation accounts essential for the maintenance of services during the month of July.

## SECTION 2.

## LEGISLATURE.

<u>Item</u>	<u>Senate.</u>	
0111-0000	For the compensation of senators, prior appropriation continued.....	\$87,500
0111-8000	For expenses of senators, including travel, prior appropriation continued.....	\$9,167
0112-0000	For the office of the senate clerk, prior appropriation continued, including not more than eleven permanent positions.....	\$25,834
0112-0100	For the rental and maintenance of a xerox machine....	\$1,475
0113-0000	For the salary of the chaplain of the senate.....	\$875
0114-0000	For the office of the senate counsel, including not more than five permanent positions, prior appropriation continued.....	\$24,000
0115-0000	For administrative and legislative aides to the senators, prior appropriation continued.....	\$153,750
0116-0000	For secretarial and clerical assistance to the senators, prior appropriation continued.....	\$40,834
0116-0030	For a legislative intern program for the senate, appropriation expires June thirtieth, nineteen hundred and eighty, prior appropriation continued.....	\$2,750
0117-0000	For the office of the senate committee on ways and means, prior appropriation continued, including not more than four permanent positions.....	\$43,500
0118-0000	For the office supplies and other expenses of the senators, prior appropriation continued.....	\$23,334
	<u>House of Representatives.</u>	
0121-0000	For compensation of representatives.....	\$283,334
0121-8000	For expenses of representatives, including travel, prior appropriation continued.....	\$20,834
0121-9000	To renovate Room 443 and Room 446.....	\$16,167
0122-0000	For the office of the clerk of the house of representatives, prior appropriation continued, including not more than eleven permanent positions.....	\$24,023
0123-0000	For the salary of the chaplain of the house of representatives.....	\$875
0124-0000	For the office of the house counsel, prior appropriation continued, including not more than eight permanent positions.....	\$32,750
0125-0000	For the office of the house committee on rules, including not more than fourteen permanent positions.....	\$74,334
0125-0010	For the 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.....	\$1,667
0125-0020	For expenses of standing and special committees of the house of representatives, authorized by the speaker	

Item

	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	\$834
0126-0000	For the office of the house committee on ways and means, prior appropriation continued, including not more than nine permanent positions.....	\$54,167
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....	\$191,667
0127-0020	For administrative and legislative aides to the members of the house of representatives, prior appropriation continued	\$175,000
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	\$2,500
0127-0030	For a legislative intern program.....	\$8,334
0128-0000	For payment of certain authorized salaries of deceased members of the house of representatives; provided, that said salaries have been authorized by a resolve of the general court, prior appropriation continued.	
	<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.....	\$22,333
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.....	\$135,872
0132-1000	For the salaries of clerks employed in the legislative document room, including not more than thirteen permanent positions.....	\$20,025
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.....	\$15,834
0135-0000	For the rental, maintenance and updating of an electric roll call system.....	\$917
	<u>Other Expenses.</u>	
0141-0000	For the expenses of the legislative research council	\$792
0142-0000	For the legislative research bureau.....	\$26,474
0143-0000	For the legislative service bureau, prior appropriation continued.....	\$116,667
0143-0001	For the administration of the office of legislative data processing, prior appropriation continued.....	\$29,320
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	

## Item

	not more than three permanent positions, prior appropriation continued.....	\$8,334
0147-0000	For the administration of the legislative engrossing division, including not more than four permanent positions, prior appropriation continued.....	\$7,917
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 .....	\$112,500
0161-1000	For telephone and telegraph service, prior appropriation continued.....	\$68,729
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.....	\$1,167
0163-0000	For the expenses of the joint committee on rules and for clerical and other assistance to the joint committees, prior appropriation continued.....	\$10,250
0164-0010	For expenses of joint standing and special committees authorized by joint order to sit and travel during the session and recess of the general court, said funds to be allocated to committees only upon written approval of the president of the senate and the speaker of the house of representatives, prior appropriation continued .....	\$1,667
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.....	\$834
0165-0000	For the annual membership fees of the commonwealth in the national conference of state legislators, the north-east legislative energy staff project, and the program for legislative improvement of the state legislative leaders foundation.....	\$3,965
0169-7102	For the office of legislative post audit and oversight bureau, prior appropriation continued.....	\$33,334
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 eighty, prior appropriation continued.....	\$14,434
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 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.....	\$5,000

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0185-7209 For the expenses of the special joint committee on uniform sentencing and revision of the criminal law statutes..... \$4,167

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 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..... \$6,667

0185-7802 For an investigation and study relative to the Massachusetts civil service system..... \$12,500

EXECUTIVE.

Governor.

0411-1000 For the salaries of the governor and officers and employees in the governor's office..... \$76,084

0411-1001 For the administration of a solar action program..... \$11,250

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..... \$4,834

0411-4000 For the administration of the public safety committee ..... \$36,250

0411-4011 For local government matching funds under the federal Crime Control Act..... \$29,500

0411-6000 For the office of intergroup affairs..... \$6,917

0411-7000 For the commission on the status of women..... \$2,667

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..... \$6,667

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 ..... \$14,359

0412-2000 For federal-state relations..... \$14,834

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 gov-



## Item

ernor and council from and to their homes..... \$17,942

## 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 permanent positions.....	\$35,500
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 six permanent positions.....	\$21,667
0431-0300	For allowances to companies and other administrative units, to be expended under the direction of the adjutant general.....	\$4,167
0431-0400	For compensation for accidents and injuries sustained in the performance of military duty and for small claims for damages to private property.....	\$1,167
0431-0500	For the operation of the war records project, so called, including not more than ten permanent positions.....	\$7,375

State Quartermaster.

0431-1010	For the office of the state quartermaster.....	\$742
0431-1110	For the operation of armories of the first class, including not more than ninety-six permanent positions.....	\$162,574
0431-1300	For the Camp Curtis Guild rifle range, including not more than seven permanent positions.....	\$7,500
0431-1410	For certain storage and maintenance facilities, including not more than thirty-three permanent positions.....	\$27,167
0431-1510	For certain national guard aviation facilities, including not more than ten permanent positions.....	\$8,667

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.....	\$113
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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-eight permanent positions; provided that there shall be paid from this item certain prior year salaries in accordance with a court order.....	\$35,667
0432-0002	For the service of civil defense agency nonmatching fund program.....	\$832
0432-3000	For training and training supplies; provided, that expenditures from this item shall be contingent upon the prior approval of the proper federal authorities for reimbursement of fifty per cent of the amounts	

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	expended for the purposes of this item.....	\$534
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.....	\$1,459
SECRETARY OF THE COMMONWEALTH.		
0511-0000	For the office of the secretary; provided, that the positions of director of administrative services, counsel II, and assistant supervisor of public records, director, bilingual information center, assistant director, bilingual information center shall not be subject to the provisions of chapter thirty-one of the General Laws, including not more than one hundred and twenty-seven permanent positions.....	\$240,667
0517-0000	For the expense of printing various public documents .....	\$32,750
0518-0000	For the purchase and distribution of certain journals of the house of representatives.....	\$375
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.....	\$153,084
0524-0000	For expenses of compiling and publishing information to voters.....	\$2,750
<u>Ballot Law Commission.</u>		
0527-0100	For the compensation and expenses of the commissioners, including not more than three permanent positions .....	\$1,167
<u>Records Conservation Board.</u>		
0528-0100	For the expenses of the board.....	\$1,250
<u>Commission on Interstate Cooperation.</u>		
0530-0100	For the expenses of the commission.....	\$7,929
<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.....	\$17,084
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.....	\$309,334
	Highway Fund 30.0%	
	General Fund 70.0%	
0611-1000	For the administration and expenses of bonus payments to war veterans.....	\$6,167
0611-4000	For the administration of the Vietnam bonus payments .....	\$6,667
0611-5000	For compensation to victims of violent crimes; provided that notwithstanding the provisions of section five of chapter two hundred 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	

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	pocket loss. Compensation under this provision shall be limited to a maximum of fifty dollars.....	\$68,750
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.	
	<u>State Board of Retirement.</u>	
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.....	\$71,250
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.....	\$9,084,750
	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.....	\$1,033,556
	Highway Fund	22.0%
	General Fund	78.0%
	<u>Pensions for Retired Justices.</u>	
0612-3000	For pensions of retired judges or their widows.....	\$116,667
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.....	\$5,684
	MDC Sewerage District Fund	25.0%
	MDC Water District Fund	25.0%
	Highway Fund	25.0%
	MDC Parks District Fund	25.0%
0612-6000	For retirement allowances of certain veterans and police officers formerly in the service of the metropolitan district commission; provided, that said commission's share of this item shall be assessed by methods fixed by law.....	\$96,730
	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 .....	\$22,292
	MDC Sewerage District Fund	100.0%
0612-8000	For retirement of certain veterans formerly in the service of the metropolitan water system.....	\$42,038
0612-9000	For annuities for widows of certain former members of	

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	the uniformed branch of the state police.....	\$8,552
	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 dis- bursed by the commissioners.....	\$1,250
	<u>Emergency Finance Board.</u>	
0630-0000	For administration of the board, including not more than one permanent position.....	\$3,250
	<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 re- stored upon his request to the classified position from which he was promoted or to a position equiv- alent 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.....	\$1,820,834
	<u>Debt Service.</u>	
0699-1800	For the payment of interest on certain bonded debt of the commonwealth; provided, that any deficit exist- ing in this item at the close of this fiscal year shall be charged to the State Recreation Areas Fund .....	\$122,479
	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.....	\$473,334
	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 .....	\$6,008
	Inland Fisheries and Game Fund 100.0%	

## Item

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.....	\$13,750
	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 .....	\$401,135
	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.....	\$548,000
	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 .....	\$384,055
	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.....	\$486,584
	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 .....	\$299,332
	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.....	\$466,917
	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.....	\$3,255,334
	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.....	\$3,929,584
	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.....	\$8,415,889
0699-7900	For certain serial bonds maturing; provided, that any deficit existing in this item at the close of this fiscal year shall be charged to the General Fund debt service reserve.....	\$8,063,417

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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..... \$663,750

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..... \$7,500,000

General Obligation Fund 100.0%

AUDITOR OF THE COMMONWEALTH.

0710-0000 For the office of the auditor, including not more than one hundred and thirty permanent positions..... \$486,184

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..... \$491,265

0810-0014 For the expenses incurred by the department pursuant to section eleven E of chapter twelve of the General Laws..... \$20,834

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..... \$123,750

0810-0031 For the expenses of administering the local aid fund, established by section eleven G of chapter twelve of the General Laws..... \$20,834

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..... \$16,667

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..... \$20,834

EXECUTIVE OFFICE OF ADMINISTRATION AND FINANCE.

Office of the Commissioner.

1100-1100 For the office of the commissioner, including not more than twenty-one permanent positions..... \$40,400

Highway Fund 30.0%  
General Fund 70.0%

1100-1150 For the administration of tort claims..... \$10,208

1100-1402 For the office of comprehensive state planning, including not more than five permanent positions..... \$15,791

## Item

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....	\$308,333
<u>Fiscal Affairs Division.</u>		
1101-2100	For the administration of the division, including not more than fifty-one permanent positions.....	\$147,100
	Highway Fund	30.0%
	General Fund	70.0%
<u>Central Services Division.</u>		
1102-3110	For the administration of the division, including not more than four permanent positions.....	\$10,583
1102-3210	For the administration of the bureau of building construction, including not more than ninety-five permanent positions.....	\$133,333
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; provided, that, notwithstanding any provisions of chapter thirty-one of the General Laws, members of the capitol 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 four hundred and seven permanent positions.....	\$1,002,675
1102-4010	For the operation of certain central services and the telephone system, including not more than forty-eight permanent positions.....	\$57,750
1102-5101	For the expenses of the computer service center, including not more than one hundred and seven permanent positions.....	\$276,359
1102-5201	For the expenses and administration of a motor vehicles management bureau; including not more than ten permanent positions.....	\$14,213
1102-5211	For fuel and repairs of certain motor vehicles.....	\$102,927
1102-5221	For the purchase of motor vehicles.....	\$26,988
<u>Comptroller's Division.</u>		
1103-1000	For the administration of the division, including not more than one hundred and forty-one permanent positions.....	\$175,000

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	Highway Fund	30.0%	
	General Fund	70.0%	
1103-5010	For administration of the fraudulent claims commission, including not more than sixty-five permanent positions.....		\$83,583
	<u>Purchasing Agent's Division.</u>		
1104-1000	For the administration of the division, including not more than fifty-three permanent positions.....		\$48,991
	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.....		\$4,414
	<u>Other Administration and Finance.</u>		
1105-1000	For the administration of the division of employee relations, including not more than seventeen permanent positions.....		\$49,166
	<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 three hundred and sixty-seven permanent positions .....		\$413,583
	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 .....		\$6,250
1110-1000	For the administration of the division of hearing officers established by section four H of chapter seven of the General Laws; provided, that notwithstanding any provision of law to the contrary the cost of services rendered to any office or agency for an appeal shall be charged to such office or agency, such charges to include an allowance for overhead as determined by the commissioner of administration; provided further, that the payments for such services shall be paid to the General Fund; and provided further, that no such service shall be provided without a written contract filed with the comptroller; including not more than eight permanent positions.....		\$26,916
1111-0010	For the administration of the bureau of teachers' retirement, including not more than twenty-eight permanent positions.....		\$40,833
1111-1001	For the payment of retirement assessments of teachers formerly in military or naval service.....		\$83
1111-1002	For reimbursement of certain cities and towns for pensions to retired teachers, prior appropriation continued.....		\$1,458,333
	Local Aid Fund	100.0%	
1111-1003	For the payments of the commonwealth's share in financing the teachers' retirement system, prior appropriation continued.....		\$9,915,127
	Local Aid Fund	100.0%	
	<u>Group Insurance Commission.</u>		



## Item

1120-1000	For administration of the group insurance program, including not more than forty-two permanent positions.....	\$96,125
1120-2000	For the commonwealth's share of the group insurance premium; provided, that the group insurance commission shall charge the division of employment security and other departments, authorities, agencies and divisions which have federal or other funds allocated to them for this purpose for that portion of the cost of the program as it determines should be borne by such funds, and shall notify the comptroller of the amounts to be transferred, after similar determination, from the several state or other funds, and amounts received in payment of all such charges or such transfers shall be credited to the General Fund; provided, that notwithstanding the provisions of section twenty-six of chapter twenty-nine of the General Laws, the commission is hereby authorized to negotiate, purchase and execute contracts for a policy or policies of group insurance as authorized by chapter thirty-two A of the General Laws; and provided further, that the present level of health insurance coverage shall be maintained but shall not constitute payments in full of charges for health care services; 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, prior appropriation continued.	
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, 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.....	\$134,548
	<u>Massachusetts Commission Against Discrimination.</u>	
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 .....	\$83,333
	<u>Contributory Retirement Appeal Board.</u>	

Item

1160-1000 For the expenses of the board..... \$250

Retirement Law Commission.

1180-1000 For the administration of the commission, including  
not more than two permanent positions..... \$7,500

DEPARTMENT OF REVENUE

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; pro-  
vided, 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  
four hundred permanent positions..... \$2,000,000

Highway Fund 10.0%  
General Fund 90.0%

1211-0100 For salaries and expenses of the wage reporting system,  
including not more than seventy-nine permanent  
positions..... \$125,000

1231-1000 For the administration of the county personnel board,  
including not more than six permanent positions  
..... \$3,916

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..... \$1,225,000

Local Aid Fund 100.0%

1233-1500 For reimbursing cities and towns for loss of taxes on  
land taken for flood control purposes..... \$22,083

Local Aid Fund 100.0%

1233-2000 For reimbursing cities and towns for abatements granted  
..... \$628,166

Local Aid Fund 100.0%

1233-2310 For reimbursement to cities and towns for taxes abated  
..... \$833,333

Local Aid Fund 100.0%

1233-3000 For reimbursing the city of Boston for loss of taxes on  
land for the government center..... \$29,797

Local Aid Fund 100.0%

1233-3100 For reimbursing certain cities and towns for fifty per  
cent of career incentive salary increases for police  
officers..... \$225,000

Local Aid Fund 100.0%

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 appro-  
priation, income derived from the sale of such trans-  
cripts; including not more than thirty-four permanent  
positions..... \$51,000

Miscellaneous.

## Item

1500-0001	For the contribution of the commonwealth toward the maintenance of the old provincial state house.....	\$125
1599-0001	For the payment of certain annuities and pensions of soldiers and others under the provisions of certain acts and resolves.....	\$833
1599-0002	For the payment, with the approval of the comptroller, of expenses of prior fiscal year 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.....	\$2,083
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.....	\$833
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.....	\$208
1599-0008	For a reserve for tort claims.....	\$20,833
1599-0020	For the payment, with the approval of the comptroller, of expenses of prior fiscal years for which no funds are available in the current fiscal year; provided, that no payments shall be made unless the subsidiary account item to which the deficiency is to be charged contained a balance sufficient to meet the required payments.....	\$333
	Highway Fund	100.0%
1599-2012	For the payment of wages to patients and residents in mental health facilities in accordance with a schedule approved by the house and senate committees on ways and means; provided, that the commissioner of administration in conjunction with the secretary of human services, is hereby directed to conduct a study of wages proposed to be paid and charges to be made in the institutions of the commonwealth from funds made available by this item, appropriation expires June thirtieth, nineteen hundred and eighty.	
1599-3100	For the payment of certain employment security benefits, prior appropriation continued.....	\$748,666
1599-3203	For a reserve to meet the expenses of the Retirement Law Commission in carrying out studies requested by the General Court pertaining to the cost of certain retirement benefits, provided, that, no such study shall be undertaken without the prior approval of the house and senate committees on ways and means .....	\$7,500
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	

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federal authorities of projects to be funded under this program and shall be expended with at least 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..... \$11,416

EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS.

Office of the Secretary.

2000-0100 For the office of the secretary, including not more than five permanent positions..... \$20,000

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..... \$8,333

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..... \$16,187

2010-0100 For the administration and maintenance of the Massachusetts World War II Memorial, prior appropriation continued..... \$625

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..... \$119,554

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..... \$5,208

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..... \$20,551

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..... \$80,675

## Item

	General Fund	25.0%	
	State Recreation Areas Fund	75.0%	
	<u>Division of Forests and Parks.</u>		
2120-0100	For the administration of the division, including not more than ten permanent positions.....		\$16,037
	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.....		\$38,370
	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.....		\$39,705
	State Recreation Areas Fund	100.0%	
2120-0400	For the operation of forests and parks facilities under the management of the bureau of recreation; including not more than one hundred and forty-seven permanent positions.....		\$369,500
	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.....		\$367,625
	State Recreation Areas Fund	100.0%	
2120-0600	For the maintenance of Salt Water beaches, including not more than five permanent positions.....		\$77,717
	State Recreation Areas Fund	100.0%	
2120-0700	For the maintenance and operation of certain state reservations, including not more than eight permanent positions.....		\$21,542
	State Recreation Areas Fund	100.0%	
2120-0901	For the purchase of equipment for new areas.....		\$8,283
	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.....		\$39,508
2120-1200	For the office of the state fire warden and for expenses of the northeastern interstate forest fire protection commission and for compensation of commissioners; provided, that federal funds not exceeding fifteen thousand dollars may be expended for the purpose of this item, said federal funds to be in addition to the amount herein appropriated; and for the expenses		

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	of the forest fire patrol; including not more than seventy-eight permanent positions.....	\$99,823
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.....	\$29,608
2120-1400	For a program of survey and detection of forest and insect diseases in cooperation with the United States Forest Service; provided, 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 .....	\$1,708
2120-1600	For providing public transportation assistance to the recreation areas and facilities of the Boston Harbor islands.....	\$4,458
	<u>Division of Water Resources.</u>	
2130-0010	For the expenses of the water resources commission, including not more than five permanent positions .....	\$3,567
2130-0100	For the administration of the division, including programs of wetlands restrictions, water planning, and certain watershed protection and flood control activities, including expenses of certain flood control commissions, including not more than twenty-five permanent positions .....	\$52,697
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.....	\$83
2130-0500	For the commonwealth's share of the New England river basin commission.....	\$4,042
	<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.....	\$35,456
	<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.....	\$15,833
	<u>Outdoor Advertising Division.</u>	
2210-0100	For the administration of the division, including not more than ten permanent positions.....	\$10,742
	<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 .....	\$144,542
2240-0400	For the compensation and expenses of the New England interstate water pollution control commission; provided, that the limitation contained in Article VIII	

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	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.....	\$2,212
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.....	\$89,148
	Local Aid Fund 100.0%	
	<u>Bureau of Environmental Sanitation.</u>	
2250-0100	For the administration of the bureau, including not more than fifty-one permanent positions.....	\$151,035
2250-0150	For the administration of the drinking water quality construction program.....	\$3,667
2250-0200	For the administration of the Lawrence experimental station, including not more than thirty-one permanent positions.....	\$53,117
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.....	\$27,200
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.....	\$9,159
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.....	\$881
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.....	\$8,158
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.....	\$5,825
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.....	\$7,150
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; provided that, no less than \$30,000 shall be allocated for the control of algae,	

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weeds, and other aquatic nuisances in Forest Lake  
in the town of Palmer..... \$12,500

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..... \$63,783

2270-0200 For a program of wetland regulations, including not  
more than eleven permanent positions..... \$21,530

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 nine-  
teen 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 excee-  
ding 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 land-  
ing; provided further, that the sum of one hun-  
dred thousand dollars shall be for dredging of  
mooring basin area at Port Norfolk on the Ne-  
ponset river; provided further, that an addi-  
tional amount not exceeding three hundred thou-  
sand dollars shall be used 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 con-  
structed 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 and five  
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



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twenty thousand dollars shall be used for the dredging of the Monaquot 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 an amount not exceeding four hundred thousand dollars shall be used for dredging of Westport harbor and both the east branch and the west branch of the Westport river in the town of Westport; and providing further that an amount not exceeding three hundred thousand dollars shall be used to dredge the mooring basin of a portion of Sippican harbor in the town of Marion; provided further, that a sum not exceeding five thousand dollars shall be used for an engineering, coastal and marine analysis to study offshore dredging; that a sum not exceeding ten thousand dollars be used to conduct a feasibility study of the control of the outflow of Lake Nipmuc in the town of Mendon, including the development of such engineering plans as may be required; prior appropriation continued.

2270-0700	For the maintenance of property in the town of Plymouth, including not more than two permanent positions.....	\$2,000
2270-0900	For the operation and maintenance of the New Bedford state pier, including not more than two permanent positions.....	\$3,700
2270-0991	For design of stream improvements in the vicinity of East Main Street at Poor Brook in the city of Chicopee.....	\$2,500
2270-1500	To conduct a dredging feasibility study at the Neponset river between Dorchester Bay and the Milton town landing.....	\$2,083
2270-1600	For a certain flood control project in Green Brook in the city of Holyoke, the same to be in addition to funds in like amount appropriated by said city for such project; provided, that no expenditure shall be made from this appropriation after December thirty-first, nineteen hundred and eighty.....	\$4,167

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.....	\$8,650
	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; and payment of damages caused by wild deer; including not more than thirty-one permanent positions.....	\$47,333
	Inland Fisheries and Game Fund	100.0%

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2310-0300	To develop and improve facilities for public use and division operation at fish hatcheries, wildlife, management areas, and field headquarters, prior appropriation continued.....	\$4,167
	Inland Fisheries and Game Fund 100.0%	
2310-0310	For acquisition of upland areas and inholdings on existing wildlife management areas.....	\$4,167
	Inland Fisheries and Game Fund 100.0%	
2310-0315	For the purchase of equipment.....	\$6,250
	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 .....	\$82,917
	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.....	\$93,358
	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.....	\$5,658
	<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-three permanent positions .....	\$40,000
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 eight permanent positions.....	\$33,896
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 .....	\$8,333
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	

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	prior approval of the proper federal authorities for reimbursement of at least fifty per cent of the amounts so expended.....	\$13,500
2330-0500	For the operation of the shellfish treatment plant at Newburyport.....	\$8,542
2330-0600	For a program of self-help to said cities and towns for the cultivation, propagation and protection of shellfish.....	\$35,417
	Local Aid Fund	100.0%

Department of the Metropolitan District Commission.

Notwithstanding any other provision of any general or special law to the contrary, the salaries of all officers and employees of the commission shall be charged in full to appropriations authorized under this heading:

Administration.

2410-1000	For general administration, provided that the commissioner of the department of the metropolitan district commission is hereby authorized to enter into interagency agreements with any other of those state agencies within the executive office of environmental affairs, whereby the department may render data processing services to said agencies; provided further, that the comptroller is hereby authorized to allocate the cost of such services to the several state and other funds to which the items of appropriation of such other agencies are charged, including not more than sixty-two permanent positions.....	\$109,683
	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 to expenditures made from this item; and provided further, that allocations made in accordance with this item may be expended by the selected participants without further appropriation, 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.....	\$773,624
	MDC Water District Fund	100.0%
2425-9001	For emergency repairs to water mains, prior appropriation	

Item		
	continued.....	\$2,083
	MDC Water District Fund 100.0%	
2425-9002	For improvements to supply mains, prior appropriation continued.....	\$2,083
	MDC Water District Fund 100.0%	
2425-9003	For the purchase of certain pipe and valve stock, prior appropriation continued.....	\$2,292
	MDC Water District Fund 100.0%	
	<u>Metropolitan Sewerage District.</u>	
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.....	\$863,150
	MDC Sewerage District Fund 100.0%	
	<u>Metropolitan Parks District.</u>	
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.....	\$2,539,220
	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 period of high fire risks.....	\$2,500
	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.....	\$6,250
	MDC Parks District Fund 100.0%	
2443-3901	For the operation and management of the Franklin park and Walter D. Stone zoological parks.....	\$25,000
	MDC Parks District Fund 100.0%	
2444-5511	For a sailing program at Pleasure bay.....	\$1,667
	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.....	\$79,167
	Highway Fund 100.0%	
2444-9002	For the purchase of certain highway maintenance equipment .....	\$16,667

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	Highway Fund	100.0%	
2444-9004	For certain payments for the maintenance and use of the Trailside museum and the Chickatawbut Hill center.....		\$12,500
	MDC Parks District Fund	100.0%	
2444-9005	For the operation of street lighting for parkways and boulevards.....		\$125,000
	Highway Fund	100.0%	
2444-9006	For the expenses of holding band concerts.....		\$2,917
	MDC Parks District Fund	100.0%	
2450-1000	For the personal services and expenses related to employees previously paid from highway bond funds.....		\$43,333
	Highway Fund	100.0%	
	<u>Department of Food and Agriculture.</u>		
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 .....		\$24,053
	<u>Pesticide Bureau.</u>		
2511-0300	For the administration of the pesticide bureau.....		\$6,592
2511-2002	For the administration of the division, including not more than two permanent positions.....		\$6,583
	<u>Division of Dairying and Animal Husbandry.</u>		
2514-1000	For the office of the division, including not more than sixteen permanent positions.....		\$19,683
	<u>Division of Animal Health.</u>		
2515-1000	For the administration of the division, and for the inspection of poultry and poultry products, including not more than twenty-eight permanent positions...		\$37,716
2515-3000	For the reimbursement of owners of diseased cattle slaughtered, and hogs killed, prior appropriation continued.....		\$2,500
	<u>Division of Markets.</u>		
2516-1000	For the administration of the division, and for programs of quality improvement of dairy products, preparing crop survey reports, and improving roadside markets, including not more than fourteen permanent positions .....		\$23,542
2516-1500	For promoting agriculture in the commonwealth.....		\$8,333
	<u>Division of Plant Pest Control.</u>		
2517-1000	For the administration of the division, including apiary inspection, and reimbursement to owners of diseased bees, including not more than five permanent positions .....		\$7,667
	<u>Division of Fairs.</u>		
2518-1000	For the administration of the division, including the thoroughbred breeders fund and the Massachusetts Standardbred agricultural fair and breeding fund committees, provided that payments for state prizes and agricultural exhibits, including allotment funds for 4-H activities, may be made from this appropriation; including not more than three permanent positions, prior appropriation continued.....		\$28,383

Item

2518-1010	For the display of exhibits at certain fairs, prior appropriation continued.....	\$6,250
2518-2000	For certain prizes, prior appropriation continued; provided that, funds from items 2518-1021 and 2518-1031 shall be expended from this item.....	\$16,667
	<u>Division of Milk Control.</u>	
2519-1000	For the administration of the division, including not more than twenty permanent positions.....	\$20,667
	<u>For the expenses of the following mosquito control projects:</u>	
2520-0300	Cape Cod.....	\$36,500
	Mosquito and Greenhead Fly Control Fund 100.0%	
2520-0900	Suffolk county.....	\$8,625
	Mosquito and Greenhead Fly Control Fund 100.0%	
2520-1000	Central Massachusetts.....	\$30,792
	Mosquito and Greenhead Fly Control Fund 100.0%	
2520-1100	Berkshire county.....	\$22,114
	Mosquito and Greenhead Fly Control Fund 100.0%	
2520-1200	Norfolk county.....	\$21,638
	Mosquito and Greenhead Fly Control Fund 100.0%	
2520-1300	Bristol county.....	\$19,808
	Mosquito and Greenhead Fly Control Fund 100.0%	
2520-1400	Plymouth county.....	\$21,398
	Mosquito and Greenhead Fly Control Fund 100.0%	
2520-1500	Essex county, city of Revere and town of Winthrop...	\$26,500
	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.....	\$22,083
	<u>American and Canadian French Cultural Exchange Commission.</u>	
3300-1000	For the expenses of the American and Canadian French cultural exchange commission.....	\$694
	<u>Administration.</u>	
3700-0100	For the general administration of the department, including not more than eighty permanent positions; 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 administrator of the division of community services shall be eligible for a recruitment rate above the minimum effective July first, nineteen hundred and seventy-nine.....	\$217,417
	<u>Division of Community Development.</u>	
3722-9002	For certain financial assistance for housing projects for veterans.....	\$345,834
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 no more than eight per cent of the amount appropriated herein may be used	

## Item

	for administration of said program, prior appropriation continued.....	\$1,025,000
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.....	\$445,833
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.....	\$1,100,833
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 .....	\$16,667
3722-9008	For reimbursement to housing authorities for deficiencies caused by certain reduced rentals in housing for 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.....	\$4,583
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 .....	\$77,487
	Local Aid Fund	100.0%
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.....	\$818,750
	<u>Division of Community Services.</u>	
3731-2003	For expenses of community development and housing program services.....	\$49,000

Item		
3735-9011	For the administration of the state building code commission.....	\$14,917
3735-9013	For reimbursement of cities and towns for the commonwealth's share of relocation payments for costs which have been incurred in relocating persons evicted under Article II of the state sanitary code as required by section thirteen of chapter seventy-nine of the General Laws as amended and which have been submitted to the Executive Office of Communities and Development and are certified as valid, notwithstanding the year the cost was incurred.....	\$3,750
	Local Aid Fund	100.0%
	<u>Division of Social and Economic Opportunity.</u>	
3743-2027	For providing funds for local community economic development provided such funds are to be awarded to community based organizations for community oriented businesses.....	\$22,500
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.....	\$33,333
3747-0001	For the administration of the Commission on Indian Affairs .....	\$3,086
	<u>EXECUTIVE OFFICE OF HUMAN SERVICES.</u>	
	<u>Office of the Secretary.</u>	
4000-0100	For the office of the secretary, including the hospital revenue collection program and the health facilities appeals board, including not more than five permanent positions.....	\$108,333
	<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.....	\$110,833
	<u>Massachusetts Commission for the Blind.</u>	
4110-0001	For the office of the commissioner, including not more than thirteen permanent positions.....	\$17,200
4110-1010	For aiding the adult blind, prior appropriation continued .....	\$512,158
4110-1020	For support of a medical assistance program for the blind, including previous fiscal years, and including not more than four permanent positions.....	\$995,740
	<u>Bureau of Individual Services.</u>	
4110-2010	For administration of a talking book program, including not more than two permanent positions.....	\$20,339
4110-2020	For administration of a home teaching program, including not more than nineteen permanent positions .....	\$20,208
4110-2030	For administration of a children's services program, including not more than six permanent positions .....	\$7,396



## Item

4110-2040	For certain social service programs, including not more than fifty-two permanent positions.....	\$80,083
<u>Bureau of Rehabilitation.</u>		
4110-3010	For a program of vocational rehabilitation of the blind in cooperation with the federal government, prior appropriation continued.....	\$53,042
<u>Bureau of Industrial Aid and Workshops.</u>		
4110-4000	For the administration of the bureau, including not more than three permanent positions.....	\$3,539
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.....	\$32,126
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 .....	\$67,417
4110-4050	For certain payments to blind persons.....	\$16,043
<u>Bureau of Research.</u>		
4110-5000	For the administration of the bureau, including not more than four permanent positions.....	\$3,507
<u>Massachusetts Rehabilitation Commission.</u>		
4120-0010	For the administration of the commission, including not more than one permanent position, prior appropriation continued.....	\$417,500
4120-0031	For a program of extended employment for the handicapped under Title XX program.....	\$145,259
4120-0041	For the administration of the office of deafness, including not more than one permanent position...	\$7,667
4120-0051	For a program of personal care assistance, prior appropriation continued.....	\$33,292

OFFICE FOR CHILDREN

Item

4130-0001	For the office of the director, including not more than forty permanent positions.....	\$71,884
<u>Region One.</u>		
4131-1000	For the administration of the regional office, including services to children, including not more than nine permanent positions.....	\$57,444
<u>Region Two.</u>		
4132-1000	For the administration of the regional office, including services to children, including not more than nine permanent positions.....	\$50,495
<u>Region Three.</u>		
4133-1000	For the administration of the regional office, including services to children, including not more than nine permanent positions.....	\$49,570
<u>Region Four.</u>		
4134-1000	For the administration of the regional office, including services to children, including not more than nine permanent positions.....	\$64,325
<u>Region Five.</u>		
4135-1000	For the administration of the regional office, including services to children, including not more than nine permanent positions.....	\$57,019
<u>Region Six.</u>		
4136-1000	For the administration of the regional office, including services to children, including not more than nine permanent positions.....	\$46,046
<u>Region Seven.</u>		
4137-1000	For the administration of the regional office, including services to children, including not more than nine permanent positions.....	\$68,013
<u>Commissioner of Veterans' Services.</u>		
4170-0010	For the office of the commissioner, including not more than seventy-one permanent positions.....	\$73,917
4170-0300	For the payment of annuities to certain disabled veterans .....	\$14,667
4170-0400	For reimbursing cities and towns for money paid for veterans benefits and for payment 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 .....	\$675,000
Local Aid Fund		100.0%
<u>Soldiers' Home in Massachusetts.</u>		
4180-0100	For the maintenance of the home, including not more than six hundred and fifty-eight permanent positions.....	\$774,167
<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.....	\$440,417
<u>DEPARTMENT OF YOUTH SERVICES.</u>		
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	

## Item

approved and on file with the central office of the department; provided, that no expenditure shall be made for residential care under this item unless the rate setting commission, in accordance with the procedure established by section thirty-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.....

\$963,333

4202-0022 For the establishment and operation of a secure facilities program for youths..... \$275,000

4202-0023 For the federal law enforcement assistance program; provided, that expenditures from this item shall be contingent upon the prior approval by the proper federal authorities of the program for which these funds are to be expended..... \$13,333

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..... \$81,424

4223-1010 Detention center in Hampden county, including not more than thirty-two permanent positions..... \$42,202

4224-1010 Secure treatment unit in Worcester county, including not more than thirty-one permanent positions..... \$39,422

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 ..... \$41,455

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..... \$401,467

Item

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 sixty-six permanent positions.....	\$304,395
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.....	\$16,169
4311-0003	For a half-way house program, including not more than nine permanent positions.....	\$104,166
4311-0004	For a health service program, including not more than eighty permanent positions.....	\$328,182
	<u>For the maintenance of and for certain improvements at the following institutions under the control of the department:</u>	
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 Fund to the General Fund, including not more than eighty-nine permanent positions.....	\$238,430
4311-0006	Correctional institution at Norfolk farm dormitory.....	\$87,184
4311-0008	For a pre-release residential facility at Boston.....	\$44,752
4311-0009	For a program of education services including not more than two permanent positions.....	\$55,823
4312-0001	Correctional institution at Bridgewater, including not more than four hundred and forty-four permanent positions.....	\$873,833
4313-0001	Correctional institution at Walpole, including not more than three hundred and thirty-nine permanent positions.....	\$679,625
4313-9002	For the renovation of the kitchen at Walpole.....	\$27,083
4314-0001	Correctional institution at Concord, including not more than two hundred and eighty-four permanent positions.....	\$617,245
4315-0001	Correctional institution at Framingham, including not more than one hundred and twenty permanent positions.....	\$238,333
4316-0001	Correctional institution at Norfolk, including not more than two hundred and eighty-five permanent positions.....	\$640,833
4317-0001	Prison camp at Warwick and pre-release centers, including not more than twenty-six permanent positions.....	\$78,501
4341-0001	For a reception diagnostic center.....	\$59,880
4342-0001	For a pre-release guidance center.....	\$81,603
4343-0001	For a pre-release center at Shirley, including not more than eighteen permanent positions.....	\$143,766

## Item

4344-0001	For a Southeastern correctional center, including not more than one hundred and seven permanent positions.....	\$214,583
4345-0001	For pre-release programs at Medfield, Norfolk and Plymouth, including not more than twelve permanent positions.....	\$83,333
4348-0001	For a medium correctional security facility in north central Massachusetts.....	\$108,333

Parole Board.

4380-0001	For the office of the board; provided, that the position of employment officer, parole board, shall not be subject to the provisions of chapter thirty-one of the General Laws; including not more than ninety-three permanent positions.....	\$232,437
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.....	\$4,166

## 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-nine permanent positions.....	\$103,350
4510-0600	Control of radiation and nuclear hazards.....	\$10,946
4510-0710	For the administration of the Office of Regulation, including not more than thirty-five permanent positions.....	\$249,575
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.....	\$28,167
4510-0780	For inspection of ambulance services, as authorized by section two of chapter one hundred and eleven C of the General Laws.....	\$16,667
4510-0790	For an Office of Emergency Medical Services.....	\$24,578
4510-1502	For the comprehensive health planning project.....	\$12,041
4510-1507	For the administration of a health maintenance organization program.....	\$8,333

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.....	\$68,750
4512-0100	For the administration of the division of communicable and venereal diseases, including not more than twenty-six permanent positions.....	\$118,378
4512-0180	For a vaccine program.....	\$73,429
4512-0200	For the administration of the division of alcoholism, including not more than ten permanent positions.....	\$1,245,758
4512-0500	For the administration of the division of dental health, including not more than three permanent positions.....	\$5,375

Item		
4512-0600	For a study of equine encephalitis.....	\$7,747
4512-0700	For epilepsy control program, including not more than two permanent positions.....	\$12,567
<u>Bureau of Health Services.</u>		
4513-1000	For the administration of the bureau, including not more than forty-eight permanent positions.....	\$393,167
4513-1500	For the administration of local health services, including not more than twenty-seven permanent positions.....	\$36,667
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.....	\$6,250
4513-2200	For a certain program for the care of infants prematurely born.....	\$2,083
4513-2400	For the high risk for deafness program.....	\$2,417
4513-3500	For a preschool nursery program for crippled children, to be in addition to any federal funds available for the purpose.....	\$55,833
<u>Bureau of Tuberculosis and Institutions.</u>		
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.....	\$272,387
<u>Institute of Laboratories.</u>		
4516-0100	For the administration of the institute, provided that, notwithstanding any provision of law to the contrary, all revenue accrued through the program at the institute of laboratories of selling biologic products and performing various laboratory tests, in excess of \$45,000 may be expended without further appropriation subject to the approval of the commissioner of public health, state comptroller and the house and senate committees on ways and means for said program, including cost of materials, supplies and equipment, maintenance of laboratory facilities and compensation to laboratory employees. This program shall be subject to a full audit and annual report by the state auditor, including not more than one hundred and sixty-nine permanent positions.....	\$288,046
4516-0201	For a program of prevention of lead poisoning, including not more than three permanent positions.....	\$40,498
<u>Bureau of Consumer Products Protection.</u>		
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	

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	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.....	\$140,450
4518-0100	For the administration of the office of health statistics and analysis, including not more than twenty-nine permanent positions.....	\$47,500
	<u>For the maintenance of and for certain improvements at the following institutions under the control of the department of public health:</u>	
	<u>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.</u>	
4531-0001	Lakeville hospital, including not more than three hundred and twenty-three permanent positions.....	\$536,603
4533-0001	Massachusetts hospital school, including not more than three hundred and twenty-eight permanent positions.....	\$443,958
4534-0001	Pondville hospital, including not more than three hundred and four permanent positions.....	\$487,500
4535-0001	Rutland Heights hospital, including not more than four hundred and forty-eight permanent positions.....	\$461,358
4536-0001	Tewksbury hospital, including not more than one thousand and eighty-four permanent positions.....	\$1,269,630
4537-0001	Western Massachusetts hospital, including not more than two hundred and eighty-eight permanent positions.....	\$369,159
	EXECUTIVE OFFICE FOR TRANSPORTATION AND CONSTRUCTION.	
	<u>Office of the Secretary.</u>	
6000-0100	For the office of the secretary of transportation and construction, including not more than three permanent positions.....	\$21,500
	Highway Fund 100.0%	
	<u>Massachusetts Bay Transportation Authority.</u>	
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	

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	.....	\$6,020,083
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.....	\$2,416,667
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.....	\$36,000
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, provided in fiscal year nineteen hundred and eighty.....	\$379,167
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 thirteen of chapter sixty-four E and clause (b) of section fourteen of chapter sixty-four F of the General Laws.....	\$2,166,667
	Highway Fund 100.0%	
6005-0027	For certain payments to cities and towns as authorized by clause (c) of section thirteen of chapter sixty-four A, clause (b) of section thirteen of chapter sixty-four E and clause (b) of section fourteen of chapter sixty-four F of the General Laws.....	\$1,083,333
	Highway Fund 100.0%	
6005-0100	For contracts to provide for the operation of commuter boat services.....	\$16,667
	<u>Massachusetts Aeronautics Commission.</u>	
6006-0001	For the personal services and expenses of the commissioners, including not more than five permanent positions.....	\$209
6006-0003	For the administration of the commission, including not more than ten permanent positions.....	\$16,917
6006-0051	For the expenses of air navigation facilities.....	\$4,583

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, 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.....	\$5,025,000
	Highway Fund 100.0%	
	<u>Administrative and Engineering Expenses.</u>	



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6020-1900	For the operation and maintenance of the public works building, including not more than fifty-nine permanent positions.....	\$77,042
	Highway Fund 100.0%	
6020-2401	For the purchase of all administrative and engineering equipment.....	\$8,333
	Highway Fund 100.0%	
6020-2501	For certain administrative and engineering expenses of the commission, the office of the public works commissioner and the divisions of administrative services, telephone service in the public works building, highway engineering, highway maintenance, highway construction and the district and other highway activity offices.....	\$263,966
	Highway Fund 100.0%	
<u>Maintenance and Operation of State Highways and Bridges.</u>		
<u>Appropriation under this heading may be expended for traffic safety and control on certain city or town ways:</u>		
6030-7301	For expenses in connection with traffic line painting, including the cost of materials.....	\$75,000
	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.....	\$186,117
	Highway Fund 100.0%	
6030-7403	For expenses of fleet management and maintenance equipment, prior appropriation continued.....	\$541,667
	Highway Fund 100.0%	
6030-7601	For the maintenance and operation of state highways and bridges.....	\$291,667
	Highway Fund 100.0%	
6030-7604	For roadside sanitary facilities.....	\$5,417
	Highway Fund 100.0%	
6031-0131	For a property management program, prior appropriation continued.	
	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 eighty and shall not exceed the amount specified for each city or town in said section four of said chapter eight hundred and twenty-five.....	\$208,333
	Local Aid Fund 100.0%	
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	

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	section two of chapter six hundred and eighty-four of the acts of nineteen hundred and seventy-five .....	\$1,539,150
	Local Aid Fund 100.0%	
	EXECUTIVE OFFICE OF EDUCATIONAL AFFAIRS.	
7000-0111	For the administration of the intern program.....	\$3,333
7000-0112	For intern program stipends and payments.....	\$6,250
	<u>George Fingold Library.</u>	
7000-0601	For the administration of the library, including not more than thirty-four permanent positions.....	\$53,333
	<u>Art Commission.</u>	
7000-0651	For expenses of the commission, notwithstanding the limitation of section nineteen of chapter six of the General Laws.....	\$58
	<u>Compact for Education.</u>	
7000-0751	For the commonwealth's share of the cost of the compact for education.....	\$1,688
7000-0752	For the expenses of the education compact council of Massachusetts.....	\$42
	<u>New England Board of Higher Education.</u>	
7000-0801	For expenses of the board, and for compensation and expenses of the members.....	\$19,500
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.....	\$30,983
7000-9101	For the administration and expenses of the board of library commissioners, including not more than twenty permanent positions.....	\$32,500
7000-9401	For state aid to regional public libraries.....	\$216,112
	Local Aid Fund 100.0%	
7000-9501	For state aid to public libraries.....	\$184,345
	Local Aid Fund 100.0%	
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	

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	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.....	\$250,000
	Local Aid Fund 100.0%	
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.....	\$500,000
	Local Aid Fund 100.0%	
	<u>Division of Occupational Education.</u>	
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.....	\$108,230
7027-0014	For the reimbursement of certain towns for the transportation of pupils.....	\$27,813
	Local Aid Fund 100.0%	
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.....	\$41,667
	<u>Division of Special Education.</u>	
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.....	\$112,750
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.....	\$904,125
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	

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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..... \$166,667

Local Aid Fund 100.0%

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 ..... \$1,282,364

7028-0303 For expenses relating to the provisions of special education to certain children to be 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..... \$16,667

Division of Curriculum and Instruction.

7030-0100 For the general administration of the division, including bilingual programs, and including not more than seventy-three permanent positions..... \$120,500

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..... \$40,664

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 ..... \$58,333

Local Aid Fund 100.0%

Division of School Facilities and Related Services.

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

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		permanent positions.....	\$68,750
7051-1908	For	printing school registers and other school blanks for cities and towns.....	\$1,750
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 eighty, shall not exceed which amount not more than one million eight hundred thousand 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.....	\$285,500
		Local Aid Fund 100.0%	
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.....	\$9,138,667
		Local Aid Fund 100.0%	
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, (c) for matching stabilization fund payments as set forth in section nine of said act, and (d) for costs of leasing buildings for vocational programs and originally equipping and furnishing said buildings as set forth in section nine of said act.....	\$70,833
		Local Aid Fund 100.0%	
7053-1907	For	partial assistance in the furnishing of lunches to school children, as authorized by chapter five hundred and thirty-eight of the acts of nineteen hundred and fifty-one, and, if necessary, for supplementing federal funds allocated for the special milk program; provided, that notwithstanding any provisions of the law to the contrary, payments so authorized shall not exceed fifty per cent of the total reimbursement authorized by the National School Lunch Act; and provided, further, that notwithstanding said fifty per cent limitation, said limitation may be exceeded on certain lunches to the extent and in the same number as free or reduced-price lunches served to children are subsidized entirely from federal funds at the maximum rate allowed, prior appropriation continued.....	\$33,583
7053-1909	For	the reimbursement of cities and towns for partial	

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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 .....

\$533,333

Local Aid Fund 100.0%

7053-1910 For reimbursement to cities and towns for partial assistance to private schools for a lunch program for needy elderly persons; provided that, no less than five hundred thousand dollars be allocated for the private vendor portion, so-called, of said program; and provided further, that the governor, upon recommendation of the commissioner of administration shall transfer, without further appropriation, any funds from said private vendor allocation unexpended as of December thirty-first, nineteen hundred and seventy-nine to appropriation account 9110-1670, prior appropriation continued.....

\$91,667

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.....

\$1,875

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.....

\$3,496,667

Local Aid Fund 100.0%

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.....

\$333,333

Local Aid Fund 100.0%

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.....

\$45,833

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	Local Aid Fund	100.0%
7061-0011	For the reimbursement to cities, towns, regional school districts and independent vocational schools of certain expenditures for the transportation of a) pupils enrolled in a transitional bilingual education program, under the provisions of section eighty 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.....	\$1,041,667
	Local Aid Fund	100.0%
	<u>Board of Higher Education.</u>	
	<u>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 Massachusetts maritime academy, the average cost of instruction for each undergraduate student. Costs so determined shall be certified to the boards having control of the several institutions and shall be used by them in fixing the tuition to be charged students who are not residents of the commonwealth. Such tuition shall be fixed at an amount which as nearly as possible reflects the actual average cost of instruction for each said institution or group of institutions, but in no event shall such tuition amount be less than ninety-five 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.</u>	
7070-0005	For medical, dental and nursing scholarships, as authorized by section one D of chapter fifteen of the General Laws .....	\$41,667
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.....	\$1,125,000
7070-0010	For a state-wide proram in consortium scholarships to provide an opportunity for pursuing programs in the private sector that are not presently available in the public sector; provided, that all applications for such scholarships must be approved by the board of higher education and be subject to the rules and regulations with respect to eligibility as established by said board.....	\$12,500
7070-0011	For a scholarship program as authorized by chapter	

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	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.....	\$2,083
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.....	\$10,417
7070-0014	For merit scholarships.....	\$27,083
	<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>	
7102-0001	For the purchase of scientific, technological and other educational reference material for the libraries.....	\$50,000
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 .....	\$54,167
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 .....	\$133,333
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.....	\$916,667
7109-0100	State college at Bridgewater, including not more than four hundred and ninety-three permanent positions .....	\$808,333
7109-9704	For the commonwealth's contribution toward federal student loan programs and federal work-study programs.....	\$9,917
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.....	\$694,167
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.....	\$7,250
7111-0100	State college at Framingham, including not more than three hundred and seventy-one permanent positions.....	\$525,000



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7111-9704	For the commonwealth's contribution toward federal student loan programs and federal work-study programs.....	\$5,333
7113-0100	State college at North Adams, including not more than two hundred and thirty-eight permanent positions.....	\$387,500
7113-9704	For the commonwealth's contribution toward federal student loan programs and federal work-study programs.....	\$8,333
7114-0100	State college at Salem, including not more than five hundred and seventy-six permanent positions.....	\$875,833
7114-9704	For the commonwealth's contribution toward federal student loan programs and federal work-study programs.....	\$12,500
7115-0100	State college at Westfield, including not more than three hundred and forty-three permanent positions.....	\$530,500
7115-9704	For the commonwealth's contribution toward federal student loan programs and federal workstudy programs.....	\$9,417
7116-0100	State college at Worcester, including not more than three hundred and eightyfour permanent positions .....	\$569,167
7116-9704	For the commonwealth's contribution toward federal student loan programs and federal workstudy programs.....	\$5,917
7117-9704	For the commonwealth's contribution toward federal student loan programs and federal workstudy programs.....	\$2,583
7118-0100	Massachusetts maritime academy and ship, including not more than one hundred and sixtythree permanent positions.....	\$301,667
7118-0121	Massachusetts Maritime Academy Marine Fisheries Education and Training Program.....	\$7,000
7118-9704	For the commonwealth's contribution toward federal student loan programs and federal work-study programs.....	\$2,583
<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.....	\$1,687,500
7220-0002	For the maintenance of the boarding hall, with the approval of the trustees; including not more than four permanent positions.....	\$4,708
7220-9005	For the purchase of scientific, technological, and other educational reference material for the	

Item		
	libraries.....	\$25,000
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.....	\$15,083
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.....	\$21,667
	<u>Southeastern Massachusetts University.</u>	
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.....	\$1,154,167
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.....	\$12,667
7310-9704	For the commonwealth's contribution toward federal student loan programs and federal work-study programs and for not more than forty scholarships.....	\$20,833
7310-9705	For the purchase of scientific technology, and other educational reference material for the library.....	\$16,667
	<u>University of Massachusetts.</u>	
7400-0014	For a general court staff fellowship program, prior appropriation continued.....	\$917
7400-0100	For the institute for governmental service, including not more than ten permanent positions.....	\$19,237
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.....	\$16,667
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 not be 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	

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	.....	\$83,333
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.....	\$62,500
7400-9704	For scholarships, as authorized by sections thirty-one and thirty-three of chapter seventy-five of the General Laws, and for a work-scholarship program, with the approval of the board of trustees; provided, that any part of the sum herein appropriated may be used for the commonwealth's contribution toward the national defense education act loan program and the office of economic opportunity student work program .....	\$137,500
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.....	\$7,058,333
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 and maintain learning contracts for students admitted on or after 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 .....	\$1,043,337

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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 .....	\$208,333
7416-1001	For the maintenance of the facilities of the university in the city of Boston; including not more than one thousand and eighteen permanent positions..... <u>Massachusetts Board of Regional Community Colleges.</u> <u>For the administration and maintenance of and for certain improvements of community colleges with the approval of the board of regional community colleges:</u>	\$2,016,667
7501-3004	For the purchase of scientific, technological and other educational reference material.....	\$33,333
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.....	\$62,500
7502-0100	Berkshire community college, including not more than one hundred and seventy-two permanent positions .....	\$258,333
7502-9704	For the commonwealth's contribution toward federal student loan programs and federal work-study programs.....	\$2,000
7503-0100	Bristol community college, including not more than one hundred and ninety-one permanent positions .....	\$304,833
7503-9704	For the commonwealth's contribution toward federal student loan programs and federal work-study programs.....	\$5,833
7504-0100	Cape Cod community college, including not more than one hundred and sixty-eight permanent positions.....	\$270,000
7504-9704	For the commonwealth's contribution toward federal student loan programs and federal work-study programs.....	\$3,417
7505-0100	Greenfield community college, including not more than one hundred and fifty permanent positions .....	\$233,333
7505-9704	For the commonwealth's contribution toward federal student loan programs and federal work-study .....	

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	programs.....	\$3,333
7506-0100	Holyoke community college, including not more than two hundred and sixty-nine permanent positions.....	\$402,500
7506-9704	For the commonwealth's contribution toward federal student loan programs and federal work-study programs.....	\$3,917
7507-0100	Massachusetts Bay community college, including not more than one hundred and seventy-one permanent positions.....	\$260,000
7507-9704	For the commonwealth's contribution toward federal student loan programs and federal work-study programs.....	\$1,458
7508-0100	Massasoit community college, including not more than two hundred permanent positions.....	\$335,417
7508-9704	For the commonwealth's contribution toward federal student loan programs and federal work-study programs.....	\$4,167
7509-0100	Mount Wachusett community college, including not more than one hundred and seventy permanent positions.....	\$264,167
7509-9704	For the commonwealth's contribution toward federal student loan programs and federal work-study programs.....	\$1,667
7510-0100	Northern Essex community college, including not more than two hundred and thirty-two permanent positions.....	\$385,167
7510-9704	For the commonwealth's contribution toward federal student loan programs and federal work-study programs.....	\$8,583
7511-0100	North Shore community college, including not more than two hundred and thirty-one permanent positions.....	\$439,167
7511-9704	For the commonwealth's contribution toward federal student loan programs and federal work-study programs.....	\$2,500
7512-9704	For the commonwealth's contribution toward federal student loan programs and federal work-study programs.....	\$2,750
7514-0100	Springfield technical community college, including not more than three hundred and thirty-four permanent positions.....	\$514,167
7514-9704	For the commonwealth's contribution toward federal student loan programs and federal work-study programs.....	\$3,667
7515-0100	Roxbury community college, including not more than eighty-six permanent positions.....	\$138,333
7515-9704	For the commonwealth's contribution toward federal student loan programs and federal work-study programs.....	\$4,167
7516-0100	Middlesex community college, including not more than one hundred and thirty permanent positions.....	\$191,653
7516-9704	For the commonwealth's contribution toward federal student loan programs and federal work-study programs.....	\$3,250

Item

7518-0100 Bunker Hill community college, including not more than one hundred and eighty-one permanent positions..... \$311,667

7518-9704 For the commonwealth's contribution toward federal student loan programs and federal work-study programs..... \$14,583

EXECUTIVE OFFICE OF PUBLIC SAFETY.

Office of the Secretary.

8000-0100 For the office of the secretary, including not more than three permanent positions..... \$16,935

Highway Fund 85.0%  
General Fund 15.0%

Massachusetts Criminal Justice Training Council.

8000-0110 For the administration and operation of the criminal justice information system, including not more than fifty permanent positions..... \$158,333

8200-0200 For the administration and operation of certain training programs to be conducted by the Massachusetts criminal justice training council, including a drug education and training program, including not more than seven permanent positions..... \$83,333

8200-0215 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..... \$2,500

8200-0225 For the operation of the Massachusetts police institute ..... \$15,833

Department of Public Safety.

8311-1000 For the administration of the department, including not more than ninety-eight permanent positions..... \$131,667

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..... \$2,117,924

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..... \$10,417

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..... \$28,085

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..... \$105,000

Board of Boiler Rules.

## Item

8316-1000	For the administration of the board, including not more than four permanent positions.....	\$258
	<u>State Boxing Commission.</u>	
8317-1000	For the administration of the commission, including not more than six permanent positions.....	\$2,877
	<u>Board of Elevator Regulations.</u>	
8318-1000	For the administration of the board, including not more than seven permanent positions.....	\$530
	<u>Board of Examiners of Elevator Constructors, Maintenance Men and Repairmen.</u>	
8319-1000	For the administration of the board, including not more than one permanent position.....	\$108
	<u>Board of Elevator Appeals.</u>	
8320-1000	For the administration of the board, including not more than six permanent positions.....	\$83
	<u>Architectural Barriers Board.</u>	
8321-1000	For the expenses of the board, including not more than five permanent positions.....	\$3,500
	<u>Recreational Tramway Board.</u>	
8322-1000	For the expenses of the board, including not more than four permanent positions.....	\$417
	<u>Board of Fire Prevention Regulations.</u>	
8340-1000	For the administration of the board, including not more than eight permanent positions.....	\$529
	<u>Registry of Motor Vehicles.</u>	
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.....	\$1,742,141
	Highway Fund 100.0%	
8400-0002	For the administration of the certificate of title law, including not more than two hundred and twenty-three permanent positions.....	\$222,917
	Highway Fund 100.0%	
8400-0010	For a motor vehicle safety compact with other states .....	\$167
	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.....	\$108,215
	<u>Other.</u>	
8500-0400	For the life safety code inspection unit under Title XIX of The 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.....	\$42,500

Item

EXECUTIVE OFFICE OF MANPOWER AFFAIRS.

Office of the Secretary.

9000-0100 For the office of the secretary, including not more than four permanent positions..... \$9,020

9000-0300 For the administration of programs for displaced home-makers in accordance with chapter four hundred and eighty-three of the acts of nineteen hundred and seventy-eight..... \$1,583

Commission on Employment of the Handicapped.

9010-0100 For the expenses of the commission..... \$308

9020-1031 For a Joint Labor-Management Committee..... \$23,541

Division of Apprentice Training.

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..... \$31,581

Labor Relations Commission.

9030-1001 For the administration of the commission, including not more than twenty-four permanent positions..... \$49,024

Division of Industrial Accidents.

9050-1001 For the administration of the division and for clerical and other assistance for the industrial accident rehabilitation board, including not more than one hundred and seventy-six permanent positions..... \$206,250

9050-1901 For expenses of impartial examinations, including previous fiscal years..... \$1,833

9050-3000 For the compensation of certain public employees for injuries sustained in the course of their employment, including previous fiscal years..... \$709,801

Highway Fund 35.0%  
General Fund 65.0%

Office of Self-Insurance.

9050-4000 For the service of the office, including not more than six permanent positions..... \$8,333

Industrial Accident Rehabilitation Board.

9050-5000 For the service of the board, including not more than six permanent positions..... \$1,992

Department of Commerce and Development.

9091-0100 For the administration of the department, including not more than eighty-three permanent positions.... \$97,637

Division of Tourism.

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..... \$7,250

9091-0211 For financial assistance for local tourist councils..... \$41,666

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

Division of Economic Development.

9091-0400 For the promotion of industry into the commonwealth;



## Item

	provided, that no salaries or expenses of employees shall be chargeable to this item.....	\$62,500
9091-0516	For the expenses of the state office of minority business assistance, including not more than three permanent positions.....	\$5,725
	<u>Massachusetts Industrial Finance Agency.</u>	
9091-1003	For the administration of the Massachusetts Industrial Finance Agency; provided, that the comptroller shall transfer to the General Fund from the Massachusetts Industrial Insurance Fund, in the fiscal years beginning July first, nineteen hundred and seventy-nine, an amount equal to the expenditures made herefrom .....	\$5,833
	<u>Massachusetts Technology Development Corporation.</u>	
9091-2001	For the expenses of the Massachusetts Technology Development Corporation; provided, that the corporation shall reimburse the commonwealth for the appropriation herein and provided further, that a detailed report of expenditures shall be filed quarterly with the house and senate committees on ways and means .....	\$15,833
9091-3001	For the administration of the Massachusetts film bureau. <u>EXECUTIVE OFFICE OF ELDER AFFAIRS.</u> <u>Office of the Secretary.</u>	
9100-0100	For the office of the secretary of elder affairs, including not more than five permanent positions.....	\$11,667
9100-1000	For the office of elder affairs, division of administration and program planning, including not more than twenty-eight permanent positions.....	\$92,833
9110-1620	For an elder service corps; provided, that all funds appropriated under this item shall be for corpsmen stipends 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 limitation sections of the Social Security Act and the stipend for part-time corpsmen shall not exceed one hundred and ten dollars per month.....	\$25,000
9110-1630	For a home care program for the elderly eligible for home care services pursuant to regulations adopted by the department which shall include a sliding fee scale system; and provided that not less than 1.5 million dollars and not more than 2.5 million dollars of the funds appropriated hereunder shall be used for the provision of home care services through said sliding fee scale system to certain persons ineligible for Title XX services; provided that to the extent practicable the department shall maximize available federal reimbursement for program expenses; provided that no more than two per cent of the funds appropriated hereunder may be used to meet matching requirements of Title III of the Older Americans Act; and, provided further, that the department shall conduct, either through existing resources or with a private contractor, a system-wide management audit of the home care corporations, and shall report the preliminary results of the system-wide audit to the house and senate committees	

Item

	on ways and means by January first, nineteen hundred and eighty.....	\$3,500,000
9110-1640	For demonstration projects and for certain studies for the purpose of developing and implementing certain alternative care programs for the elderly.....	\$35,417
9110-1660	For a program of congregate and shared housing services for the elderly; provided 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.....	\$20,833
9110-9002	For a demonstration grant program for the elderly .....	\$25,000
	<u>EXECUTIVE OFFICE OF CONSUMER AFFAIRS.</u>	
	<u>Office of the Secretary.</u>	
9200-0100	For the office of the secretary, including not more than two permanent positions.....	\$13,321
	<u>State Racing Commission.</u>	
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-eight permanent positions.	
	<u>Alcoholic Beverages Control Commission.</u>	
9212-0001	For the administration of the commission; including not more than fifty-five permanent positions.....	\$68,800
	<u>Consumers' Council.</u>	
9214-0001	For the administration of the council, including not more than nine permanent positions.....	\$19,959
	<u>Community Antenna Television Commission.</u>	
9215-0001	For the administration of the community antenna television commission, including not more than seventeen permanent positions.....	\$13,925
	<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.....	\$45,834
	<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.....	\$352,917
	<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	

## Item

	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.....	\$311,442
	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.....	\$34,934
	<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.....	\$127,275
	<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.....	\$25,956
9230-0200	Board of dental examiners, including not more than nine permanent positions.....	\$2,200
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.....	\$292
9230-0400	Board of registration in pharmacy, including not more than ten permanent positions.....	\$9,407
9230-0500	Board of registration of nurses, including not more than fourteen permanent positions.....	\$6,575
9230-0600	Board of registration in embalming and funeral directing, including not more than five permanent positions.....	\$2,467
9230-0700	Board of registration in optometry, including not more than five permanent positions.....	\$334
9230-0800	Board of registration in veterinary medicine, including not more than five permanent positions.....	\$375
9230-0900	Board of registration of chiropractors, including not more than seven permanent positions.....	\$584
9230-1000	Board of registration of architects, including not more than five permanent positions.....	\$392
9230-1100	Board of registration of professional engineers and land surveyors.....	\$4,992
9230-1200	Board of public accountancy, including not more than eleven permanent positions.....	\$16,747
9230-1300	State examiners of electricians, including not more than five permanent positions.....	\$1,605
9230-1400	Board of state examiners of plumbers and gas fitters	

	including not more than nine permanent positions	
	.....	\$2,759
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.....	\$29,309
9230-1600	Board of registration of electrologists, including not more than five permanent positions.....	\$434
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	
	.....	\$9,382
9230-1800	Board of registration of hairdressers, including not more than seventeen permanent positions.....	\$17,423
9230-1900	Board of registration of dispensing opticians, including not more than five permanent positions.....	\$105
9230-2000	Board of registration of sanitarians, including not more than seven permanent positions.....	\$100
9230-2100	Board of registration of radio and television technicians, including not more than seven permanent positions.....	\$1,142
9230-2200	Board of registration of landscape architects.....	\$134
9230-2300	Board of registration of health officers.....	\$217
9230-2400	Board of registration of nursing home administrators, including not more than eleven permanent positions.....	\$425
9230-2500	Board of certification of operators of waste water treatment facilities.....	\$167
9230-2600	Board of registration of operators of drinking water supply facilities.....	\$151
9230-2700	Board of registration of psychologists.....	\$117
9230-2800	Board of registration of social workers.....	\$292

Department of Public Utilities.

- 9270-0001 For general administration, including not more than eighty-nine permanent positions.

Commercial Motor Vehicle Division.

- 9272-0001 For the administration of the division, including not more than forty permanent positions..... \$41,917
- 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 hundred and sixty-four of the General Laws; including not more than one permanent position..... \$30,417

SECTION 3. Except for those items mentioned in section two of this act, notwithstanding any provision of law to the contrary, the provisions of chapter three hundred and sixty-seven of the acts of nineteen hundred and seventy-eight, except sections six A, forty-one, forty-two, forty-seven, forty-nine, fifty-one, fifty-four, fifty-four C, fifty-four D, fifty-four E, fifty-five, fifty-five A, fifty-six, fifty-six A, fifty-six B, fifty-eight, fifty-nine, sixty,

sixty-one, sixty-one A, sixty-seven, sixty-eight and sections seventy A to seventy-one O, inclusive, as amended by chapter three hundred and forty-two of the acts of nineteen hundred and seventy-nine, except items 0301-0001 to 0315-0001 inclusive and items:-

1102-3901  
1599-0075  
1599-2026  
2330-0190  
2423-3007  
2423-3008  
2430-0115  
2440-0013  
2442-9034  
5011-9999  
7027-0015  
7109-8888  
9276-0004

making appropriations for the fiscal year nineteen hundred and seventy-nine for the maintenance of departments, boards, commissions, institutions and certain activities of the commonwealth, for interest, sinking fund, and serial bond requirements, and for certain permanent improvements are hereby incorporated herein by reference, and the amounts specified therein shall be made available for the fiscal year nineteen hundred and eighty and shall be effective on the passage of this act; provided, that expenditures thereunder shall be limited to the amounts made available by allotment by the governor upon recommendation of the commissioner of administration; and provided, further, that said commissioner is hereby directed to limit the amounts so allotted to those appropriation accounts essential for the maintenance of services during the month of July.

The commissioner of administration is hereby further directed to limit the total amount allotted to any department, board, or commission subject to section nine B of chapter twenty-nine of the General Laws to an amount not to exceed one-twelfth of the sums appropriated in the acts referred to above.

SECTION 4. For a reserve to meet the cost of financing the judicial branch as defined in section one of chapter twenty-nine A of the General Laws there is hereby appropriated one hundred and twenty-four million four hundred and seventy-four thousand nine hundred and twenty-three dollars, provided that this appropriation shall be subject to the allotment restrictions contained in this act, and provided further, that said appropriation shall be allocated to accounts set up by the comptroller upon recommendation of the commissioner of administration, including not more than five thousand, one hundred and fifty-five permanent positions; and provided further, that no funds shall be expended from said reserve without the prior approval of the Chief Administrative Justice for the trial court, as defined in section one of chapter two hundred and eleven B of the General Laws.

SECTION 5. The following items as appearing in senate bill 1960 of the current year are hereby incorporated herein by re-

ference and the amounts specified therein are hereby appropriated for fiscal year nineteen hundred and eighty; provided, that notwithstanding any other provision of law to the contrary said appropriations shall be subject to the allotment restrictions contained in this act.

0900-0100  
4402-5300

SECTION 6. Except for items 1120-3000 and 2410-9061, where any item of appropriation in the chapters referred to in section three, or any item referred to in section two, includes the words "prior appropriation continued," the said prior appropriation shall not include amounts brought forward by said chapters.

SECTION 7. Notwithstanding any other provisions of this act to the contrary, funds for items of appropriation involving payrolls, direct payments, retirement allowances, pensions, annuities or purchase of services as classified in object codes 393 and 394 in the expenditure code manual may be allotted in an amount not to exceed six fifty-seconds of the amount provided by said appropriation acts.

SECTION 8. Notwithstanding any limits imposed by any other section of this act, the commissioner of administration, subject to the approval of the house and senate committees on ways and means, may allot such additional funds as he deems necessary to meet current expenses for the month of July.

SECTION 9. This act shall cease to be operative upon enactment into law of the general appropriation bill for the fiscal year nineteen hundred and eighty, or on July thirty-first, nineteen hundred and seventy-nine, whichever is the earlier, and all action taken under this act shall apply against said appropriation act.

SECTION 10. Notwithstanding any provision of law to the contrary, no cost-of-living adjustments shall be granted in the following accounts during the month of July:-

0612-1000  
0612-2000  
0612-3000  
0612-5000  
0612-6000  
0612-7000  
0612-8000  
0612-9000  
1111-1002  
1111-1003  
4110-1010  
4170-0400  
4403-2000  
4405-2000  
4406-2000

SECTION 11. This act shall take effect upon its passage.  
Approved July 6, 1979.

Chap. 367. AN ACT PROVIDING FOR A REAL ESTATE TAX EXEMPTION FOR CERTAIN HYDROELECTRIC ALTERNATIVE ENERGY DEVELOPMENTS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately facilitate the construction and completion of hydropower facilities within the commonwealth, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

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Be it enacted, etc., as follows:

Section 5 of chapter 59 of the General Laws is hereby amended by inserting after clause Forty-fifth the following clause:-

Forty-fifth A, Any hydropower facility, the construction of which was commenced after January first, nineteen hundred and seventy-nine; provided, however, that the exemption under this clause shall be allowed only for a period of twenty years from the date of completion of the construction of such facility; and provided further, that such facility shall be exempt only if the owner thereof has entered into an agreement with the city or town, wherein it is located, to make a payment in lieu of taxes which shall be at least five per cent of its gross income in the preceding calendar year. For the purposes of this clause, hydropower facility shall mean any real property used in the production of energy from the water power of an existing dam, including land, all rights, easements and other interests appurtenant thereto, excluding transmission lines from such facilities, and all buildings and other improvements situated thereon, and any personal property situated upon such real property.

Approved July 5, 1979.

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Chap. 368. AN ACT AUTHORIZING THE TOWN OF BROOKLINE TO INCREASE THE FINE FOR PARKING IN SAID TOWN DURING A DECLARED SNOW EMERGENCY.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section twenty C of chapter ninety of the General Laws, the town of Brookline may establish a fine not to exceed twenty-five dollars for a violation of a parking ban imposed during a declared snow emergency.

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

Approved July 5, 1979.

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Chap. 369. AN ACT DIRECTING THE COUNTY COMMISSIONERS OF THE COUNTY OF NORFOLK TO GRANT A CERTAIN PENSION TO JOSEPH F. STROY AND TO INDEMNIFY HIM FOR CERTAIN MEDICAL EXPENSES.

Be it enacted, etc., as follows:

SECTION 1. For the purpose of promoting the public good,

the county commissioners of the county of Norfolk are hereby authorized and directed to forthwith retire, on an annual pension to be granted by said county in equal monthly installments, to Joseph F. Stroy, a permanent corrections officer at the Norfolk county house of correction and jail, who in the course of said duties on January twenty-sixth, nineteen hundred and seventy-five was permanently incapacitated while attempting to prevent an escape. Such pension shall be equal to the annual rate of regular compensation which would have been paid to him had he continued in service in the grade held by him at the time of his retirement. Upon the death of said Joseph F. Stroy, Patricia Stroy, said county shall pay the widow of said Joseph F. Stroy, so long as she remains unmarried, an annuity in the amount of seventy-two per cent of the amount payable to said Joseph F. Stroy at the time of this death.

SECTION 2. Said county is hereby authorized and directed to indemnify the said Joseph F. Stroy for any hospital, medical and related expenses which may have been incurred up to his retirement and may be incurred by him after the date of his retirement as a result of the aforementioned incapacity.

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

Approved July 5, 1979.

Chap. 370. AN ACT AUTHORIZING THE TOWN OF HUDSON  
TO PAY A CERTAIN UNPAID BILL.

Be it enacted, etc., as follows:

SECTION 1. For the purpose of discharging a moral obligation, the town of Hudson is hereby authorized to appropriate money for the payment of, and after such appropriation the treasurer of said town is hereby authorized to pay, an unpaid bill in the amount of three thousand six hundred and thirty-two dollars as payment and compensation for materials and services performed in the installation of an air conditioning unit in the public library of said town, said bill being legally unenforceable against said town.

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

SECTION 3. Any person who knowingly files a certificate required by section two, which is false and who thereby receives payment for goods which were not received by said town shall be punished by imprisonment for not more than one year or by a fine of not more than three hundred dollars, or both.

SECTION 4. Any action taken pursuant to section one is hereby validated, confirmed, 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 Hudson held on May twenty-first, nineteen hundred and seventy-nine.

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

Approved July 5, 1979.

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Chap. 371. AN ACT ESTABLISHING A DEPARTMENT OF  
WATER AND SEWER WORKS IN THE TOWN  
OF STOCKBRIDGE.

Be it enacted, etc., as follows:

SECTION 1. Section 7 of chapter 690 of the acts of 1972 is hereby amended by striking out, in line 1, the words "if provided for as above" and inserting in place thereof the words:- except as hereinafter limited as to appointment, salary and compensation of the superintendent of water works and other employees.

SECTION 2. Section 8 of said chapter 690 is hereby amended by striking out, in line 1, the word "a" and inserting in place thereof the words:- , after consultation with the board of selectmen and the finance committee, a.

SECTION 3. Said chapter 690 is hereby further amended by striking out section 9 and inserting in place thereof the following section:-

Section 9. Said commissioners may appoint, after consultation with the board of selectmen and the finance committee, such other personnel as are deemed necessary for the proper operation of the water system and water department of said town.

SECTION 4. Said chapter 690 is hereby further amended by inserting after section 11 the following section:-

Section 11A. The board of water commissioners authorized by section six shall also act as the board of sewer commissioners, as provided in chapter eighty-three of the General Laws, and shall have all the powers of and be subject to the duties of sewer commissioners enumerated therein or elsewhere, except as hereinafter limited as to appointment, salary and compensation of the superintendent and other employees.

Said commissioners may appoint, after consultation with the board of selectmen and the finance committee, a superintendent of sewage works whose duties shall be, under the general direction of said commissioners, to maintain and repair sewers and other works for the treatment, purification and disposal of sewage, and other structures, and to do all things necessary for the proper operation of the sewage works, including the employment of labor, and to do such other things as said commissioners may direct.

Said commissioners may appoint, after consultation with the board of selectmen and the finance committee, such other personnel as are deemed necessary for the proper operation of the sewage system and the sewage department of said town.

The board of selectmen shall fix, after consultation with said

commissioners and the finance committee, the salary or compensation of all officers or employees appointed or employed by the commissioners.

The board of water commissioners shall be known as the board of water and sewer commissioners, and the department shall be known as the department of water and sewer works.

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

Approved July 5, 1979.

Chap. 372. AN ACT RELATIVE TO THE GENERAL  
INSURANCE GUARANTY FUND.

Be it enacted, etc., as follows:

Chapter 178 of the General Laws is hereby amended by striking out section 18, as amended by section 1 of chapter 210 of the acts of 1943, and inserting in place thereof the following section:-

Section 18. Every savings and insurance bank shall, on the third Wednesday of each month, pay to the General Insurance Guaranty Fund an amount equal to four per cent of all amounts paid to it as premiums on policies or in the purchase of annuities during the preceding month. Said sums shall be held as a guaranty for all obligations on policies or annuity contracts of the insurance departments of all savings and insurance banks; and said sums shall be applied to prevent or to make good an impairment of the insurance reserve of any bank. The trustees of the General Insurance Guaranty Fund may also borrow money to effect the purposes of this section and any notes or other indebtedness of the General Insurance Guaranty Fund not in default shall be legal investments for the life insurance departments of the savings and insurance banks and may be carried as admitted assets.

Whenever it shall appear to the commissioner of savings bank life insurance that the insurance reserve of any such bank has been impaired or may be threatened, he shall notify the trustees of the General Insurance Guaranty Fund, who may:

- (a) examine the insurance department of such bank;
- (b) make recommendations to correct unsound or unsafe practices in the insurance department of such bank;
- (c) advance to such bank from the fund amounts, to be applied in the payment of losses or satisfaction of other obligations on said policies or annuity contracts, necessary to prevent or make good an impairment of its insurance reserve; provided, that any amount so paid to any bank may be charged to its account, and be repaid out of the surplus funds of its insurance department, at such times and in such amounts and with such interest, as the General Insurance Guaranty Fund shall direct; and provided, further, that the amounts so advanced by the General Insurance Guaranty Fund to any bank shall be repaid only as above provided, and shall not be deemed a liability in determining the solvency of its insurance department;
- (d) make loans, secured or unsecured, to such bank from the fund on such terms and conditions as the trustees may determine;

(e) guarantee the obligations of such bank on its policies or annuity contracts, or such other obligations of the bank as the trustees deem necessary, on such terms and conditions as the trustees may determine;

(f) purchase assets from such bank on terms, conditions and valuations that the trustees determine, notwithstanding the fact that such valuations may exceed fair market value; or pay such bank an amount equal to the difference between book value and fair market value of assets, notwithstanding the fact that the book value may exceed the fair market value; provided that the amount by which such valuation or such book value exceeds the fair market value may be charged to the account of such bank, and be repaid out of the surplus funds of its insurance department, at such times and in such amounts and with such interest, as the General Insurance Guaranty Fund shall direct; and provided, further, that the amounts so charged to any bank shall be repaid only as above provided, and shall not be deemed a liability in determining the solvency of its insurance department;

(g) upon certification of the commissioner of savings bank life insurance that the insurance department of such bank is in an unsafe or unsound condition to transact its business, take possession and control of the property and business of such department and operate such department until its affairs are finally terminated.

Approved July 5, 1979.

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Chap. 373. AN ACT RELATIVE TO A DEFENSE IN A PROSECUTION FOR POSSESSION OF CERTAIN GAMBLING DEVICES.

Be it enacted, etc., as follows:

Section 5A of chapter 271 of the General Laws is hereby amended by inserting after the first paragraph the following paragraph:-

It shall be a defense to any prosecution under this section to show that the slot machine is an antique slot machine and was not operated for gambling purposes while in the defendant's possession. For the purposes of this section, a slot machine shall be presumed to be an antique slot machine, if it was manufactured at least thirty years prior to either the arrest of the defendant, or seizure of the machine.

Approved July 5, 1979.

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Chap. 374. AN ACT FURTHER REGULATING THE EMPLOYMENT OF CERTAIN PERSONS BY THE COMMONWEALTH.

Be it enacted, etc., as follows:

SECTION 1. The first paragraph of section 9A of chapter 22 of the General Laws is hereby amended by striking out the eighth sentence, as most recently amended by section 2 of chapter 925 of the acts of 1973, and inserting in place thereof the following sentence:- No person who has not reached his nineteenth birthday nor any person who has passed his thirtieth birthday shall

be enlisted for the first time as an officer of the division of state police.

SECTION 2. Section 4 of chapter 23 of the General Laws is hereby amended by striking out the fifth sentence, as appearing in section 5 of chapter 490 of the acts of 1941, and inserting in place thereof the following sentence:- Such number of inspectors as the commissioner may deem necessary shall be persons who, before their employment as such, have had at least three years' experience as building construction workmen.

SECTION 3. Section 5 of said chapter 23, as amended by section 3 of chapter 479 of the acts of 1935, is hereby further amended by striking out the third sentence.

SECTION 4. Section 3 of chapter 28 of the General Laws, as most recently amended by section 1 of chapter 562 of the acts of 1961, is hereby further amended by striking out the third sentence and inserting in place thereof the following sentence:- The commissioner may appoint and remove such officials and employees as the work of the commission may require, including officers and members of the police force, and may from time to time assign to such officials and employees such duties as the work of the commission may require, subject to chapter thirty and thirty-one, except as provided by chapter five hundred and eighty-three of the acts of nineteen hundred and forty-seven.

Approved July 5, 1979.

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Chap. 375. AN ACT INCREASING INTEREST RATES  
CHARGED BY INSURERS ON CERTAIN LIFE  
INSURANCE POLICY LOANS TO POLICY  
HOLDERS.

Be it enacted, etc., as follows:

SECTION 1. The first paragraph of section 142 of chapter 175 of the General Laws is hereby amended by striking out the first sentence, as most recently amended by section 1 of chapter 747 of the acts of 1969, and inserting in place thereof the following sentence:- After premiums have been paid for at least three full years on any policy of life insurance issued or delivered in the commonwealth by any life company, the holder thereof, upon written application therefor to the company at its home office and upon an assignment of the policy to the company, in a form satisfactory to it, shall be entitled to a loan from the company of a sum not exceeding its loan value, on the sole security of the policy, with interest at a rate not exceeding eight per cent per annum compounded annually or, at the option of the company, compounded semi-annually.

SECTION 2. The interest rate authorized by section one of this act shall not apply to any policy issued or delivered in the commonwealth prior to the effective date of this act unless the holder thereof agrees in writing to such rate.

SECTION 3. Before approving any policy provision providing for a rate of interest in excess of six per cent per annum, the commissioner of insurance shall require assurances by the in-

surer that the holders of such policies shall benefit from the increased earnings of the insurer resulting from the use of such higher rate, either by means of the distribution of higher dividends or the lowering of premiums, or a combination of both.

Approved July 5, 1979.

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Chap. 376. AN ACT RELATIVE TO NOTICE OF INTENT TO MARRY.

Be it enacted, etc., as follows:

Sections twenty-one and twenty-two of chapter two hundred and seven of the General Laws are hereby repealed.

Approved July 5, 1979.

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Chap. 377. AN ACT REGULATING THE WEIGHT OF VEHICLES ON THE MASSACHUSETTS TURNPIKE.

Be it enacted, etc., as follows:

SECTION 1. Section 5 of chapter 354 of the acts of 1952 is hereby amended by striking out paragraph (i), as most recently amended by section 1 of chapter 491 of the acts of 1976, and inserting in place thereof the following paragraph:-

(i) To establish rules and regulations for the use of the turnpike not repugnant to the provisions of the General Laws made applicable thereto by section fifteen, and to provide penalties for the violation of said rules and regulations in which, except as provided in section fifteen C, shall not exceed five hundred dollars for each offense, which may be recovered by indictment or by complaint before a district court eighty per cent of which shall be accounted for and paid to the Authority.

SECTION 2. Said chapter 354 is hereby further amended by inserting after section 15B the following section:-

Section 15C. Overweight vehicles. - No motor vehicle, trailer, semi-trailer or semi-trailer unit, hereinafter in this section called a motor vehicle, shall be operated on the Massachusetts Turnpike, including the Boston extension thereof, hereinafter in this section called the turnpike, nor shall the owner or bailee thereof require or permit such operation when the gross weight of such motor vehicle exceeds the weight provided in the rules and regulations adopted by the Authority pursuant to paragraph (i) of section five or that specified in a special hauling permit issued by the Authority for such motor vehicle pursuant to Appendix B of said rules and regulations, whichever is greater; nor shall any person load or cause to be loaded such motor vehicle in excess of such weights; provided, however, that the authority shall not adopt or enforce any rule or regulation which prohibits any motor vehicle from traveling on the turnpike without a permit if said motor vehicle may travel on a public way of the commonwealth, without a permit, under the provisions of section nineteen A of chapter ninety of the General Laws, or which prohibits the issuance of a permit by the Authority for travel on the turn-

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pike by a motor vehicle if said motor vehicle may travel on a public way of the commonwealth with a permit under the provisions of section thirty A of chapter eighty-five of the General Laws.

In the weighing of any motor vehicle under this section, portable scales may be used, provided that such scales have been approved by the director of standards under section twenty-nine of chapter ninety-eight of the General Laws; and provided, further, that such scales shall be inspected at least once each year by the director of standards or his inspectors.

Enforcement of this section shall be by members of the division of state police assigned to the Authority who have been appointed as weighers and measurers of motor vehicles and of the loads of such motor vehicles pursuant to section eighty-seven A of chapter forty-one of the General Laws. In any prosecution for a violation of this section, a signed certificate on oath of a member of the division of state police assigned and appointed as a weigher and measurer of motor vehicles in accordance with this paragraph shall be admissible in evidence without further proof, and shall constitute prima facie evidence of the weight of the motor vehicle described in such certificate. Said certificate shall be in such form as the registrar of motor vehicles shall prescribe pursuant to section nineteen A of chapter ninety of the General Laws and shall be signed and sworn to by a member of the division of state police assigned and appointed as a weigher and measurer of motor vehicles in accordance with this paragraph and present at the weighing of such motor vehicle, and the court shall take judicial notice of the signature of such person and that he is so assigned and appointed.

In any claim for bodily injuries including death or for damage to property arising out of such weighing, any member of the division of the state police, assigned and appointed as a weigher and measurer of motor vehicles in accordance with the preceding paragraph, to enforce the provisions of this section may file a written request with the Authority that it defend him against such claim and the Authority shall indemnify such member of the division of state police from personal expenses or damages incurred and arising out of such claim, provided, that the defense or settlement of such claim shall have been made by the resident counsel of 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.

Any person convicted of a violation of this section shall be punished by a fine of not less than thirty dollars for each one thousand pounds of weight or fraction thereof by which the gross weight of the motor vehicle as operated, exceeds the weight provided in the rules and regulations adopted by the Authority pursuant to paragraph (i) of section five or that specified in a special hauling permit issued by the Authority for such motor vehicle pursuant to Appendix B of said rules and regulations, whichever is greater; provided, however, that if the total of such excess weight is greater than ten thousand pounds, the fine shall be not less than sixty dollars for each one thousand pounds or fraction thereof over said ten thousand pounds.

Any person convicted of a violation of the provisions of the first sentence of section seventeen of chapter ninety of the General Laws while operating a vehicle which is also in violation of the first paragraph of this section shall be punished by a fine of not more than fifty dollars for a first offense nor less than fifty nor more than seventy-five dollars for a second offense committed in any twelve month period, and not less than seventy-five nor more than one hundred and fifty dollars for subsequent offenses committed in any twelve month period, and complaints of such violations shall not be placed on file by the court.

Approved July 5, 1979.

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Chap. 378. AN ACT AUTHORIZING THE CITY OF HOLYOKE TO APPROPRIATE MONEY FOR THE PAYMENT OF, AND TO PAY, CERTAIN UNPAID BILLS.

Be it enacted, etc., as follows:

SECTION 1. The city of Holyoke is hereby authorized to appropriate the sum of eighty-three thousand six hundred and thirty dollars and fifty cents for the payment of, and after such appropriation the treasurer of said city is hereby authorized to pay certain unpaid bills as set forth on a list on file with the bureau of accounts, for services furnished to said city during the period from November thirtieth, nineteen hundred and seventy-seven through October fourteenth, nineteen hundred and seventy-eight, which bills are legally unenforceable against said city by reason of their having been incurred in the absence of any available appropriation therefor.

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

SECTION 3. Any person who knowingly files a certificate required by section two, which is false and who thereby receives payment for goods, materials, or services which were not received by or rendered to said city, shall be punished by imprisonment for not more than one year or by a fine of not more than three hundred dollars, or both.

SECTION 4. This act shall take effect upon its acceptance by the city of Holyoke.

Approved July 5, 1979.

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Chap. 379. AN ACT CLASSIFYING BUTYL NITRITE, ISO-BUTYL NITRITE AND 1-NITROSOXY-METHYL-PROPANE AS CONTROLLED SUBSTANCES.

Be it enacted, etc., as follows:

Paragraph (b) of Class D of section 31 of chapter 94C of the General Laws, as appearing in section 1 of chapter 1071 of the acts of 1971, is hereby amended by adding the following three clauses:-

- (2) Butyl Nitrite
- (3) Isobutyl Nitrite
- (4) 1-Nitrosoxy-Methyl-Propane.

Approved July 5, 1979.

Chap. 380. AN ACT EXEMPTING NEIGHBORHOOD PLAY-  
GROUNDS FROM THE DEFINITION OF RECREA-  
TIONAL CAMPS FOR CHILDREN.

Be it enacted, etc., as follows:

The first paragraph of section 127A of chapter 111 of the General Laws is hereby amended by striking out the third sentence, as amended by section 174 of chapter 706 of the acts of 1975, and inserting in place thereof the following sentence:- The code shall deal with matters affecting the health and well-being of the public in the commonwealth in subjects over which the department takes cognizance and responsibility, including, but not limited to, standards of fitness for human habitation, housing and sanitation standards for farm labor camps, standards for recreational camps for children, and sanitation standards for food service establishments; provided, however, that single-purpose classes, workshops, clinics or programs sponsored by municipal recreation departments, or neighborhood playgrounds designed to serve primary play interests and needs of children, as well as affording limited recreation opportunities for all people of a residential neighborhood, whether supervised or unsupervised, located on municipal or non-municipal property, whether registration is required or participation is on a drop-in basis, shall not be deemed to be recreational camps for children.

Approved July 5, 1979.

Chap. 381. AN ACT FURTHER REGULATING THE SALE OF  
EYEGLASSES AND SUNGLASSES.

Be it enacted, etc., as follows:

Chapter 270 of the General Laws is hereby amended by striking out section 1A, as amended by chapter 598 of the acts of 1973, and inserting in place thereof the following section:-

Section 1A. No person shall distribute, sell or deliver any eyeglasses or sunglasses unless said eyeglasses or sunglasses are fitted with plastic lenses, laminated lenses, heat-treated glass lenses or lenses made impact-resistant by other methods. The provisions of this paragraph shall not apply if a physician or optometrist, having found that such lenses will not fulfill the visual requirements of a particular patient, directs in writing the use of other lenses and gives written notification thereof to the patient. Before they are mounted in frames, all impact-resistant eyeglass and sunglass lenses shall be capable of withstanding an



impact test of a steel ball five-eighths of an inch in diameter weighing approximately fifty-six hundredths of an ounce dropped from a height of fifty inches. Raised ledge multifocal lenses shall be capable of withstanding said impact test but need not be tested beyond initial design testing. All prescription glass lenses shall withstand said impact test. To demonstrate that all nonprescription glass lenses, plastic lenses and laminated lenses are capable of withstanding said impact test, the manufacturer of such lenses shall subject to said impact test a statistically significant sampling of lenses from each production batch, and the lenses so tested shall be representative of the finished forms as worn by the wearer. Plastic prescription and plastic nonprescription lenses, tested on the basis of statistical significance, may be tested in uncut finished or semifinished form at the point of original manufacture.

No person shall distribute, sell, exchange or deliver or have in his possession with intent to distribute, sell, exchange or deliver any eyeglass or sunglass frame containing any form of cellulose nitrate or other highly flammable material.

Whoever violates any provision of this section shall be punished by a fine of not more than five hundred dollars for each violation.

Approved July 5, 1979.

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Chap. 382. AN ACT AUTHORIZING THE TOWN OF WEYMOUTH TO PAY A CERTAIN RETIREMENT ALLOWANCE TO EVERETT L. LOUD.

Be it enacted, etc., as follows:

Notwithstanding the provisions of any law to the contrary, the town of Weymouth is hereby authorized to pay a retirement allowance to Everett L. Loud, a custodian in the schools department in said town, who as a result of permanent blindness, is totally and permanently incapacitated. Said allowance shall be in the amount of four thousand dollars annually. Upon the death of said Everett L. Loud, leaving his widow surviving him, said town is hereby authorized to pay to said widow so long as she remains unmarried, an annuity in the amount of two-thirds of the amount of the pension payable to him at the time of his death. Such retirement shall become effective as of the date following the last day on which he received regular compensation.

Approved July 5, 1979.

EMERGENCY LETTER - July 6 @ 4:29 P.M.

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Chap. 383. AN ACT RELATIVE TO PROPERTY TAX APPEALS TO THE APPELLATE BOARD.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is relative to the procedure for certain property tax appeals to the appellate tax board, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

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Be it enacted, etc., as follows:

SECTION 1. Section 10C of chapter 58 of the General Laws, as most recently amended by section 42 of chapter 514 of the acts of 1978, is hereby further amended by adding the following paragraph:-

The commissioner shall include in his report to the general court his determinations of the ratios which assessments in each city and town bear to the fair cash value of each class of property therein and the ratio which the total assessed value bears to the total fair cash value therein.

SECTION 2. Section 7 of chapter 58A of the General Laws is hereby amended by striking out the tenth sentence, as appearing in section 2 of chapter 621 of the acts of 1945, and inserting in place thereof the following sentence:- Except as provided in section twelve C, the board shall not consider, unless equity and good conscience so require, any issue of fact or contention of law not specifically set out in the petition upon appeal or raised in the answer.

SECTION 3. Said chapter 58A is hereby further amended by inserting after section 12B the following section:-

Section 12C. In any appeal relative to the assessed valuation of property, the reports of the ratios which assessments in the city or town bear to the fair cash value of each class of property therein and the ratio which the total assessed value bears to the total fair cash value therein as determined by the commissioner's report made pursuant to sections ten and ten C of chapter fifty-eight shall be admitted into evidence by the appellate tax board on its own motion and shall be prima facie evidence of the assessment practices of the city or town and the ratios at which property is assessed for the year for which said determination is reported by the commissioner and for each following year until a new determination is reported by said commissioner under said section ten C.

The board may give an abatement, provided the evidence so warrants, on the basis of a disproportionate assessment even though that issue has not been raised by the pleadings.

Approved July 5, 1979.

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Chap. 384. AN ACT REVISING THE DUTIES OF THE TRUSTEES OF THE GENERAL INSURANCE GUARANTY FUND.

Be it enacted, etc., as follows:

Section 10 of chapter 26 of the General Laws is hereby amended by striking out the last paragraph, as appearing in section 2 of chapter 421 of the acts of 1972, and inserting in place thereof the following paragraph:-

The trustees shall determine the classification, specifications, and salary range of every such office and position, the title thereof except as provided in this section, and the terms of employment of any consultant; provided, however, that no such

salary shall be fixed at more than fifty-five thousand dollars; and provided, further, that a copy of every such determination shall be filed by the trustees with the governor, the commissioner of administration, the comptroller, and the house and senate committees on ways and means and that notice of every personnel action taken by the trustees shall be filed with the said commissioner and the comptroller.

Approved July 11, 1979.

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Chap. 385.     AN ACT AUTHORIZING THE TOWN OF  
                  LEICESTER TO BORROW MONEY FOR WATER  
                  PURPOSES.

Be it enacted, etc., as follows:

SECTION 1. The town of Leicester is hereby authorized to borrow from time to time the sum not exceeding, in the aggregate, three hundred and thirty thousand dollars for the purpose of improving the Hillcrest Water District and the Cherry Valley-Rochdale Water District water systems within and for said town by laying and relaying water mains of not less than six inches nor more than sixteen inches in diameter and for the installation of water meters. Said town may issue bonds or notes therefor, which shall bear on their face the words, Leicester Water Loan Act of 1979. Indebtedness incurred under this act shall, except as otherwise provided herein, be subject to the provisions of chapter forty-four, including the limitations in section eight thereof.

SECTION 2. The acts and proceedings of the town of Leicester at a special town meeting held on April third, nineteen hundred and seventy-nine and at all adjourned sessions thereof, and all acts done in pursuance thereof, are hereby ratified, validated and confirmed.

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

Approved July 5, 1979.

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Chap. 386.     AN ACT AUTHORIZING THE COUNTY COMMIS-  
                  SIONERS OF MIDDLESEX COUNTY TO PAY  
                  CERTAIN FORMER EMPLOYEES CERTAIN CLAIMS  
                  FOR BACK SALARIES AND BENEFITS.

Be it enacted, etc., as follows:

SECTION 1. The county treasurer of Middlesex county, with the approval of the county commissioners of said county, is hereby authorized to pay, subject to appropriation or from any available funds, in an amount not to exceed, in the aggregate, seventy thousand dollars for the purpose of settling a claim against said county for salaries and benefits to the following former county employees: Steven Peters, Charles Jacobs, Edward Gifford, John Trainor, Joseph Buschini, Brian Burpee, Edwin White and Joseph Eyssi.

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

Approved July 16, 1979

Chap. 387. AN ACT AUTHORIZING CERTAIN APPROPRIATIONS FOR THE FISCAL YEAR NINETEEN HUNDRED AND EIGHTY 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 eighty 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	\$1,400,077 31
2.	For contractual services	121,300 00
3.	For supplies and materials	295,845 00
4.	For current charges and obligations	146,378 00
5.	For equipment	3,950 00
8.	For debt and interest	213,125 00
11.	For reserve fund	25,000 00
12.	For group insurance	68,000 00

For total expenditures \$2,273,675 31

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

Approved July 16, 1979

Chap. 388. AN ACT MAKING APPROPRIATIONS FOR THE FISCAL YEAR NINETEEN HUNDRED AND EIGHTY 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 eighty.

BRISTOL COUNTY.

Item	Subtotal	Total
1. For interest on county debt .....		\$85,100 00
3. For county commissioners, salaries and expenses .....		88,711 85
1. Personal services	\$82,526 85	
2. Contractual services	2,650 00	
3. Supplies and materials	2,750 00	
4. Current charges and obligations	785 00	
4. For transportation and expenses of county and acting commissioners .....		1,200 00
6. For county treasurer, salaries and expenses .....		142,617 49
1. Personal services	126,667 49	
2. Contractual services	10,525 00	
3. Supplies and materials	4,500 00	
4. Current charges and obligations	925 00	
7. For sheriff, salary and expenses .....		41,127 56
1. Personal services	37,827 56	
2. Contractual services	2,100 00	
3. Supplies and materials	400 00	
4. Current charges and obligations	550 00	
5. Equipment	250 00	

Item	Subtotal	Total
8. For registry of deeds, salaries and expenses		
Northern District .....		\$254,018 26
1. Personal services	\$204,818 26	
2. Contractual services	30,100 00	
3. Supplies and materials	11,300 00	
4. Current charges and obligations	1,610 00	
5. Equipment	6,190 00	
Southern District .....		280,980 41
1. Personal services	228,218 41	
2. Contractual services	13,600 00	
3. Supplies and materials	25,225 00	
4. Current charges and obligations	695 00	
5. Equipment	13,242 00	
Fall River District .....		235,404 58
1. Personal services	202,624 58	
2. Contractual services	18,350 00	
3. Supplies and materials	4,950 00	
4. Current charges and obligations	830 00	
5. Equipment	8,650 00	
10. For highways, including state highways, bridges and land damages .....		100,000 00
2. Contractual services	100,000 00	
15. For medical examiners and commitments of insane .....		105,400 00
16. For jail and house of correction, maintenance and operation .....		1,266,347 00
1. Personal services	877,692 00	
2. Contractual services	108,700 00	
3. Supplies and materials	244,900 00	
4. Current charges and obligations	20,605 00	
5. Equipment	14,450 00	
18. For court houses and registry buildings, maintenance and operation .....		713,175 82
1. Personal services	471,725 82	
2. Contractual services	129,060 00	
3. Supplies and materials	105,600 00	
4. Current charges and obligations	5,330 00	
5. Equipment	1,460 00	
20. For agricultural school or county cooperative extension service .....		1,408,961 90
1. Personal services	1,000,867 90	
2. Contractual services	160,000 00	
3. Supplies and materials	205,000 00	
4. Current charges and obligations	29,850 00	
5. Equipment	13,244 00	
24. For noncontributory pensions .....		125,000 00
26. For miscellaneous and contingent expenses .....		150,925 00
27. For unpaid bills of previous years .....		50,000 00
28. For reserve fund .....		50,000 00
29. For advertising recreational, industrial and agricultural advantages of the county .....		200,000 00
34. For soil conservation district .....		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		\$5,390,581 87
Less estimated amount available for reduction of county tax		<u>1,246,875 00</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

\$4,143,706 87

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

2. For reduction of county debt .....	\$370,000 00
25. For contributory retirement system and supervisory expenses .....	298,680 00
39. For group insurance, provided that no funds appropriated for this item shall be expended for the payment of abortions not necessary to prevent the death of the mother	
Total	\$1,018,680 00

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

Approved July 16, 1979.

Chap. 389. AN ACT MAKING APPROPRIATIONS FOR THE FISCAL YEAR NINETEEN HUNDRED AND EIGHTY 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 ending June thirtieth, nineteen hundred and eighty.

ESSEX COUNTY.

Item	Subtotal	Total
1. For interest on county debt .....		\$618,291 00
2. For reduction of county debt .....		534,000 00
3. For county commissioners, salaries and expenses .....		143,451 32
1. Personal services	\$137,751 32	
2. Contractual services	3,650 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 .....		825 00
6. For county treasurer, salaries and expenses .....		107,545 35
1. Personal services	100,910 35	
2. Contractual services	2,300 00	
3. Supplies and materials	2,800 00	
4. Current charges and obligations	1,535 00	
7. For sheriff, salary and expenses .....		90,303 26
1. Personal services	87,893 26	
2. Contractual services	1,550 00	
3. Supplies and materials	560 00	
4. Current charges and obligations	300 00	
8. For registry of deeds, salaries and expenses		
Southern District .....		748,183 42
1. Personal services	655,376 42	

Item	<u>Subtotal</u>	<u>Total</u>
2. Contractual services	\$14,500 00	
3. Supplies and materials	8,000 00	
4. Current charges and obligations	70,307 00	
Northern District .....		\$344,449 20
1. Personal services	314,119 20	
2. Contractual services	26,400 00	
3. Supplies and materials	3,500 00	
4. Current charges and obligations	430 00	
10. For highways, including state highways, bridges and land damages .....		261,973 91
1. Personal services	252,788 91	
2. Contractual services	3,615 00	
3. Supplies and materials	4,500 00	
4. Current charges and obligations	1,070 00	
15. For medical examiners .....		95,400 00
16. For jail and house of correction, maintenance and operation		
Lawrence .....		827,524 02
1. Personal services	608,446 02	
2. Contractual services	68,700 00	
3. Supplies and materials	140,000 00	
4. Current charges and obligations	6,600 00	
5. Equipment	3,778 00	
Salem .....		1,023,691 55
1. Personal services	816,216 55	
2. Contractual services	61,445 00	
3. Supplies and materials	138,000 00	
4. Current charges and obligations	5,830 00	
5. Equipment	2,200 00	
16a. For correctional alternative center .....		302,481 63
1. Personal services	226,906 63	
2. Contractual services	21,100 00	
3. Supplies and materials	50,000 00	
4. Current charges and obligations	2,600 00	
5. Equipment	1,875 00	
18. For court houses and registry buildings, maintenance and operation .....		1,140,270 57
1. Personal services	796,715 57	
2. Contractual services	230,250 00	
3. Supplies and materials	104,830 00	
4. Current charges and obligations	8,325 00	
6. All other	150 00	
20. For agricultural school or county cooperative extension service .....		3,075,614 33
1. Personal services	2,450,728 33	
2. Contractual services	190,000 00	
3. Supplies and materials	293,000 00	
4. Current charges and obligations	134,500 00	
5. Equipment	7,386 00	
24. For noncontributory pensions .....		364,191 24
25. For contributory retirement system and supervisory expenses .....		1,204,954 19
26. For miscellaneous and contingent expenses .....		139,489 96
27. For unpaid bills of previous years .....		319,500 00
28. For reserve fund .....		50,000 00
29. For advertising recreational, industrial and agricultural advantages of the county .....		150,000 00
31. For radio system for fire protection .....		3,120 00
32. For forest development .....		4,690 14

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Item	Total
35. For county planning .....	\$ 78,917 03
37. For human services .....	7,050 00
39. For group insurance, provided that no funds appropriated for this item shall be expended for the payment of abortions not necessary to prevent the death of the mother .....	580,000 00
45. For central purchasing department .....	214,526 59
Total amount of appropriations	\$12,430,443 71
Less estimated amount available for reduction of county tax	2,679,866 00
And the county commissioners of Essex county are hereby authorized to levy as the county tax of said county for the current year, in the manner provided by law, the sum of .....	\$9,750,577 71

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	
2. For reduction of county debt .....	\$1,010,000 00

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

Approved July 16, 1979.

Chap. 390. AN ACT AUTHORIZING THE PAROLE BOARD TO FURTHER DELEGATE ITS POWERS TO HEARINGS OFFICERS AND TO PAROLING AUTHORITIES IN OTHER STATES IN THE PROCESS OF GRANTING PAROLE PERMITS.

Be it enacted, etc., as follows:

SECTION 1. Chapter 127 of the General Laws is hereby amended by striking out section 134, as most recently amended by section 1 of chapter 647 of the acts of 1973, and inserting in place thereof the following section:-

Section 134. (a) In the case of an inmate committed to a correctional institution of the commonwealth, no parole permit shall be granted by the parole board until the inmate has been seen by at least three members of said board, except when the chairman has designated three members to act as the parole board under the provisions of section five of chapter twenty-seven, no parole permit shall be granted by the board until the inmate has been seen by at least two of said members.

(b) In the case of an inmate committed to a jail or house of correction, the chairman may designate the director of parole services, a parole supervisor, a parole employment officer, the legal counsel to the parole board, an institutional parole officer, the executive secretary to the parole board, a parole officer, a junior parole officer, or a parole board employee whose primary function is to serve as a hearing officer, to make an investigation and to conduct a hearing in lieu of the board for the purpose of ascertaining the suitability of such inmate for a parole permit. The staff member so designated shall report his findings of fact and recommendations as to parole and conditions of parole to the board. The board may grant or deny a parole permit to such



inmate after considering said report and recommendations. No parole permit shall be granted until such inmate has been seen according to the provisions of paragraphs (a) or (b).

(c) In the case of an inmate serving a Massachusetts sentence in another state, the chairman may request the paroling authority of that state to conduct a hearing in lieu of the Massachusetts board for the purpose of ascertaining the suitability of such inmate for a parole permit and to report its findings and recommendations as to parole and conditions of parole to the board. The board may grant or deny a parole permit to such an inmate after considering said report and recommendations. No parole permit shall be granted until such inmate has been seen in accordance with the provisions of paragraphs (a) or (c).

SECTION 2. Section 136 of said chapter 127 is hereby further amended by striking out the second paragraph, added by section 3 of said chapter 647, and inserting in place thereof the following paragraph:-

For those prisoners serving a sentence in a jail or house of correction, and for those prisoners serving a Massachusetts sentence in a correctional institution of another state, hearings shall be granted in accordance with section one hundred and thirty-four.

Approved July 17, 1979.

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Chap. 391. AN ACT RELATING 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 seventh sentence, as amended by chapter 237 of the acts of 1978, and inserting in place thereof the following two sentences:- The district attorney and his law enforcement representative, upon receipt of notification of the death, shall thereafter be the authority to direct and control the criminal investigation of the death and shall coordinate the criminal investigation with the police within whose jurisdiction the death occurred. The police shall forthwith notify the district attorney or his law enforcement representative of such death.

Approved July 18, 1979.

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Chap. 392. AN ACT MAKING APPROPRIATIONS FOR THE FISCAL YEAR NINETEEN HUNDRED AND EIGHTY 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 eighty 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	\$2,894,975 26
2.	For contractual services	131,000 00
3.	For supplies and materials	480,000 00
4.	For current charges and obligations	415,704 30
5.	For equipment	24,720 00
8.	For debt and interest	72,200 00
10.	For unpaid bills of previous years	324,019 80
11.	For reserve fund	50,000 00
12.	For group insurance	250,000 00
	For total expenditures	\$4,642,619 36

SECTION 2. For the purpose of implementing the salary adjustments for the employees at the Worcester County Hospital, as provided by chapter three hundred and seventy-five of the acts of nineteen hundred and seventy-eight for non-union and temporary employees, and as provided by the terms of collective bargaining agreements between the county of Worcester and the Massachusetts Nurses Association, the Licensed Practical Nurses of Massachusetts, and Local 495, Service Employees International Union AFL-CIO for the fiscal year nineteen hundred and seventy-nine, the county commissioners of said county may expend from any available hospital funds such sums as may be necessary, not exceeding three hundred and twenty-four thousand nineteen dollars and eight cents in the aggregate.

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

(The foregoing was laid before the Governor on the 5th day of July, 1979 and after ten days it has "the force of a law", as prescribed by the Constitution, as it was not returned by him with his objections thereto within that time.)

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Chap. 393. AN ACT MAKING APPROPRIATIONS FOR THE FISCAL YEAR NINETEEN HUNDRED AND EIGHTY, 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 eighty, in this act referred to as the year nineteen hundred and eighty, or for such period as may be specified.

SECTION 2.

0111-0000	For the compensation of senators, prior appropriation continued.....	\$1,050,000
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 eleven permanent positions.....	\$310,000
0112-0100	For the rental and maintenance of a xerox machine .....	\$17,700
0113-0000	For the salary of the chaplain of the senate.....	\$10,500
0114-0000	For the office of the senate counsel, including not more than five permanent positions, prior appropriation continued.....	\$288,000
0115-0000	For administrative and legislative aides to the senators, prior appropriation continued.....	\$1,845,000
0116-0000	For secretarial and clerical assistance to the senators, prior appropriation continued.....	\$490,000
0116-0030	For a legislative intern program for the senate, appropriation expires June thirtieth, nineteen hundred and eighty, prior appropriation continued.....	\$33,000
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.....	\$280,000

House of Representatives.

0121-8000	For expenses of representatives, including travel, prior appropriation continued.....	\$250,000
0121-9000	For renovations and improvements to Rooms 443-446 in State House.....	\$194,000
0122-0000	For the office of the clerk of the house of representatives, prior appropriation continued, including not more than eleven permanent positions.....	\$288,271
0123-0000	For the salary of the chaplain of the house of representatives.....	\$10,500
0124-0000	For the office of the house counsel, prior appropriation continued, including not more than eight permanent positions.....	\$393,000
0125-0000	For the office of the house committee on rules, including not more than fourteen permanent positions.....	\$892,000
0125-0010	For the 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 .....	\$10,000
0126-0000	For the office of the house committee on ways and means, prior appropriation continued, including not more than nine permanent positions.....	\$650,000
0127-0000	For clerical and other expenses of the members of the house of representatives, including not more than .....	

Item

0127-0020	For administrative and legislative aides to the members of the house of representatives, prior appropriation continued.....	\$2,100,000
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
0128-0000	For payment of certain authorized salaries of deceased members of the house of representatives; provided, that said salaries have been authorized by a resolve of the general court, prior appropriation continued.	

Sergeant-at-Arms.

0131-0000	For the office of the sergeant-at-arms, including not more than eleven permanent positions, prior appropriation continued.....	\$267,992
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 .....	\$1,630,465
0132-1000	For the salaries of clerks employed in the legislative document room, including not more than thirteen permanent positions.....	\$240,296
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.....	\$11,000

Other Expenses.

0141-0000	For the expenses of the legislative research council .....	\$9,500
0142-0000	For the legislative research bureau.....	\$317,689
0143-0000	For the legislative service bureau, prior appropriation continued.....	\$1,400,000
0143-0001	For the administration of the office of legislative data processing, prior appropriation continued.....	\$351,832
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	

## Item

	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 .....	\$14,000
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 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.....	\$47,580
0169-7102	For the office of legislative post audit and oversight bureau, prior appropriation continued.....	\$400,000
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 eighty.....	\$173,200
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 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
0185-7209	For the expenses of the special joint committee on uniform sentencing and revision of the criminal law statutes.....	\$50,000
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	

Item

	multiple peril or accident and health insurance coverage and by hospital and medical service corporations under the provisions of chapters one hundred and seventy-six A and one hundred and seventy-six B of the General Laws; prior appropriation continued.....	\$80,000
0185-7801	For an investigation and study of hazardous waste and alternatives to and a prohibition of inground disposal and sanitary landfill disposal methods in accordance with the provisions of section fifty-seven of this act.....	\$75,000
0185-7802	For an investigation and study relative to the Massachusetts civil service system.....	\$150,000

JUDICIARY.

Supreme Judicial Court.

0320-0001	For the salaries, travelling allowances and expenses of the chief justice and of the six associate justices .....	\$364,000
0320-0002	For salaries and expenses of the administrative staff .....	\$130,000
0320-0003	For salaries and expenses of the supreme judicial court, including not more than sixty-seven permanent positions.....	\$1,514,092
0320-0004	For the salaries and expenses of recalled justices of the appellate courts.....	\$45,600
0320-0005	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.....	\$7,437
0321-0001	For expenses of the commission on judicial conduct....	\$74,872

Board of Bar Examiners.

0321-0100	For the service of the board, including not more than six permanent positions.....	\$259,563
0321-1001	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; provided that salaries paid to attorneys employed by the Massachusetts defenders committee shall be comparable to those paid to attorneys employed by the several district attorneys' offices; including not more than thirty-nine permanent positions.....	\$2,900,000
0321-1002	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
0321-2000	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.....	\$112,374
0321-2100	For a correctional legal services committee.....	\$115,000

## Item

Appeals Court.

0322-0001	For the salaries, travelling allowances and expenses of the chief justice and of the nine associate justices.....	\$469,000
0322-0002	For salaries and expenses of the appeals court.....	\$914,767

Trial Court.

0330-0200	For the salaries and expenses of the recalled justices of the trial court provided that the governor upon the recommendation of the commissioner of administration and finance is hereby authorized to transfer from item 1599-2099 for the purposes of this item amounts specified by the chief administrative justice .....	\$500,000
0330-0300	For salaries and expenses of the administrative staff .....	\$675,000
0330-0500	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.....	\$70,632
0330-2000	For salaries and expenses of certain law libraries .....	\$956,985
0330-2200	For rental of court facilities.....	\$5,754,184
0330-2300	For payments of witness fees based upon schedules submitted monthly to and verified by the commissioner of administration and approved by the house and senate committees on ways and means.....	\$500,000
0330-2700	For printing of forms and stationery in the trial court, to be disbursed at the direction of the chief administrative justice.....	\$1,289,527
0330-2800	For repairs of equipment in the trial court, including expenditures for labor and materials on maintenance repair work performed under contract, to be allocated as determined by the chief administrative justice.....	\$219,314
0330-2900	For library materials, including law reference books and periodicals, for judges' lobbies, clerks' offices and probation departments in the trial court, to be disbursed at the direction of the chief administrative justice.....	\$368,515
0330-3000	For rentals of equipment in the trial court, to be allocated as determined by the chief administrative justice.....	\$1,089,486

Superior Court.

0331-0001	For the salaries, travelling allowances and expenses of the chief justice and of the fifty-five justices.....	\$2,604,000
0331-0100	For salaries and expenses of the administrative staff .....	\$264,090
0331-0200	For clerical assistance to the justices.....	\$840,080
0331-0300	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
0331-0400	For payments of expenses of juries based upon schedules submitted monthly to and verified by the commissioner	

Item

of administration and approved by the house and  
senate committees on ways and means..... \$3,500,000

For Salaries and Expenses.

0331-2100	Barnstable superior court, including not more than seven permanent positions.....	\$165,530
0331-2200	Berkshire superior court, including not more than thirteen permanent positions.....	\$242,080
0331-2300	Bristol superior court, including not more than fifty permanent positions.....	\$912,294
0331-2400	Dukes superior court, including not more than one permanent position.....	\$22,713
0331-2500	Essex superior court, including not more than fifty-four permanent positions.....	\$1,040,769
0331-2600	Franklin superior court, including not more than four permanent positions.....	\$81,759
0331-2700	Hampden superior court, including not more than sixty-six permanent positions.....	\$1,216,117
0331-2800	Hampshire superior court, including not more than fifteen permanent positions.....	\$269,615
0331-2900	Middlesex superior court, including not more than two hundred and seven permanent positions.....	\$3,716,623
0331-3000	Nantucket superior court, including not more than two permanent positions.....	\$26,085
0331-3100	Norfolk superior court, including not more than fifty-seven permanent positions.....	\$1,295,832
0331-3200	Plymouth superior court, including not more than fifty permanent positions.....	\$843,641
0331-3300	Suffolk superior civil court, including not more than one hundred and twenty-two permanent positions.....	\$1,895,288
0331-3310	Suffolk superior criminal court, including not more than two hundred and four permanent positions.....	\$3,458,774
0331-3400	Worcester superior court, including not more than eighty-eight permanent positions.....	\$1,479,616

Administration of District Courts.

For Salaries and Expenses.

0332-0100	District court, administrative staff, including not more than eleven permanent positions.....	\$258,466
0332-1100	First district court of Barnstable, including not more than forty-three permanent positions.....	\$762,529
0332-1200	Second district court of Barnstable (Orleans), including not more than twenty-seven permanent positions.....	\$405,608
0332-1300	District court of northern Berkshire (Adams, North Adams, Williamstown), including not more than twenty-one permanent positions.....	\$344,635
0332-1400	District court of central Berkshire (Pittsfield), including not more than nineteen permanent positions.....	\$387,141
0332-1500	District court of southern Berkshire (Great Barrington, Lee), including not more than eleven permanent positions.....	\$233,259
0332-1600	First district court of Bristol (Taunton), including not more than twenty-six permanent positions.....	\$429,975
0332-1700	Second district court of Bristol (Fall River), including not more than fifty permanent positions.....	\$718,890



## Item

0332-1800	Third district court of Bristol (New Bedford), including not more than fifty-three permanent positions.....	\$815,560
0332-1900	Fourth district court of Bristol (Attleboro), including not more than twenty-four permanent positions....	\$328,418
0332-2000	District court of Edgartown, including not more than ten permanent positions.....	\$151,405
0332-2100	First district court of Essex (Salem), including not more than thirty-seven permanent positions.....	\$657,993
0332-2200	Second district court of Essex (Amesbury), including not more than fourteen permanent positions.....	\$278,096
0332-2300	Third district court of Essex (Ipswich), including not more than eleven permanent positions.....	\$167,403
0332-2400	Central district court of northern Essex (Haverhill), including not more than thirty-two permanent positions.....	\$503,929
0332-2500	District court of eastern Essex (Gloucester), including not more than twenty permanent positions.....	\$355,057
0332-2600	District court of Lawrence, including not more than forty-five permanent positions.....	\$675,533
0332-2700	District court of southern Essex (Lynn), including not more than forty-three permanent positions.....	\$658,473
0332-2800	District court of Newburyport, including not more than eleven permanent positions.....	\$229,343
0332-2900	District court of Peabody, including not more than twenty-seven permanent positions.....	\$461,077
0332-3000	District court of Greenfield, including not more than twenty-four permanent positions.....	\$364,642
0332-3100	District court of Orange, including not more than nine permanent positions.....	\$149,435
0332-3200	District court of Chicopee, including not more than twenty-one permanent positions.....	\$442,000
0332-3300	District court of Holyoke, including not more than twenty-eight permanent positions.....	\$466,839
0332-3400	District court of eastern Hampden (Palmer), including not more than twenty-two permanent positions.....	\$366,795
0332-3500	District court of Springfield, including not more than one hundred and eighteen permanent positions.....	\$1,732,100
0332-3600	District court of western Hampden (Westfield), including not more than twenty-three permanent positions...	\$380,517
0332-3700	District court of Hampshire (Northampton), including not more than forty permanent positions.....	\$631,208
0332-3800	District court of eastern Hampshire (Ware), including not more than four permanent positions.....	\$142,031
0332-3900	District court of Lowell, including not more than sixty-four permanent positions.....	\$1,057,164
0332-4000	District court of Somerville, including not more than fifty-six permanent positions.....	\$920,375
0332-4100	District court of Newton, including not more than thirty permanent positions.....	\$497,258
0332-4200	District court of Marlborough, including not more than twenty-six permanent positions.....	\$402,570
0332-4300	District court of Natick, including not more than fifteen permanent positions.....	\$296,320
0332-4400	First district court of eastern Middlesex (Malden),	

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	including not more than fifty-nine permanent positions.....	\$970,000
0332-4500	Second district court of eastern Middlesex (Waltham), including not more than forty-two permanent positions.....	\$669,516
0332-4600	Third district court of eastern Middlesex (Cambridge), including not more than one hundred and twenty-two permanent positions.....	\$1,830,617
0332-4700	Fourth district court of eastern Middlesex (Woburn), including not more than fifty-five permanent positions.....	\$929,589
0332-4800	First district court of northern Middlesex (Ayer), including not more than thirty-five permanent positions.....	\$590,483
0332-4900	First district court of southern Middlesex (Framingham), including not more than fifty-one permanent positions.....	\$954,849
0332-5000	District court of central Middlesex (Concord), including not more than forty-two permanent positions.....	\$713,535
0332-5100	District court of Nantucket, including not more than eight permanent positions.....	\$97,566
0332-5200	District court of northern Norfolk (Dedham), including not more than forty-eight permanent positions.....	\$767,959
0332-5300	District court of east Norfolk (Quincy), including not more than eighty-seven permanent positions....	\$1,405,000
0332-5400	District court of western Norfolk (Wrentham), including not more than thirty-six permanent positions.....	\$600,648
0332-5500	District court of southern Norfolk, including not more than twenty-seven permanent positions.....	\$495,452
0332-5600	Municipal court of Brookline, including not more than twenty-six permanent positions.....	\$443,099
0332-5700	District court of Brockton, including not more than fifty-five permanent positions.....	\$937,104
0332-5800	Second district court of Plymouth (Hingham), including not more than forty-one permanent positions.....	\$626,558
0332-5900	Third district court of Plymouth (Plymouth), including not more than twenty-nine permanent positions.....	\$487,461
0332-6000	Fourth district court of Plymouth (Wareham), including not more than twenty-four permanent positions.....	\$387,894
0332-6100	District court of Brighton, including not more than thirty-five permanent positions.....	\$538,070
0332-6200	District court of Charlestown, including not more than eighteen permanent positions.....	\$391,237
0332-6300	District court of Chelsea, including not more than forty-six permanent positions.....	\$727,751
0332-6400	District court of Dorchester, including not more than one hundred and fifteen permanent positions.....	\$1,807,803
0332-6500	District court of East Boston, including not more than forty-two permanent positions.....	\$819,530
0332-6600	District court of Roxbury, including not more than one hundred and forty-four permanent positions...	\$2,369,677
0332-6700	District court of South Boston, including not more than twenty-six permanent positions.....	\$522,826
0332-6800	District court of West Roxbury, including not more than forty-four permanent positions.....	\$712,876

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0332-6900	Central district court of Worcester, including not more than seventy-six permanent positions.....	\$1,286,214
0332-7000	District court of Fitchburg, including not more than twenty-three permanent positions.....	\$417,768
0332-7100	District court of Leominster, including not more than ten permanent positions.....	\$232,075
0332-7200	District court of Winchendon, including not more than five permanent positions.....	\$95,945
0332-7300	First district court of northern Worcester (Gardner), including not more than twenty-seven permanent positions.....	\$478,778
0332-7400	First district court of eastern Worcester (Westborough), including not more than thirty-one permanent positions.....	\$495,272
0332-7500	Second district court of eastern Worcester (Clinton), including not more than fourteen permanent positions.....	\$270,304
0332-7600	First district court of southern Worcester (Dudley), including not more than twenty-five permanent positions.....	\$434,577
0332-7700	Second district court of southern Worcester (Uxbridge), including not more than thirteen permanent positions.....	\$254,750
0332-7800	Third district court of southern Worcester (Milford), including not more than sixteen permanent positions, one of which shall be an assistant clerk of court .....	\$287,889
0332-7900	District court of Worcester (Brookfield), including not more than eight permanent positions.....	\$169,126
0332-8100	Middlesex Juvenile Probation District, including not more than twenty-one permanent positions.....	\$444,796
0332-8200	Northern Essex Juvenile Probation District, including not more than twelve permanent positions.....	\$199,812
0332-8300	Berkshire Juvenile Probation District, including not more than six permanent positions.....	\$102,989
0332-8400	Plymouth Juvenile Probation District, including not more than eighteen permanent positions.....	\$271,813
0332-8500	Northern Worcester Juvenile Probation District, including not more than eleven permanent positions.....	\$191,357
0332-8600	Southern Worcester Juvenile Probation District, including not more than ten permanent positions.....	\$166,342

Probate and Family Court Department.For Salaries and Expenses.

0333-0001	Probate court, administrative staff, including not more than four permanent positions.....	\$90,000
0333-0100	Barnstable, including not more than sixteen permanent positions.....	\$266,838
0333-0200	Berkshire, including not more than twelve permanent positions.....	\$235,107
0333-0300	Bristol, including not more than thirty-six permanent positions.....	\$556,593
0333-0400	Dukes, including not more than four permanent positions .....	\$87,593
0333-0500	Essex, including not more than forty-six permanent positions .....	\$770,986

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0333-0600	Franklin, including not more than ten permanent positions .....	\$168,543
0333-0700	Hampden, including not more than forty-eight permanent positions.....	\$711,117
0333-0800	Hampshire, including not more than thirteen permanent positions.....	\$259,454
0333-0900	Middlesex, including not more than one hundred and twenty-three permanent positions.....	\$1,713,025
0333-0911	For a demonstration project in the Middlesex Probate Court's family service clinic.....	\$41,939
0333-1000	Nantucket, including not more than three permanent positions.....	\$75,343
0333-1100	Norfolk, including not more than sixty-four permanent positions.....	\$1,122,225
0333-1200	Plymouth, including not more than thirty-six permanent positions.....	\$681,000
0333-1300	Suffolk, including not more than eighty-seven permanent positions.....	\$1,278,837
0333-1400	Worcester, including not more than sixty-one permanent positions.....	\$906,818

Land Court.

0334-0001	For the office of the land court, including not more than sixty-three permanent positions.....	\$1,273,414
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Boston Municipal Court.

0335-0001	For salaries and expenses of the Boston municipal court, including not more than two hundred and nine permanent positions.....	\$3,604,895
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Housing Court.

0336-0001	For salaries and expenses of the administrative staff, including not more than three permanent positions.....	\$55,000
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For Salaries and Expenses.

0336-0100	Boston housing court, including not more than thirty-two permanent positions.....	\$631,759
0336-0200	Hampden housing court, including not more than ten permanent positions.....	\$183,233

Juvenile Court.

0337-0001	For salaries and expenses of the administrative staff, including not more than four permanent positions .....	\$123,000
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For Salaries and Expenses.

0337-0100	Boston juvenile court, including not more than ninety-seven permanent positions.....	\$1,646,806
0337-0200	Bristol juvenile court, including not more than thirty-seven permanent positions.....	\$620,773
0337-0300	Springfield juvenile court, including not more than thirty-two permanent positions.....	\$688,843
0337-0400	Worcester juvenile court, including not more than twenty-six permanent positions.....	\$457,045

Committee on Probation.

0339-1001	For the office of the commissioner of probation, including not more than one hundred and twenty-eight permanent positions.....	\$999,191
0339-1201	For the federal law enforcement assistance program; pro-	

ACTS, 1979. - Chap. 393.

	vided, 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.....	\$37,111
0339-2100	For the administration of Middlesex county juror selection and management, in accordance with chapter two hundred and thirty-four A of the General Laws, including not more than three permanent positions.....	\$176,560
	<u>Judicial Council.</u>	
0339-2200	For the service of the council, including not more than two permanent positions.....	\$44,500
	<u>District Attorneys.</u>	
	<u>For the salaries of district attorneys and assistants for the eleven districts:</u>	
0340-0100	Suffolk, including not more than one hundred and eight permanent positions; provided that not less than thirty-three thousand five hundred dollars be allocated for the purpose of establishing a training and education program for district attorneys and assistant district attorneys; provided further, that said program be administered on a contractual basis by an accredited law school located within the commonwealth.....	\$3,763,000
0340-0150	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.....	\$7,774
0340-0200	Northern, including not more than forty-five permanent positions.....	\$2,577,741
0340-0250	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.....	\$125,203
0340-0300	Eastern, including not more than twenty-seven permanent positions.....	\$1,314,000
0340-0350	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.....	\$32,302
0340-0400	Middle, including not more than thirty-five permanent positions.....	\$1,464,527
0340-0450	For the federal law enforcement assistance program; provided, that expenditures from this item shall be contingent upon the prior approval by the proper federal authorities of the program for which these funds are to be expended.....	\$5,586
0340-0500	Western, including not more than twenty-two permanent positions.....	\$890,000
0340-0550	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.....	\$35,011
0340-0600	Northwestern, including not more than thirteen permanent positions.....	\$591,780
0340-0650	For the federal law enforcement assistance program; provided, that expenditures from this item shall be contingent upon the prior approval by the proper	

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	federal authorities of the program for which these funds are to be expended.....	\$4,551
0340-0700	Norfolk, including not more than forty-seven permanent positions.....	\$1,521,070
0340-0750	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.....	\$39,012
0340-0800	Plymouth, including not more than thirty permanent positions.....	\$926,186
0340-0850	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.....	\$12,158
0340-0900	Bristol, including not more than sixteen permanent positions.....	\$991,000
0340-0950	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.....	\$37,918
0340-1000	Cape and Islands, including not more than ten permanent positions.....	\$457,000
0340-1050	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.....	\$3,468
0340-1100	Berkshire, including not more than seven permanent positions.....	\$446,449

EXECUTIVE.

Governor.

0411-1000	For the salaries of the governor and officers and employees in the governor's office.....	\$913,000
0411-1001	For the administration of a solar action program.....	\$135,000
0411-1901	For postage, printing, office and other contingent expenses, including travel of the governor.....	\$202,700
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.....	\$83,000
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	
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transfers to appropriation accounts where the amounts otherwise available are insufficient; provided, that requests for such transfers shall be referred to the commissioner of administration, who after investigation, shall submit for approval of the governor his written recommendation as to the amount of funds required with facts pertinent thereto..... \$80,000

Lieutenant Governor.

0412-1000 For the salary of the lieutenant governor and for personal services for the lieutenant governor's office, including not more than seven permanent positions ..... \$172,300

0412-2000 For federal-state relations..... \$178,000

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..... \$215,300

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 permanent positions..... \$426,000

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 six permanent positions..... \$260,000

0431-0300 For allowances to companies and other administrative units, to be expended under the direction of the adjutant general..... \$50,000

0431-0400 For compensation for accidents and injuries sustained in the performance of military duty and for small claims for damages to private property ..... \$14,000

0431-0500 For the operation of the war records project, so called, including not more than ten permanent positions..... \$88,500

State Quartermaster.

0431-1010 For the office of the state quartermaster..... \$8,900

0431-1110 For the operation of armories of the first class, including not more than ninety-six permanent positions..... \$1,950,885

0431-1300 For the Camp Curtis Guild rifle range, including not more than seven permanent positions..... \$90,000

0431-1410 For certain storage and maintenance facilities, including not more than thirty-three permanent positions..... \$326,000

0431-1510 For certain national guard aviation facilities, including not more than ten permanent positions ..... \$104,000

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Other Military.

0431-9002 For expenses of maintaining, in the state house, headquarters for the Department of Massachusetts, United Spanish War Veterans, with the approval of the department commander and the adjutant general..... \$1,350

Civil Defense Agency.

0432-0001 For the service of the civil defense agency; provided, that expenditures from this item shall be contingent upon the prior approval of the proper federal authorities and shall be expended with at least an equivalent amount of federal funds for the purposes of this item, including not more than forty-eight permanent positions; provided that there shall be paid from this item certain prior year salaries in accordance with a court order..... \$428,000

0432-0002 For the service of the civil defense agency nonmatching fund program..... \$9,975

0432-3000 For training and training supplies; provided, that expenditures from this item shall be contingent upon the prior approval of the proper federal authorities for reimbursement of fifty per cent of the amounts expended for the purposes of this item..... \$6,400

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

SECRETARY OF THE COMMONWEALTH.

0511-0000 For the office of the secretary; provided, that the positions of director of administrative services, counsel II, and assistant supervisor of public records, director, bilingual information center, assistant director, bilingual information center shall not be subject to the provisions of chapter thirty-one of the General Laws, including not more than one hundred and twenty-seven permanent positions..... \$2,888,000

0517-0000 For the expense of printing various public documents..... \$393,000

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, including not more than seven permanent positions..... \$1,837,000

0524-0000 For expenses of compiling and publishing information to voters..... \$33,000

Massachusetts Historical Commission.

0526-0100 For the administration of the commission, including not more than one permanent position..... \$161,500

Ballot Law Commission.

0527-0100 For the compensation and expenses of the commis-



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	sioners, including not more than three permanent positions.....	\$14,000
	<u>Records Conservation Board.</u>	
0528-0100	For the expenses of the board.....	\$15,000
	<u>Commission on Interstate Cooperation.</u>	
0530-0000	For the expenses of the commission.....	\$95,140
	<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.....	\$205,000
	<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.....	\$3,712,000
	Highway Fund 30.0%	
	General Fund 70.0%	
0611-1000	For the administration and expenses of bonus payments to war veterans.....	\$74,000
0611-4000	For the administration of the Vietnam bonus payments.....	\$80,000
0611-5000	For compensation to victims of violent crimes; provided, that notwithstanding the provisions of section five of chapter two hundred and fifty-eight A of the General Laws, if a claimant is sixty years of age or older at the time of the crime, and is not employed or receiving unemployment compensation, such claimant shall be 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
	Local Aid Fund 100.0%	
	<u>State Board of Retirement.</u>	
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.....	\$855,000
0612-1000	For the payment of the commonwealth's share in financing the state employees' retirement system, prior appropriation continued; pro-	

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	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 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.....	\$109,017,00
	Highway Fund	15.0%
	General Fund	84.3%
	Inland Fisheries and Game Fund	0.2%
	State Recreation Areas Fund	0.5%
0612-1500	For a reserve to meet the full cost of the commonwealth's share in financing the state employees' and teachers' retirement systems; provided, that the governor upon recommendation of the commissioner of administration is hereby authorized to make transfers from the sum appropriated herein to the respective annuity funds; and provided further, that said transfer to either fund shall not exceed sixty per cent of said amount appropriated and further that no funds will be eligible to receive this transfer if they maintain any investments in any company doing business in or with the Republic of South Africa after September first, nineteen hundred and seventy-nine.....	\$13,063,424
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....	\$12,402,673
	Highway Fund	22.0%
	General Fund	78.0%
	<u>Pensions for Retired Justices.</u>	
0612-3000	For pensions of retired judges or their widows.....	\$1,400,000
0612-5000	For retirement allowances of certain employees formerly in the service of the administrative division of the metropolitan district commission; provided, that said commission's share of this item shall be assessed by methods fixed by law....	\$68,200
	MDC Sewerage District Fund	25.0%
	MDC Water District Fund	25.0%
	Highway Fund	25.0%
	MDC Parks District Fund	25.0%
0612-6000	For retirement allowances of certain veterans and police officers formerly in the service of the metropolitan district commission; provided, that said commission's share of this item shall be assessed by methods fixed by law.....	\$1,160,750
	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.....	\$267,500
	MDC Sewerage District Fund	100.0%

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0612-8000	For retirement of certain veterans formerly in the service of the metropolitan water system.....	\$504,450
	MDC Water District Fund 100.0%	
0612-9000	For annuities for widows of certain former members of the uniformed branch of the state police.....	\$102,616
	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.....	\$15,000
	<u>Emergency Finance Board.</u>	
0630-0000	For administration of the board, including not more than one permanent position.....	\$39,000
	<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.....	\$21,850,000
	<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.....	\$1,469,743
	State Recreation Areas Fund 100.0%	
0699-1900	For certain serial bonds maturing; provided, that any deficit existing in this item at the close of this fiscal year shall be charged to the State Recreation Areas Fund.....	\$5,680,000

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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 .....		\$72,095
	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.....		\$165,000
	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 .....		\$4,813,613
	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.....		\$6,576,000
	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.....		\$4,608,655
	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.....		\$5,839,000
	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.....		\$3,591,977
	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.....		\$5,603,000
	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.....		\$39,064,003
	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.....		\$47,155,000
	Highway Fund	100.0%	

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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.....	\$100,990,661
0699-7900	For certain serial bonds maturing; provided, that any deficit existing in this item at the close of this fiscal year shall be charged to the General Fund debt service reserve.....	\$96,761,000
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.....	\$7,965,000
	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 permanent positions.....	\$5,834,204
	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.....	\$5,895,176
0810-0014	For the expenses incurred by the department pursuant to section eleven E of chapter twelve of the General Laws.....	\$250,000
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.....	\$1,485,000
0810-0031	For the expenses of administering the local aid fund, established by section eleven G of chapter twelve of the General Laws.....	\$250,000
0810-0100	For the federal law enforcement assistance program; provided, that expenditures from this item shall be contingent upon the prior approval by the proper federal authorities of the programs for which these funds are to be expended.....	\$161,722
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	

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of damages by cars owned by the commonwealth and operated by state employees and for the settlement of certain small claims as authorized by section three A of chapter twelve of the General Laws; provided, that the comptroller shall transfer to the General Fund from the appropriate funds sums equal to the payments made under this item for claims against agencies whose appropriations are derived from other funds..... \$250,000

STATE ETHICS COMMISSION.

0900-0100 For the administration and expenses of the Ethics commission..... \$580,000

EXECUTIVE OFFICE OF ADMINISTRATION AND FINANCE.

Office of the Commissioner.

1100-1100 For the office of the commissioner, including not more than twenty-one permanent positions..... \$484,800

Highway Fund 30.0%  
General Fund 70.0%

1100-1150 For the administration of tort claims..... \$122,500

1100-1402 For the office of comprehensive state planning, including not more than five permanent positions ..... \$189,500

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..... \$3,700,000

Fiscal Affairs Division.

1101-2100 For the administration of the division, including not more than fifty-one permanent positions..... \$1,765,200

Highway Fund 30.0%  
General Fund 70.0%

Central Services Division.

1102-3110 For the administration of the division, including not more than four permanent positions..... \$127,000

1102-3210 For the administration of the bureau of building construction, including not more than ninety-

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		five permanent positions.....	\$1,600,000
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; provided, that, notwithstanding any provisions of chapter thirty-one of the General Laws, members of the capital 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 four hundred and seven permanent positions.....	\$12,032,100
1102-4010	For	the operation of certain central services and the telephone system, including not more than forty-eight permanent positions.....	\$693,000
1102-5101	For	the expenses of the computer service center, including not more than one hundred and seven permanent positions.....	\$3,316,314
1102-5201	For	the expenses and administration of a motor vehicles management bureau; including not more than ten permanent positions.....	\$170,557
1102-5211	For	fuel and repairs of certain motor vehicles.....	\$1,235,130
1102-5221	For	the purchase of motor vehicles.....	\$323,866
		<u>Comptroller's Division.</u>	
1103-1000	For	the administration of the division, including not more than one hundred and forty-one permanent positions.....	\$2,100,000
		Highway Fund 30.0%	
		General Fund 70.0%	
1103-5010	For	administration of the fraudulent claims commission, including not more than sixty-five permanent positions.....	\$1,003,000
		<u>Purchasing Agent's Division.</u>	
1104-1000	For	the administration of the division, including not more than fifty-three permanent positions.....	\$587,903
		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.....	\$52,976
		<u>Other Administration and Finance.</u>	
1105-1000	For	the administration of the division of employee relations, including not more than seventeen permanent positions.....	\$590,000
		<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 three hundred and sixty-seven permanent positions.....	\$4,963,000
		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	

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	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.....	\$ 323,000
1111-0010	For the administration of the bureau of teachers' retirement, including not more than twenty-eight permanent positions.....	\$490,000
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.....	\$17,500,000
	Local Aid Fund 100.0%	
1111-1003	For the payments of the commonwealth's share in financing the teachers' retirement system, prior appropriation continued.....	\$118,981,530
	Local Aid Fund 100.0%	
	<u>Group Insurance Commission.</u>	
1120-1000	For administration of the group insurance program, including not more than forty-two permanent positions.....	\$1,153,500
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 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-nine of the General Laws, the commission is hereby authorized to negotiate, purchase and execute contracts for a policy or policies of group insurance as authorized by chapter thirty-two A of the General Laws; and provided further, that the present level of health insurance coverage shall be maintained but shall not constitute payments in full of charges for health care services; 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-	



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	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, prior appropriation continued.....	\$84,844,885
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, 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.....	\$1,614,581
	<u>Massachusetts Commission Against Discrimination.</u>	
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.....	\$1,000,000
	<u>Contributory Retirement Appeal Board.</u>	
1160-1000	For the expenses of the board.....	\$3,000
	<u>Retirement Law Commission.</u>	
1180-1000	For the administration of the commission, including not more than two permanent positions.....	\$90,000
	<u>DEPARTMENT OF REVENUE.</u>	
1201-0100	For the administration of the departments, 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 four hundred permanent positions.....	\$24,000,000
	Highway Fund	10.0%
	General Fund	90.0%
1211-0100	For salaries and expenses of the wage reporting	

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system, including not more than seventy-nine permanent positions..... \$1,500,000

Bureau of Accounts.

1231-0100 For the administration of the bureau including the expenses of auditing municipal accounts where the circumstances require state assistance to accomplish a specific purpose in the protection of the public interest; for the operation of technical assistance and education programs for financial officials of the cities and towns; for the monitoring of municipal audits performed by independent public accountants; for the supervision of the installation of accounting systems meeting generally accepted accounting principles; for the expenses of materials which may be sold to cities and towns; and provided that no less than one hundred thousand dollars shall be expended for the purpose of establishing and maintaining a municipal data bank; including not more than two hundred and forty-nine permanent positions..... \$2,030,000

1231-1000 For the administration of the county personnel board, including not more than six permanent positions..... \$47,000

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

Local Aid Fund 100.0%

1233-1500 For reimbursing cities and towns for loss of taxes on land taken for flood control purposes..... \$265,000

Local Aid Fund 100.0%

1233-2000 For reimbursing cities and towns for abatements granted..... \$7,538,000

Local Aid Fund 100.0%

1233-2310 For reimbursement to cities and towns for taxes abated..... \$10,000,000

Local Aid Fund 100.0%

1233-3000 For reimbursing the city of Boston for loss of taxes on land for the government center..... \$357,575

Local Aid Fund 100.0%

1233-3100 For reimbursing certain cities and towns for fifty per cent of career incentive salary increases for police officers..... \$2,700,000

Local Aid Fund 100.0%

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..... \$612,000

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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 year 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
1599-0008	For a reserve for tort claims .....	\$250,000
1599-0020	For the payment, with the approval of the comptroller, of expenses of prior fiscal years for which no funds are available in the current fiscal year; provided, that no payments shall be made unless the subsidiary account item to which the deficiency is to be charged contained a balance sufficient to meet the required payments.....	\$4,000
	Highway Fund .....	100.0%
1599-2012	For the payment of wages to patients and residents in mental health facilities in accordance with a schedule approved by the house and senate committees on ways and means; provided, that the commissioner of administration in conjunction with the secretary of human services, is hereby directed to conduct a study of wages proposed to be paid and charges to be made in the institutions of the commonwealth from funds made available by this item, appropriation expires June thirtieth, nineteen hundred and eighty.	

Emergencies.

1599-2025	For a reserve to meet emergencies; provided, that the governor, upon recommendation of the commissioner of administration, is hereby authorized to transfer from the sum appropriated herein to other appropriation items where the amounts otherwise available are insufficient, such amounts as are	
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necessary to protect the public interest; provided further, that no transfer shall be made as authorized herein until the existence of the said emergency shall have been certified by the agency and the secretary having jurisdiction over the requesting agency; and that the existence of the said 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..... \$9,500,000

1599-2043 For a reserve to meet certain costs pursuant to the training and career ladder program provided for by certain collective bargaining agreements; provided, that the governor, upon recommendation of the commissioner of administration, is authorized to allocate the amount of said transfer to the several state or other funds to which such items of appropriation are charged, prior appropriation continued.

1599-2099 For a reserve to meet needs in the judicial branch; provided, that the governor is hereby authorized to transfer from the sum appropriated herein to other appropriation items where the amounts as are otherwise available are insufficient; provided, further, that no transfer shall be made as authorized herein until the existence of the said needs shall have been certified by the commissioner of administration; and that the existence of said needs shall have been verified by the house and senate committees on ways and means..... \$3,000,000

1599-3100 For the payment of certain employment security benefits, prior appropriation continued..... \$8,984,000

1599-3201 For a reserve for a partial reimbursement of certain medical services in the program of general relief provided that the commissioner of administration is hereby authorized according to a schedule to be determined by said commissioner to provide for such payments, subject to the sums herein appropriated; and provided, further, notwithstanding any law to the contrary, that said medical services may include inpatient, outpatient, and chronic care in municipal, county, and private non-profit hospitals, provided that fifty per cent of the sums appropriated shall be allocated for said municipal and county hospitals and the balance shall be allocated for said private non-profit hospitals and provided, further, that not more than seventeen million dollars shall be expended for said hospital services beginning January first, nineteen hundred and eighty until June thirtieth, nineteen hundred and eighty..... \$17,000,000

1599-3202 For a reserve for certain expenses in the program of aid to families with dependent children; provided that the commissioner of administra-

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	tion is hereby authorized to transfer the sum appropriated item 4403-2000 where the amount otherwise available is insufficient to fund increases in the basic grant as authorized by section forty-eight of this act.....	\$14,000,000
1599-3203	For a reserve to meet the expenses of the Retirement Law Commission in carrying out studies requested by the General Court pertaining to the cost of certain retirement benefits, provided, that, no such study shall be undertaken without the prior approval of the house and senate committees on ways and means.....	\$50,000
1599-3206	For the payment of the educational and professional development of faculty collective bargaining contracts with the Board of Trustees of State Colleges, Board of Trustees of the University of Lowell, Board of Trustees of Southeastern Massachusetts University, Board of Trustees of the University of Massachusetts, and the Massachusetts Board of Regional Community Colleges.....	\$500,000
1599-3210	For a reserve to meet the cost of programs newly established during the fiscal year nineteen hundred and eighty, and for the expansion and upgrading of services to the retarded and mentally ill, in the department of mental health, provided that all monies appropriated for said programs of mental health have been obligated and certification of said status is made by the agency and the secretary of human services; provided further 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 for said programs are insufficient, such amounts as are necessary; provided further, that no transfer shall be made as authorized herein until the existence of the said need shall have been verified by the house and senate committees on ways and means.....	\$4,750,000
1599-3300	For property tax relief, provided that sums may be transferred from this account to appropriate items upon recommendation of the commissioner of administration and verification of the house and senate committees on ways and means.....	\$166,000,000
	Local Aid Fund 100.0%	
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 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.....	\$137,000

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EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS.

Office of the Secretary.

2000-0100	For the office of the secretary, including not more than five permanent positions.....	\$240,000
	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
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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.....	\$194,248
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2010-0100	For the administration and maintenance of the Massachusetts World War II Memorial, prior appropriation continued.....	\$7,500
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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 .....	\$1,434,650
	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.....	\$62,500
	Inland Fisheries and Game Fund 100.0%	

2030-0100	For the administration of the division of conservation services, including the expenses for the committee for conservation, and for the administration of a land and water conservation program, including not more than eleven permanent positions.....	\$246,612
	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.....	\$968,098
	General Fund 25.0%	
	State Recreation Areas Fund 75.0%	

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Division of Forests and Parks.

2120-0100	For the administration of the division, including not more than ten permanent positions.....		\$192,447
	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.....		\$460,440
	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.....		\$476,464
	State Recreation Areas Fund	100.0%	
2120-0400	For the operation of forests and parks facilities under the management of the bureau of recreation; including not more than one hundred and forty-seven permanent positions.....		\$4,434,000
	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 .....		\$4,411,500
	State Recreation Areas Fund	100.0%	
2120-0600	For the maintenance of Salt Water beaches, including not more than five permanent positions.....		\$932,600
	State Recreation Areas Fund	100.0%	
2120-0700	For the maintenance and operation of certain state reservations, including not more than eight permanent positions.....		\$258,500
	State Recreation Areas Fund	100.0%	
2120-0901	For the purchase of equipment for new areas.....		\$99,400
	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.....		\$474,100
2120-1200	For the office of the state fire warden and for expenses of the northeastern interstate forest fire protection commission and for compensation of commissioners; provided, that federal funds		

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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..... \$1,197,876

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..... \$355,300

2120-1400 For a program of survey and detection of forest and insect diseases in cooperation with the United States Forest Service; provided, 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..... \$20,495

2120-1600 For providing public transportation assistance to the recreation areas and facilities of the Boston Harbor Islands..... \$53,500

Division of Water Resources.

2130-0010 For the expenses of the water resources commission, including not more than five permanent positions ..... \$42,800

2130-0100 For the administration of the division, including programs of wetlands restrictions, water planning, and certain watershed protection and flood control activities, including expenses of certain flood control commissions, including not more than twenty-five permanent positions.... \$632,360

2130-0400 For expenses of the Ipswich river watershed district commission; provided, that the state treasurer shall assess upon the several cities and towns in the district an amount equal to such expenditures, one-half of said assessment to be in proportion to the equalized valuation of cities and towns of said district, as established in section ten C of chapter fifty-eight of the General Laws, and one-half to be in proportion to their respective population..... \$1,000

2130-0500 For the commonwealth's share of the New England river basin commission..... \$48,500

Bureau of Solid Waste Disposal.

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..... \$425,470

Department of Environmental Quality Engineering.

Office of the Commissioner.

2200-0100 For the office of the commissioner, including not more than five permanent positions..... \$190,000

Outdoor Advertising Division.

2210-0100 For the administration of the division, including not more than ten permanent positions..... \$128,900

Division of Water Pollution Control.

2240-0200 For the administration of the division; provided that any federal funds available for this purpose shall,



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	when received, be credited to the General Fund, including not more than fifty-two permanent positions.....	\$1,734,557
2240-0400	For the compensation and expenses of the New England interstate water pollution control commission; provided, that the limitation contained in Article VIII of chapter four hundred and twenty-one of the acts of nineteen hundred and forty-seven shall be increased to twenty-one thousand six hundred and ten dollars.....	\$26,545
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.....	\$1,069,777
	Local Aid Fund 100.0%	
	<u>Bureau of Environmental Sanitation.</u>	
2250-0100	For the administration of the bureau, including not more than fifty-four permanent positions .....	\$1,812,430
2250-0150	For the administration of the drinking water quality construction program.....	\$44,000
2250-0200	For the administration of the Lawrence experimental station, including not more than thirty-one permanent positions.....	\$637,400
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.....	\$326,400
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.....	\$109,910
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.....	\$10,570
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.....	\$97,898
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.....	\$69,900

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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 ..... \$85,800

2250-0900 For certain payments 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; provided that, no less than thirty thousand dollars shall be allocated for the control of algae, weeds, and other aquatic nuisances in Forest Lake in the town of Palmer..... \$150,000

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..... \$765,400

2270-0200 For a program of wetland regulations, including not more than eleven permanent positions..... \$258,364

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 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 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

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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 and five 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 thousand dollars shall be used for the dredging of Wellfleet harbor; provided further, that an amount not exceeding four hundred thousand dollars shall be used for dredging of Westport river in the town of Westport; and providing further, that an amount not exceeding three hundred thousand dollars shall be used to dredge the mooring basin of a portion of Sippican harbor in the town of Marion; provided further, that a sum not exceeding five thousand dollars shall be used for an engineering, coastal and marine analysis to study offshore dredging; that a sum not exceeding ten thousand dollars be used to conduct a feasibility study of the control of the outflow of Lake Nipmuc in the town of Mendon, including the development of such engineering plans as may be required; and provided further, that an amount not exceeding three hundred thousand dollars shall be used to dredge the mooring basin of a portion of Sippican harbor in the town of Marion; prior appropriation continued.

2270-0700	For the maintenance of property in the town of Plymouth, including not more than two permanent positions.....	\$24,000
2270-0900	For the operation and maintenance of the New Bedford state pier, including not more than two permanent positions.....	\$44,400
2270-0991	For design of stream improvements in the vicinity of East Main Street at Poor Brook in the city of Chicopee.....	\$30,000
2270-1500	To conduct a dredging feasibility study at the Neponset river between Dorchester Bay and the Milton town landing in Boston.....	\$25,000
2270-1600	For a certain flood control project in Green Brook in the city of Holyoke, the same to be in addition to funds in like amount appropriated by said city for such project;	

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provided that no expenditure shall be made from this appropriation after December thirty-first, nineteen hundred and eighty..... \$50,000

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..... \$103,800  
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; and payment of damages caused by wild deer; including not more than thirty-one permanent positions..... \$568,000  
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 headquarters, prior appropriation continued..... \$50,000  
Inland Fisheries and Game Fund 100.0%

2310-0310 For acquisition of upland areas and inholdings on existing wildlife management areas..... \$50,000  
Inland Fisheries and Game Fund 100.0%

2310-0315 For the purchase of equipment..... \$75,000  
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..... \$995,000  
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 cooperative 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..... \$1,120,300  
Inland Fisheries and Game Fund 100.0%

Public Access Board.

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..... \$67,900

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<div>Division of Marine Fisheries.</div>		
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-three permanent positions.....	\$480,000
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 eight permanent positions.....	\$406,750
2330-0300	For marine recreational fisheries including the study of alewife run parameters, the use of coho salmon and anadramous fish, and for fishway projects; including not more than three permanent positions.....	\$100,000
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.....	\$162,000
2330-0500	For the operation of the shellfish treatment plant at Newburyport.....	\$102,500
2330-0600	For a program of self-help to said cities and towns for the cultivation, propagation and protection of shellfish.....	\$425,000
	Local Aid Fund	100.0%
<div>Division of Marine and Recreational Vehicles.</div>		
2340-0100	For the administration of the division; including not more than fifty-eight permanent positions.....	\$929,124
<div>Department of the Metropolitan District Commission.</div>		
<div>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:</div>		
<div>Administration.</div>		
2410-1000	For general administration, provided that the commissioner of the department of the metropolitan district commission is hereby authorized to enter into interagency agreements with any other of those state agencies within the executive office of environmental affairs, whereby the department may render data processing services to said agencies; provided further, that the comptroller is hereby authorized to allocate the cost of such services to the several state and other funds to which the items of appropriation of such other agencies are charged, including not more than sixty-two permanent positions.....	\$1,316,200

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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 to expenditures made from this item; and provided further, that allocations made in accordance with this item may be expended by the selected participants without further appropriation, prior appropriation continued.

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..... \$9,283,492
- MDC Water District Fund 100.0%
- 2425-9001 For emergency repairs to water mains, prior appropriation continued..... \$25,000
- 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%

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..... \$10,357,800
- 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

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	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.....	\$30,470,640
	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 risks.....	\$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.....	\$300,000
	MDC Parks District Fund	100.0%
2444-5511	For a sailing program at Pleasure bay.....	\$20,000
	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.....	\$200,000
	Highway Fund	100.0%
2444-9004	For certain payments for the maintenance and use of the Trailside museum and the Chickatawbut Hill center.....	\$150,000
	MDC Parks District Fund	100.0%
2444-9005	For the operation of street lighting for parkways and boulevards.....	\$1,500,000
	Highway 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.....	\$520,000
	Highway Fund	100.0%
	<u>Construction Division.</u>	
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.....	\$4,810,500

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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..... \$304,700

Pesticide Bureau.

2511-0300 For the administration of the pesticide bureau..... \$79,100

2511-2002 For the administration of the division, including not more than two permanent positions..... \$79,000

Division of Dairying and Animal Husbandry.

2514-1000 For the office of the division, including not more than sixteen permanent positions..... \$236,200

Division of Animal Health.

2515-1000 For the administration of the division, and for the inspection of poultry and poultry products, including not more than twenty-eight permanent positions..... \$452,590

2515-3000 For the reimbursement of owners of diseased cattle slaughtered, and hogs killed, prior appropriation continued..... \$30,000

Division of Markets.

2516-1000 For the administration of the division, and for programs of quality improvements of dairy products, preparing crop survey reports, and improving roadside markets, including not more than fourteen permanent positions..... \$282,500

2516-1500 For promoting agriculture in the commonwealth..... \$100,000

Division of Plant Pest Control.

2517-1000 For the administration of the division, including apiary inspection, and reimbursement to owners of diseased bees, including not more than five permanent positions..... \$92,000

Division of Fairs.

2518-1000 For the administration of the division, including the thoroughbred breeders fund and the Massachusetts Standardbred agricultural fair and breeding fund committees, provided that payments for state prizes and agricultural exhibits, including allotment funds for 4-H activities, may be made from this appropriation; including not more than three permanent positions, prior appropriation continued..... \$340,600

2518-1010 For the display of exhibits at certain fairs, prior appropriation continued..... \$75,000

2518-2000 For certain prizes, prior appropriation continued from accounts 2518-1021 and 2518-1031 to be included herein..... \$200,000

Division of Milk Control.

2519-1000 For the administration of the division, including not more than twenty-one permanent positions..... \$220,000

State Reclamation Board.

2520-0100 For the administration of the board, including



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	not more than three permanent positions.....	\$54,575
	<u>For the expenses of the following mosquito control projects:</u>	
2520-0300	Cape Cod.....	\$438,000
	Mosquito and Greenhead Fly Control Fund 100.0%	
2520-0900	Suffolk county.....	\$103,500
	Mosquito and Greenhead Fly Control Fund 100.0%	
2520-1000	Central Massachusetts.....	\$369,500
	Mosquito and Greenhead Fly Control Fund 100.0%	
2520-1100	Berkshire county.....	\$265,368
	Mosquito and Greenhead Fly Control Fund 100.0%	
2520-1200	Norfolk county.....	\$259,656
	Mosquito and Greenhead Fly Control Fund 100.0%	
2520-1300	Bristol county.....	\$237,700
	Mosquito and Greenhead Fly Control Fund 100.0%	
2520-1400	Plymouth county.....	\$256,780
	Mosquito and Greenhead Fly Control Fund 100.0%	
2520-1500	Essex county, city of Revere and town of Winthrop .....	\$318,000
	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.....	\$265,000
	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 permanent positions.....	\$160,000
	<u>American and Canadian French Cultural Exchange Commission.</u>	
3300-1000	For the expenses of the American and Canadian French cultural exchange commission.....	\$8,325
	<u>Administration.</u>	
3700-0100	For the general administration of the department, including not more than eighty permanent positions; 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 administrator of the division of community services shall be eligible for a recruitment rate above the minimum effective July first, nineteen hundred and seventy-nine.....	\$2,609,000
	<u>Division of Community Development.</u>	
3722-9002	For certain financial assistance for housing projects for veterans.....	\$4,150,000
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,	

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	that not more than eight per cent of the amount appropriated herein may be used for administration of said program, prior appropriation continued .....	\$12,300,000
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.....	\$5,350,000
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.....	\$13,210,000
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.....	\$200,000
3722-9008	For reimbursement to housing authorities for deficiencies caused by certain reduced rentals in housing for 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.....	\$55,000
3722-9101	For reimbursement of cities and towns for the commonwealth's statutory share of federally aided urban renewal.....	\$3,488,053
	Local Aid Fund 100.0%	
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.....	\$929,849

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	Local Aid Fund	100.0%	
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
3722-9217	For the Massachusetts Home Mortgage Finance Agency to provide technical assistance to local communities establishing Neighborhood Preservation Areas in support of MHMFA's assisted home mortgage program.....		\$50,000
	<u>Division of Community Services.</u>		
3731-2003	For expenses of community development and housing program services.....		\$588,000
3731-2020	For an Economic Development Administration Cash match.....		\$36,000
3735-9011	For the administration of the state building code commission.....		\$179,000
3735-9013	For reimbursement of cities and towns for the commonwealth's share of relocation payments for costs which have been incurred in relocating persons evicted under Article II of the state sanitary code as required by section thirteen of chapter seventy-nine of the General Laws as amended and which have been submitted to the Executive Office of Communities and Development and are certified as valid, notwithstanding the year the cost was incurred.....		\$45,000
	Local Aid Fund	100.0%	
	<u>Division of Social and Economic Opportunity.</u>		
3743-2027	For providing funds for local community economic development provided such funds are to be awarded to community based organizations for community oriented businesses.....		\$270,000
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 of the Commission on Indian Affairs.....		\$37,037
	<u>EXECUTIVE OFFICE OF HUMAN SERVICES.</u>		
	<u>Office of the Secretary.</u>		
4000-0100	For the office of the secretary, including the hospital revenue collection program and the health facilities appeals board,		

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including not more than five permanent positions..... \$1,300,000

Rate Setting Commission.

4100-0010 For the administration of the commission; provided, that the executive secretary shall be removed only for cause and that the position of director of the bureau of special service rates shall not be subject to the provisions of chapter thirty-one of the General Laws; including not more than fifty-one permanent positions..... \$1,330,000

Massachusetts Commission for the Blind.

4110-0001 For the office of the commissioner, including not more than thirteen permanent positions..... \$206,394  
4110-1010 For aiding the adult blind, prior appropriation continued..... \$6,145,900  
4110-1020 For support of a medical assistance program for the blind, including previous fiscal years, and including not more than five permanent positions..... \$11,948,877

Bureau of Individual Services.

4110-2010 For administration of a talking book program, including not more than two permanent positions..... \$244,070  
4110-2020 For administration of a home teaching program, including not more than nineteen permanent positions..... \$242,500  
4110-2030 For administration of a children's services program, including not more than six permanent positions..... \$88,748  
4110-2040 For certain social services programs, including not more than fifty-two permanent positions..... \$961,000

Bureau of Rehabilitation.

4110-3010 For a program of vocational rehabilitation of the blind in cooperation with the federal government, prior appropriation continued..... \$636,500

Bureau of Industrial Aid and Workshops.

4110-4000 For the administration of the bureau, including not more than three permanent positions..... \$42,467  
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..... \$385,517  
4110-4030 For operation of the Cambridge industries for

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	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.....	\$809,000
4110-4050	For certain payments to blind persons.....	\$192,510
	<u>Bureau of Research.</u>	
4110-5000	For the administration of the bureau, including not more than four permanent positions.....	\$42,079
	<u>Massachusetts Rehabilitation Commission.</u>	
4120-0010	For the administration of the commission, including not more than one permanent position, prior appropriation continued.....	\$5,010,000
4120-0031	For a program of extended employment for the handicapped under Title XX program.....	\$1,743,105
4120-0041	For the administration of the office of deafness, including not more than one permanent position.....	\$92,000
4120-0051	For a program of personal care assistance, prior appropriation continued.....	\$399,506
	<u>OFFICE FOR CHILDREN.</u>	
4130-0001	For the office of the director, including not more than forty permanent positions.....	\$862,603
	<u>Region One.</u>	
4131-1000	For the administration of the regional office, including services to children, including not more than nine permanent positions.....	\$689,330
	<u>Region Two.</u>	
4132-1000	For the administration of the regional office, including services to children, including not more than nine permanent positions.....	\$605,940
	<u>Region Three.</u>	
4133-1000	For the administration of the regional office, including services to children, including not more than nine permanent positions.....	\$594,840
	<u>Region Four.</u>	
4134-1000	For the administration of the regional office, including services to children, including not more than nine permanent positions.....	\$771,900
	<u>Region Five.</u>	
4135-1000	For the administration of the regional office,	

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	including services to children, including not more than nine permanent positions.....	\$684,230
	<u>Region Six.</u>	
4136-1000	For the administration of the regional office, including services to children, including not more than nine permanent positions.....	\$552,550
	<u>Region Seven.</u>	
4137-1000	For the administration of the regional office, including services to children, including not more than nine permanent positions.....	\$816,150
	<u>Commissioner of Veterans' Services.</u>	
4170-0010	For the office of the commissioner, including not more than seventy-one permanent positions .....	\$887,000
4170-0300	For the payment of annuities to certain disabled veterans.....	\$176,000
4170-0400	For reimbursing cities and towns for money paid for veterans' benefits and for payment 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.....	\$8,100,000
	Local Aid Fund 100.0%	
	<u>Soldiers' Home in Massachusetts.</u>	
4180-0100	For the maintenance of the home, including not more than six hundred and fifty-eight permanent positions.....	\$9,290,000
	<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.....	\$5,285,000
	DEPARTMENT OF YOUTH SERVICES.	
4200-0010	For the administration of the department, including not more than eighty-two permanent positions.....	\$1,745,000
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,	

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	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.....	\$11,560,000
4202-0022	For the establishment and operation of a secure facilities program for youths.....	\$3,300,000
4202-0023	For the federal law enforcement assistance program; provided, that expenditures from this item shall be contingent upon the prior approval by the proper federal authorities of the program for which these funds are to be expended.....	\$160,000

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.....	\$977,085
4223-1010	Detention center in Hampden county, including not more than thirty-two permanent positions.....	\$506,422
4224-1010	Secure treatment unit in Worcester county, including not more than thirty-one permanent positions.....	\$473,068

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.....	\$497,454
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 two hundred and eighty-five permanent positions.....	\$4,817,608

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	
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	for the official training period shall be paid from this item; including not more than sixty-six permanent positions.....	\$3,652,750
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.....	\$194,035
4311-0003	For a half-way house program, including not more than nine permanent positions.....	\$1,250,000
4311-0004	For a health service program, including not more than eighty permanent positions.....	\$3,938,190
	<u>For the maintenance of and for certain improvements at the following institutions under the control of the department:</u>	
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 Fund to the General Fund, including not more than eighty-nine permanent positions.....	\$2,861,160
4311-0006	Correctional institution at Norfolk farm dormitory.....	\$1,046,208
4311-0008	For a pre-release residential facility at Boston.....	\$537,034
4311-0009	For a program of education services including not more than two permanent positions.....	\$669,883
4312-0001	Correctional institution at Bridgewater, including not more than four hundred and forty-four permanent positions.....	\$10,486,000
4313-0001	Correctional institution at Walpole, including not more than three hundred and thirty-nine positions.....	\$8,155,500
4313-9002	For the renovation of the kitchen at Walpole.....	\$325,000
4314-0001	Correctional institution at Concord, including not more than two hundred and eighty-four permanent positions.....	\$7,406,950
4315-0001	Correctional institution at Framingham, including not more than one hundred and twenty permanent positions.....	\$2,860,000
4316-0001	Correctional institution at Norfolk, including not more than two hundred and eighty-five permanent positions.....	\$7,690,000
4317-0001	Prison camp at Warwick and pre-release centers, including not more than twenty-six permanent positions.....	\$942,021
4341-0001	For a reception diagnostic center.....	\$718,560
4342-0001	For a pre-release guidance center.....	\$979,238
4343-0001	For a pre-release center at Shirley, including not more than eighteen permanent positions.....	\$1,725,200
4344-0001	For a Southeastern correctional center, including not more than one hundred and seven permanent positions.....	\$2,575,000
4345-0001	For pre-release programs at Medfield, Norfolk and	



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	Plymouth, including not more than twelve permanent positions.....	\$1,000,000
4348-0001	For a medium correctional security facility in north central Massachusetts.....	\$1,300,000
<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.....	\$2,789,254
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.....	\$50,000
<u>DEPARTMENT OF PUBLIC WELFARE.</u>		
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 four hundred and eighty-two permanent positions .....	\$74,386,000
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.....	\$10,200,000
4400-1004	For the administration of the child support enforcement unit; provided, that any federal funds received for this purpose shall be credited to the General Fund; including not more than one hundred and sixty-seven permanent positions.....	\$4,946,000
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.....	\$4,200,000
4400-1006	For certain administration costs of the department's foster care program, including home finding	

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	for foster care children and legal services.....	\$3,442,000
4400-1035	For a program of training for assistance payments, medical assistance, and food stamp workers, provided that the federal reimbursements for any expenditures from this item shall not be less than seventy-five per cent of such expenditure.....	\$1,000,000
4400-1061	For the administration of the social services administrative unit; including not more than fifty-eight permanent positions.....	\$1,071,860
4400-1200	For the expenses of operating a food stamp program for eligible persons in the commonwealth; provided, that all federal funds received for the purposes of this item shall be credited to the General Fund; and provided, further, that banking institutions within the commonwealth, the United States postal service, and other agencies shall process the food stamps; including not more than two hundred and eight permanent positions.....	\$9,640,610
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.....	\$1,505,000
4401-1001	For the administration and services to facilitate the adoption of certain children in the care of the department; including not more than thirteen permanent positions.....	\$419,708
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.....	\$840,000,000
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.....	\$4,000,000

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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.....	\$1,300,000
4402-5300	For a medical assistance program of mental health and mental retardation services pursuant to provisions of Public Law 89-97, Title XIX; provided that all federal funds received for the purpose of this item shall be credited to the General Fund; and provided further, that the commissioner of administration, upon the recommendations of the commissioner of public welfare and the commissioner of mental health, is hereby authorized to transfer from the sum appropriated herein to appropriation item 5016-0100 such amounts not to exceed one million ninety-one thousand six hundred and fifty dollars as are not needed in fiscal year nineteen hundred and eighty medical assistance payments for costs incurred at intermediate care facilities for the mentally retarded due to unanticipated delays in the establishment of such facilities, such transferred amounts to then be used to ensure compliance with the community placement requirements of certain consent decrees regarding the mentally retarded.....	\$10,866,720
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.....	\$475,000,000
4405-2000	For the state supplement to the supplemental security income program for the aged and disabled, 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.....	\$125,870,000
4406-2000	For a program of general relief; provided, 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.....	\$44,845,200
4408-2000	For a program to provide emergency needs such as those resulting from fire, flood or other disaster, and burials.....	\$511,000
4409-3000	For assistance to United States citizens returned from foreign countries and emergency assistance to resettled 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.

Item

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-nine permanent positions.....	\$1,240,205
4510-0600	Control of radiation and nuclear hazards.....	\$131,350
4510-0710	For the administration of the Office of Regulation, including not more than thirty-five permanent positions.....	\$2,994,900
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.....	\$338,000
4510-0780	For inspection of ambulance services, as authorized by section two of chapter one hundred and eleven C of the General Laws.....	\$200,000
4510-0790	For an Office of Emergency Medical Services.....	\$294,937
4510-1502	For the comprehensive health planning project.....	\$144,494
4510-1507	For the administration of a health maintenance organization program.....	\$100,000

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.....	\$825,000
4512-0100	For the administration of the division of communicable and venereal diseases, including not more than twenty-six permanent positions.....	\$1,420,535
4512-0180	For a vaccine program.....	\$881,145
4512-0200	For the administration of the division of alcoholism, including not more than ten permanent positions.....	\$14,949,100
4512-0500	For the administration of the division of dental health, including not more than three permanent positions.....	\$64,500
4512-0600	For a study of equine encephalitis.....	\$92,964
4512-0700	For epilepsy control program, including not more than two permanent positions.....	\$150,800
4512-0900	For the administration of a public health information and prevention program, including not more than four permanent positions.....	\$447,217

Bureau of Health Services.

4513-1000	For the administration of the bureau, including not more than forty-eight permanent positions.....	\$4,718,000
4513-1500	For the administration of local health services, including not more than twenty-seven permanent positions.....	\$440,000
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	

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	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 .....	\$75,000
4513-2200	For a certain program for the care of infants prematurely born.....	\$25,000
4513-2400	For the high risk for deafness program.....	\$29,000
4513-3500	For a preschool nursery program for crippled children, to be in addition to any federal funds available for the purpose .....	\$670,000
	<u>Bureau of Tuberculosis and Institutions.</u>	
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.....	\$3,268,649
	<u>Institute of Laboratories.</u>	
4516-0100	For the administration of the institute, provided that, notwithstanding any provision of law to the contrary, all revenue accrued through the program at the institute of laboratories of selling biologic products and performing various laboratory tests, in excess of forty-five thousand dollars may be expended without further appropriation subject to the approval of the commissioner of public health, state comptroller and the house and senate committees on ways and means for said program, including cost of materials, supplies and equipment, maintenance of laboratory facilities and compensation to laboratory employees. This program shall be subject to a full audit and annual report by the state auditor, including not more than one hundred and sixty-nine permanent positions.....	\$3,456,550
4516-0201	For a program of prevention of lead poisoning, including not more than three permanent positions.....	\$485,980
	<u>Bureau of Consumer Products Protection.</u>	
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 .....	\$1,685,400
4518-0100	For the administration of the office of health statistics and analysis, including not more than twenty-nine permanent positions.....	\$570,000
	<u>For the maintenance of and for certain improvements at the following institutions under the control of</u>	

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the department of public health:

Notwithstanding any law to the contrary, all revenue accrued through the public health hospitals, in excess of their appropriation, may be expended without further appropriation subject to the approval of the commissioner of public health and the state comptroller, for said hospitals, including costs of materials, supplies, and equipment, maintenance of hospital facilities, and compensation to employees. This program shall be subject to full audit and annual report by the state auditor.

4531-0001	Lakeville hospital, including not more than three hundred and twenty-three permanent positions.....	\$6,439,233
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 nine hundred and one permanent positions.....	\$14,750,000
4533-0001	Massachusetts hospital school, including not more than three hundred and twenty-eight permanent positions.....	\$5,327,490
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-nine permanent positions.....	\$5,536,300
4536-0001	Tewksbury hospital, including not more than one thousand and eighty-four permanent positions.....	\$15,235,565
4537-0001	Western Massachusetts hospital, including not more than two hundred and eighty-eight permanent positions.....	\$4,429,910

DEPARTMENT OF SOCIAL SERVICES.

4800-0010	For the administration of the department, including not more than one hundred and eleven permanent positions.....	\$5,317,720
4800-1005	For the administration of a program of protective services for children in the 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 expenditure .....	\$4,620,000
4800-1020	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	

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	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 expenditures from this item shall not be less than seventy-five per cent of such expenditures.....	\$855,900
4800-1025	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.....	\$3,000,000
4800-1030	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.....	\$6,600,000
4801-1000	For care and maintenance of children under the jurisdiction of the division of children and family services; provided, 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; and provided further, that the department of public welfare will report on a monthly basis to the house and senate committees on ways and means on development of new slots.....	\$47,133,130

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4801-1001	For administration and services to facilitate the adoption of certain children in the care of the department.....	\$375,000
4803-2005	For certain donated funds programs; provided, that, notwithstanding any provision of section seventeen B 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 expenditures; and provided further that for donated funds programs of family planning services, 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 ten per cent of such expenditures; and provided further that the federal reimbursement for any expenditure from this item for family planning services shall not be less than ninety per cent of such expenditures.....	\$13,570,000
4803-2100	For a program of day care services; provided, that all federal funds received for the purpose of this item shall be credited to the General Fund; 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 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 maximums established by the rate setting commission; and provided further, that a sum of one million dollars shall be expended for a demonstration utilizing a sliding fee scale; and provided, that certain slot equalization goals will be achieved by expending a sum of three hundred thousand dollars for one hundred new day care slots to serve the Baycove mental health catchment area and the Neponset area of Dorchester; provided, further, that a sum of three hundred thousand dollars shall be expended for one hundred new day care slots in Region Five .....	\$36,670,000
4803-2200	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 .....	\$3,213,000



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4803-2300	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.....	\$4,874,000
4803-2400	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.....	\$2,137,000
4803-2700	For a program to provide emergency services to battered women and their children.....	\$500,000
4808-1000	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.....	\$2,544,000

## DEPARTMENT OF MENTAL HEALTH.

Notwithstanding any provision of law to the contrary, the department of mental health shall report quarterly to the house and senate committees on ways and means expenditures made, by region, for the establishment of new community-based programs; status of community-based programs including starting dates, number of clients served per program, the cost for the start-up month and the cost for the full fiscal year.

Notwithstanding any provision of law to the contrary, the department of mental health shall submit, quarterly, in writing, and by region to the house and senate committees on ways and means a status report on the deinstitutionalization program at all state mental health and retardation facilities, including state schools for the retarded. This shall include the identification of patients to be moved into the community as well as the program in which they will be placed, and the dates on which they are to be deinstitutionalized.

Provided further that the department of mental health shall submit quarterly, in writing, by region and by program, to the house and senate committees on ways and means status reports on the Individual Service Plans, "ISPs", of clients deinstitutionalized from February first, nineteen hundred and seventy-nine to June thirtieth, nineteen hundred and eighty.

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 two hundred and ninety-six permanent positions; provided, that the position of assistant to the commissioner of mental health (executive in mental retardation) shall not	
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	be subject to the provisions of chapter thirty-one of the General Laws.....	\$8,473,000
5011-0011	For a consolidated laundry program, including not more than two hundred and ninety-two permanent positions.....	\$2,980,000
5011-9001	For a research project and rehabilitation program for chronic mental patients, prior appropriation continued.....	\$300,000
5011-9002	For a special consultation project for severely disturbed patients.....	\$260,000
5011-9003	For the purchase of fireproof mattresses and box springs, appropriation expires June thirtieth, nineteen hundred and eighty.	
5011-9005	For an audit team to provide management and fiscal auditing of all department community based purchased services.....	\$163,950
5013-0100	For the office of the division of drug rehabilitation, including not more than seventeen permanent positions and further provided that the division shall not license any new drug rehabilitation program or clinic until and unless it has made a determination of community need in the area where the clinic or the program is to be located .....	\$3,487,000
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 provided, that, notwithstanding the provisions of section twenty-nine of chapter twenty-nine of the General Laws, no interchange between any subsidiary account and the subsidiary account entitled "02, Salaries, other" shall be authorized unless and until the department obtains the prior written approval of the house and senate committees on ways and means; Notwithstanding any other provision of law to the contrary the department of mental health shall assign on July first, nineteen hundred and seventy-nine two full time employees jointly agreed upon by the commissioner of the department of mental health and the commissioner of the department of education, to assist in the implementation of the program of education services for those clients of the bureau of institutional schools who will have reached the age of twenty-two on or before July first, nineteen hundred and seventy-nine, as it is now operated by the department of education. Provided further that these employees shall work cooperatively with the department of education to provide for a comprehensive fiscal and programmatic transition of said services to be assumed by the department of mental health on July first, nineteen hundred and eighty.....	\$52,424,800

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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.....	\$1,672,896
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 year and provided, further, that not less than four hundred thousand dollars of these funds shall be expended for services to the elderly .....	\$4,078,000
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.....	\$7,497,525
5036-0100	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.....	\$300,000
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; appropriation expires June thirtieth, nineteen hundred and eighty.....	\$819,152
<u>Region One.</u>		
5100-0100	For the administration of mental health and mental retardation services in the following catchment areas and facilities in region one: Berkshire, Franklin/Hampshire, Holyoke/Chicopee, Springfield, Westfield, and including services located at the Northampton state hospital; provided that the allocation of funds	

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for the purposes of this item shall be subject to the prior approval of the commissioner of administration, including not more than one thousand and seventeen permanent positions..... \$27,657,690

5183-0100 For the maintenance of the Belchertown state school, including not more than seven hundred and fifty permanent positions..... \$11,366,749

Region Two.

5241-0000 For administration, including not more than eleven permanent positions..... \$187,013

5245-0000 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 four permanent positions..... \$12,270,288

5251-0100 For the maintenance of North Central Human Services 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..... \$415,168

5252-0100 For the maintenance of the Blackstone Valley mental health center, including not more than forty-seven permanent positions..... \$1,155,304

5271-0100 For the maintenance of the Irving A. Glavin regional center at Shrewsbury, including not more than one hundred and ninety-two permanent positions..... \$2,537,595

5283-0100 For the maintenance of the Monson state hospital, including not more than eight hundred and thirty-eight permanent positions..... \$12,407,582

5295-0100 For the maintenance of the Worcester state hospital, including not more than nine hundred and sixty-nine permanent positions; provided that such funds may be transferred to the appropriate catchment area programs to meet the needs of non-hospitalized patients and patients at risk of hospitalization; and provided further that the allocation of funds for the purposes of this item shall be subject to the approval of the Commissioner of Administration and verification by the House and Senate Committees on Ways and Means..... \$11,735,427

5296-0100 For the maintenance of the Rutland Heights psychiatric unit, including not more than one hundred and forty-five permanent positions..... \$1,566,225

Region Three.

5300-0100 For the administration of mental health and mental retardation services in the following catchment areas and facilities in region three: Lowell, Lawrence, Haverhill/Newburyport, Cape Ann, Danvers/Salem, Lynn, Eastern Middlesex, Tri-City and including services at Berry and at Danvers state hospital; provided that the allocation of funds for the purposes of this item shall be subject to the prior approval of the commissioner of administration, including

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	not more than one thousand one hundred and eighty-eight permanent positions.....	\$28,504,375
5377-0100	For the maintenance of the Charles V. Hogan regional center, including not more than four hundred and forty-eight permanent positions.....	\$5,080,743
<u>Region Four A.</u>		
5441-0000	For administration, including not more than ten permanent positions.....	\$164,583
5445-0000	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 seventeen permanent positions.....	\$7,011,073
5451-0100	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.....	\$2,421,305
5452-0100	For the purchase of psychiatric services at the Metropolitan-Beaverbrook Mental Health Center, prior appropriation continued.....	\$448,258
5453-0100	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.....	\$866,713
5483-0100	For the maintenance of the Walter E. Fernald state school, including not more than one thousand one hundred and thirty-seven permanent positions.....	\$16,562,022
5495-0100	For the maintenance of the Metropolitan state hospital, including not more than six hundred and sixty-six permanent positions; provided that such funds may be transferred to the appropriate catchment area programs to meet the needs of non-hospitalized patients and patients at risk of hospitalization; and provided further that the allocation of funds for the purposes of this item shall be subject to the approval of the Commissioner of Administration and verification by the House and Senate Committees on Ways and Means.....	\$8,813,328
5496-0100	For the maintenance of the William C. Gaebler Children's Center, including not more than one hundred and twenty-two permanent positions.....	\$1,620,783
<u>Region Five.</u>		
5500-0100	For the administration of mental health and mental retardation services in the following catchment areas and facilities in region five: New Bedford, Brockton, including the Brockton	

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	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 five core services located at the Taunton state hospital; provided that a portion of the 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, and provided further that the Regional Intensive Adolescent Program located at the Taunton State Hospital shall be operated and staffed by state employees from this item and shall not be provided by a purchase of contracted services, including not more than one thousand three hundred and forty-five permanent positions.....	\$26,400,000
5551-0100	For a treatment center at Massachusetts correctional institute at Bridgewater, including not more than thirty-six permanent positions.....	\$777,500
5583-0100	For the maintenance of the Paul A. Dever school, including not more than eight hundred and eighty-four permanent positions.....	\$12,116,535
	<u>Region Six.</u>	
5641-0000	For administration, including not more than eleven permanent positions.....	\$210,000
5642-0100	For the maintenance of the Boston state hospital, including not more than seven hundred and fifty-two permanent positions.....	\$9,963,400
5645-0000	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-five permanent positions.....	\$7,243,616
5651-0100	For the maintenance of the Massachusetts mental health center, including not more than three hundred and ninety-six permanent positions.....	\$6,288,955
5652-0100	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.....	\$5,045,018
5653-0100	For the maintenance of the Erich Lindeman mental health center, including not more than two hundred and seventy-five permanent positions....	\$3,863,569
5654-0100	For the maintenance of the Tufts mental health center, including not more than one hundred and eighty-two permanent positions.....	\$2,989,511
	<u>Region Four B.</u>	
5841-0000	For administration, including not more than eleven permanent positions.....	\$186,166
5845-0000	For mental health and retardation services; provided that a portion of the funds from this item shall	

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	be expended for services to the elderly, including not more than one hundred and ninety-nine permanent positions.....	\$11,972,138
5883-0100	For the maintenance of the Wrentham state school, including not more than six hundred and sixty-one permanent positions.....	\$11,947,000
5895-0100	For the maintenance of the Medfield state hospital, including not more than six hundred and twenty permanent positions; provided that such funds may be transferred to the appropriate catchment area programs to meet the needs of non-hospitalized patients and patients at risk of hospitalization; and provided further that the allocation of funds for the purposes of this item shall be subject to the approval of the Commissioner of Administration and verification by the House and Senate Committees on Ways and Means.....	\$7,905,071
5896-0100	For the maintenance of Westborough state hospital, including not more than eight hundred and sixty-four permanent positions; provided that such funds may be transferred to the appropriate catchment area programs to meet the needs of non-hospitalized patients and patients at risk of hospitalization; and provided further that the allocation of funds for the purposes of this item shall be subject to the approval of the Commissioner of Administration and verification by the House and Senate Committees on Ways and Means.....	\$10,209,824
5897-0100	For the maintenance of the Cushing hospital, including not more than seven hundred and ten permanent positions.....	\$8,327,200
5898-0100	For the maintenance of the Foxborough state hospital, including not more than thirty permanent positions.....	\$551,084
EXECUTIVE OFFICE FOR TRANSPORTATION AND CONSTRUCTION.		
<u>Office of the Secretary.</u>		
6000-0100	For the office of the secretary of transportation and construction, including not more than three permanent positions.....	\$258,000
	Highway Fund 100.0%	
<u>Massachusetts Bay Transportation Authority.</u>		
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.....	\$72,241,000
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.....	\$29,000,000
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	

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	twenty-five B of chapter fifty-eight of the General Laws.....	\$432,000
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.....	\$875,000
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, provided in fiscal year nineteen hundred and eighty.....	\$4,550,000
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 thirteen of chapter sixty-four E and clause (b) of section fourteen of chapter sixty-four F of the General Laws.....	\$26,000,000
	Highway Fund 100.0%	
6005-0018	For additional contract assistance to the Massachusetts Bay Transportation Authority for the fiscal year nineteen hundred and eighty for the provision of commuter rail service, including the extension of service to the towns of Haverhill and Gardner, 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, nineteen hundred and seventy-eight.....	\$3,400,000
6005-0027	For certain payments to cities and towns as authorized by clause (c) of section thirteen of chapter sixty-four A, clause (b) of section thirteen of chapter sixty-four E and clause (b) of section fourteen of chapter sixty-four F of the General Laws.....	\$13,000,000
	Highway Fund 100.0%	
6005-0100	For contracts to provide for the operation of commuter boat services.....	\$200,000
	<u>Massachusetts Aeronautics Commission.</u>	
6006-0001	For the personal services and expenses of the commissioners, including not more than five permanent positions.....	\$2,510
6006-0003	For the administration of the commission, including not more than ten permanent positions.....	\$203,000
6006-0051	For the expenses of air navigation facilities.....	\$55,000

DEPARTMENT OF PUBLIC WORKS.

Highway Activities.

Personal Services.

6010-0001 For personal services, provided, that all the



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	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.....	\$60,300,000
	Highway Fund 100.0%	
	<u>Administrative and Engineering Expenses.</u>	
6020-1900	For the operation and maintenance of the public works building, including not more than fifty-nine permanent positions.....	\$924,500
	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 commission, the office of the public works commissioner and the division of administrative services, telephone service in the public works building, highway engineering, highway maintenance, highway construction and the district and other highway activity offices.....	\$3,167,600
	Highway Fund 100.0%	
	<u>Maintenance and Operation of State Highways and Bridges.</u>	
	<u>Appropriation under this heading may be expended for traffic safety and control on certain city or town ways:</u>	
6030-7201	For the expenses of snow and ice control, including the removal of sand, and including the cost of sand, salt and chemicals.....	\$13,625,000
	Highway Fund 100.0%	
6030-7301	For expenses in connection with traffic line painting, including the cost of materials.....	\$900,000
	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.....	\$2,233,400
	Highway Fund 100.0%	
6030-7403	For expenses of fleet management and maintenance equipment, prior appropriation continued.....	\$6,500,000
	Highway Fund 100.0%	
6030-7601	For the maintenance and operation of state highways and bridges.....	\$3,500,000
	Highway Fund 100.0%	

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6030-7604	For roadside sanitary facilities.....	\$65,000
	Highway Fund 100.0%	
6031-0131	For a property management program, prior appropriation continued	
	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 eighty 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
	Local Aid Fund 100.0%	
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
	Local Aid Fund 100.0%	

EXECUTIVE OFFICE OF EDUCATIONAL AFFAIRS.

Office of the Secretary.

7000-0100	For the office of the secretary, including not more than three permanent positions.....	\$281,000
7000-0111	For the administration of the intern program.....	\$40,000
7000-0112	For intern program stipends and payments.....	\$75,000

George Fingold Library.

7000-0601	For the administration of the library, including not more than thirty-four permanent positions.....	\$640,000
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Art Commission.

7000-0651	For expenses of the commission, notwithstanding the limitation of section nineteen of chapter six of the General Laws.....	\$700
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Compact for Education.

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.....	\$500

New England Board of Higher Education.

7000-0801	For expenses of the board, and for compensation and expenses of the members.....	\$234,000
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	

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	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.....	\$961,000
7000-0812	For payments to certain universities on acceptance of certain Massachusetts students into physical and occupational therapy programs; provided, that the contracts relative thereto 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 .....	\$371,800
7000-0814	For the commonwealth's share of the development and operating costs of the Tufts School of Veterinary Medicine.....	\$161,547
7000-9101	For the administration and expenses of the board of library commissioners, including not more than twenty permanent positions.....	\$390,000
7000-9401	For state aid to regional public libraries.....	\$2,593,345
	Local Aid Fund 100.0%	
7000-9501	For state aid to public libraries.....	\$2,212,142
	Local Aid Fund 100.0%	
DEPARTMENT OF EDUCATION.		
<u>Board of Education and Commissioner's Office.</u>		
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.....	\$3,038,638
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	

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school districts; provided further that the board of education shall certify to the accuracy of said incremental cost determination to the committees on ways and means before September first, nineteen hundred and seventy-nine; 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

Local Aid Fund 100.0%

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

Local Aid Fund 100.0%

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

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	would cause the commonwealth's obligation for the purpose of this item to exceed the amount of this appropriation.....	\$6,000,000
	Local Aid Fund 100.0%	
	<u>Division of Occupational Education.</u>	
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.....	\$1,298,761
7027-0014	For the reimbursement of certain towns for the transportation of pupils.....	\$333,756
	Local Aid Fund 100.0%	
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
	<u>Division of Special Education.</u>	
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.....	\$1,353,000
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.....	\$10,849,500
7028-0071	Notwithstanding any other provisions of law to the contrary, for the expenses of continuing the education services of those clients of the bureau of institutional schools who will have reached the age of twenty-two on or before July first, nineteen hundred and seventy-nine, provided, that the Department of Mental Health shall assign on July first, nineteen hundred and seventy-nine, two full-time employees, jointly agreed upon by the commissioner of the Department of Mental Health and the commissioner of the Department of Education to assist in the implementation of this program; and further provided, that said commissioner of the Department of Mental Health shall submit on or before January second, nineteen hundred and eighty, to the House and Senate Committees on Ways and Means, a comprehensive fiscal and a programmatic plan for assuming responsibility for said services, to be implemented beginning July first, nineteen hundred and eighty, appropriation expires June thirtieth, nineteen hundred and eighty.....	\$2,400,000
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	

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	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.....	\$2,000,000
	Local Aid Fund.....	100.0%
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.....	\$15,388,370
7028-0303	For expenses relating to the provisions of special education to certain children to be 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.....	\$200,000
	<u>Division of Curriculum and Instruction.</u>	
7030-0100	For the general administration of the division, including bilingual programs, and including not more than seventy-three permanent positions.....	\$1,446,000
7032-0202	For the expenses and the services of an educational television program provided, however, that not more than twenty thousand dollars shall be expended for programming during the period of July first, nineteen hundred and seventy-nine and September fourteenth, nineteen hundred and seventy-nine.....	\$459,596
7035-0001	For the adult education and extended services program; provided, that the division may, with the	

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	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.....	\$487,963
7035-0004	For the reimbursement of certain towns and regional school districts for the transportation of pupils .....	\$38,000,000
	Local Aid Fund 100.0%	
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
	Local Aid Fund 100.0%	
	<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.....	\$825,000
7051-1908	For printing school registers and other school blanks for cities and towns.....	\$21,000
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 in the fiscal year ending June thirtieth, nineteen hundred and eighty shall not exceed five million two hundred thousand dollars of which amount not more than one million eight hundred thousand 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.....	\$3,426,000
	Local Aid Fund 100.0%	
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.....	\$109,664,000
	Local Aid Fund 100.0%	

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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, (c) for matching stabilization fund payments as set forth in section nine of said act, and (d) for costs of leasing buildings for vocational programs and originally equipping and furnishing said buildings as set forth in section nine of said act.....	\$850,000
	Local Aid Fund 100.0%	
7053-1907	For partial assistance in the furnishing of lunches to school children, as authorized by chapter five hundred and thirty-eight of the acts of nineteen hundred and fifty-one, and, if necessary, for supplementing federal funds allocated for the special milk program; provided, that notwithstanding any provisions of the law to the contrary, payments so authorized shall not exceed fifty per cent of the total reimbursement authorized by the National School Lunch Act; and provided, further, that notwithstanding said fifty per cent limitation, said limitation may be exceeded on certain lunches to the extent and in the same number as free or reduced-price lunches served to children are subsidized entirely from federal funds at the maximum rate allowed, prior appropriation continued.....	\$403,000
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.....	\$6,400,000
	Local Aid Fund 100.0%	
7053-1910	For the reimbursement to cities and towns and partial assistance to private schools for a lunch program for needy elderly persons; provided however, that no less than five hundred thousand dollars be allocated for the private vendor portion, so-called, of said program; and provided further, that the governor, upon recommendation of the commissioner of administration shall transfer, without further appropriation, any funds from said private vendor allocation unexpended as of December thirty-first, nineteen hundred and	



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	seventy-nine to appropriation account 9110-1670, prior appropriation continued.....	\$1,100,000
	Local Aid Fund 100.0%	
	<u>Division of State and Federal Assistance.</u>	
7061-0002	For personal services of the surplus property agency; provided, that a sum equivalent to the expendi- tures made hereunder shall be transferred to the General Fund from the receipts of the surplus pro- perty 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; in- cluding not more than two permanent positions .....	\$22,500
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.....	\$41,960,000
	Local Aid Fund 100.0%	
7061-0008	For school aid to cities, towns, regional school districts, counties maintaining agricultural schools, and independent vocational schools under the pro- visions of chapter seventy of the General Laws, provided, that any school aid made available in excess of six hundred thirty-three million five hundred thousand dollars by transfer to this account during the fiscal year ending June thirtieth, nineteen hundred and eighty shall be distributed so that the total amount of school aid received under said chapter shall not be less than one hundred and seven per cent of the amount of school aid paid under this chapter during the fiscal year ending June thirtieth, nineteen hundred and seventy-nine .....	\$633,500,000
	Local Aid Fund 100.0%	
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.....	\$4,000,000
	Local Aid Fund 100.0%	
7061-0010	For the reimbursement to cities, towns, and regional school districts of one half of the cost of rec- reation 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
	Local Aid Fund 100.0%	
7061-0011	For the reimbursement to cities, towns, regional school	

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districts and independent vocational schools of certain expenditures for the transportation of a) pupils enrolled in a transitional bilingual education program, under the provisions of section eighty 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
Local Aid Fund	100.0%

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 Massachusetts maritime academy, the average cost of instruction for each undergraduate student. Costs so determined shall be certified to the boards having control of the several institutions and shall be used by them in fixing the tuition to be charged students who are not residents of the commonwealth. Such tuition shall be fixed at an amount which as nearly as possible reflects the actual average cost of instruction for each said institution or group of institutions, but in no event shall such tuition amount be less than ninety-five 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.

7070-0001	For the administration of the board, including the salary of the chancellor and including not more than thirty permanent positions.....	\$810,000
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.....	\$13,500,000
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	

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	approved by the board of higher education and be subject to the rules and regulations with respect to eligibility as established by said board.....	\$150,000
7070-0011	For a scholarship program as authorized by chapter seven hundred and twelve of the acts of nineteen hundred and sixty-six for children of 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.....	\$125,000
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-six permanent positions.....	\$975,000
7102-0001	For the purchase of scientific, technological and other educational reference material for the libraries.....	\$600,000
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.....	\$1,600,000
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.....	\$11,000,000
7108-9704	For the commonwealth's contribution toward federal student loan programs and federal work-study programs.....	\$150,000
7109-0100	State college at Bridgewater, including not more than four hundred and ninety-three permanent positions.....	\$9,700,000
7109-9704	For the commonwealth's contribution toward federal student loan programs and federal work-study programs.....	\$119,000
7110-0100	State college at Fitchburg; provided, that said college may expend a sum not to exceed	

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	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.....	\$8,330,000
7109-9704	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.....	\$87,000
7111-0100	State college at Framingham, including not more than three hundred and seventy-one permanent positions.....	\$6,300,000
7111-9704	For the commonwealth's contribution toward federal student loan programs and federal work-study programs.....	\$64,000
7113-0100	State college at North Adams, including not more than two hundred and thirty-eight permanent positions.....	\$4,650,000
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.....	\$10,510,000
7114-9704	For the commonwealth's contribution toward federal student loan programs and federal work-study programs.....	\$150,000
7115-0100	State college at Westfield, including not more than three hundred and forty-three permanent positions.....	\$6,366,000
7115-9704	For the commonwealth's contribution toward federal student loan programs and federal work-study programs.....	\$113,000
7116-0100	State college at Worcester, including not more than three hundred and eighty-four permanent positions.....	\$6,830,000
7116-9704	For the commonwealth's contribution toward federal student loan programs and federal work-study programs.....	\$71,000
7117-0100	Massachusetts college of art, including not more than one hundred and thirty-one permanent positions, provided that salaries expended on administrative personnel will not exceed the amount expended for said purposes in fiscal year nineteen hundred and seventy-nine except for increases resulting from collective bargaining agreements; provided further that not less than one hundred and thirty-five thousand dollars be expended on repairs and equipment....	\$3,200,000
7117-9704	For the commonwealth's contribution toward federal student loan programs and federal work-study programs.....	\$31,000
7118-0100	Massachusetts maritime academy and ship, including not more than one hundred and sixty-four permanent positions.....	\$3,620,000

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7118-0121	Massachusetts Maritime Academy Marine Fisheries Education and Training Program.....	\$84,000
7118-9704	For the commonwealth's contribution toward federal student loan programs and federal work-study programs.....	\$31,000

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.....	\$20,250,000
7220-0002	For the maintenance of the boarding hall, with the approval of the trustees; including not more than four permanent positions.....	\$56,500
7220-9005	For the purchase of scientific, technological, and other educational reference material for the libraries.....	\$300,000
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.....	\$181,000
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 .....	\$260,000
7225-0001	For the expenses of the nuclear center, to be in addition to any federal funds made available therefor; and including not more than forty-four permanent positions; provided that the trustees of the university shall institute negotiations with private industry to arranged for the phased assumption of the operational cost of the nuclear center and that said trustees shall report monthly the progress of same to the house and senate committees on ways and means.....	\$724,000

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 expend income derived therefrom; provided further, that the university is directed to charge each applicant for admission who is a	
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	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.....	\$13,850,000
7310-9604	For a program of assistance for students from various racial backgrounds in disadvantaged environment; provided, that expenditures may be made for, but not limited to, scholarships, loans, matching federal and private grants, tutorial assistance and programs of culture 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.....	\$250,000
7310-9705	For the purchase of scientific, technological, and other educational reference material for the library .....	\$200,000
	<u>University of Massachusetts.</u>	
7400-0010	For the office of the president; provided, notwithstanding any provisions 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.....	\$900,000
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.....	\$230,840
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 not be 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.....	\$1,000,000
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	

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	Amherst and Boston.....	\$750,000
7400-9704	For scholarships, as authorized by sections thirty-one and thirty-three of chapter seventy-five of the General Laws, and for a work-scholarship program, with the approval of the board of trustees; provided, that any part of the sum herein appropriated may be used for the commonwealth's contribution toward the national defense education act loan program and the office of economic opportunity student work program....	\$1,650,000
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.....	\$84,700,000
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 and maintain learning contracts for students admitted on or after 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.....	\$12,580,032
7411-1006	For the maintenance and operation of the Medical	

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	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.....	\$2,500,000
7416-1001	For the maintenance of the facilities, of the university in the city of Boston; including not more than one thousand and eighteen permanent positions.....	\$24,200,000
	<u>Massachusetts Board of Regional Community Colleges.</u>	
	<u>For the administration and maintenance of and for certain improvements of community colleges with the approval of the board of regional community colleges:</u>	
7501-1001	For the administration of the board, including not more than forty-three permanent positions; provided that the position of president may not be filled.....	\$960,000
7501-3004	For the purchase of scientific, technological and other educational reference material.....	\$400,000
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.....	\$750,000
7502-0100	Berkshire community college, including not more than one hundred and seventy-two permanent positions.....	\$3,100,000
7502-9704	For the commonwealth's contribution toward federal student loan programs and federal work-study programs.....	\$24,000
7503-0100	Bristol community college, including not more than one hundred and ninety-one permanent positions.....	\$3,658,000
7503-9704	For the commonwealth's contribution toward federal student loan programs and federal work-study programs.....	\$70,000
7504-0100	Cape Cod community college, including not more than one hundred and sixty-eight permanent positions.....	\$3,240,000
7504-9704	For the commonwealth's contribution toward	



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	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.....	\$2,800,000
7505-9704	For the commonwealth's contribution toward federal student loan programs and federal work-study programs.....	\$40,000
7506-0100	Holyoke community college, including not more than two hundred and sixty-nine permanent positions .....	\$4,830,000
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.....	\$3,120,000
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.....	\$4,025,000
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.....	\$3,170,000
7509-9704	For the commonwealth's contribution toward federal student loan programs and federal work-study programs.....	\$20,000
7510-0100	Northern Essex community college, including not more than two hundred and thirty-two permanent positions.....	\$4,622,000
7510-9704	For the commonwealth's contribution toward federal student loan programs and federal work-study programs.....	\$103,000
7511-0100	North Shore community college, including not more than two hundred and thirty-one permanent positions.....	\$5,270,000
7511-9704	For the commonwealth's contribution toward federal student loan programs and federal work-study programs.....	\$30,000
7512-0100	Quinsigamond community college, including not more than two hundred and three permanent positions .....	\$3,592,840
7512-9704	For the commonwealth's contribution toward federal student loan programs and federal work-study programs.....	\$33,000
7514-0100	Springfield technical community college, including not more than three hundred and thirty-four permanent positions.....	\$6,170,000
7514-9704	For the commonwealth's contribution toward federal student loan programs and federal work-study programs.....	\$44,000
7515-0100	Roxbury community college, including not more	

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	than eighty-six permanent positions.....	\$1,660,000
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.....	\$2,299,846
7516-9704	For the commonwealth's contribution toward federal student loan programs and federal work-study programs.....	\$39,000
7518-0100	Bunker Hill community college, including not more than one hundred and eighty-one permanent positions.....	\$3,740,000
7518-9704	For the commonwealth's contribution toward federal student loan programs and federal work-study programs.....	\$175,000
	<u>Council on the Arts and Humanities.</u>	
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 .....	\$2,000,000
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.....	\$200,000
7700-0103	For certain payments of the use of the facilities of the museum of fine arts; provided, that children age sixteen years or under shall be admitted without charge.....	\$125,000
7700-0104	For certain payments of 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 of the use of facilities of the museum of science.....	\$400,000
7700-0108	For certain payments to Cultural Institutions; provided that the allocation of funds for the purpose of this item shall be subject to the prior approval of the Commissioner of Education and the House and Senate Committees on Ways and Means.....	\$750,000

EXECUTIVE OFFICE OF PUBLIC SAFETY.

Office of the Secretary.

8000-0100	For the office of the secretary, including not more than three permanent positions.....	\$203,220
	Highway Fund	85.0%
	General Fund	15.0%
8000-0110	For the administration and operation of the criminal	

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	<u>Massachusetts Criminal Justice Training Council.</u>	
8200-0200	For the administration and operation of certain training programs to be conducted by the Massachusetts criminal justice training council, including a drug education and training program, including not more than seven permanent positions.....	\$1,000,000
8200-0215	For the federal law enforcement assistance program; provided, that expenditures from this item shall be contingent upon the prior approval by the proper federal authorities of the program for which these funds are to be expended.....	\$30,000
8200-0225	For the operation of the Massachusetts police institute.....	\$190,000
	<u>Department of Public Safety.</u>	
8311-1000	For the administration of the department, including not more than ninety-eight permanent positions.....	\$1,580,000
	<u>Division of State Police.</u>	
8312-0100	For the administration of the division, including not more than one thousand one hundred and forty-five permanent positions.....	\$25,415,085
	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.....	\$125,000
	General Fund 15.0%	
	Highway Fund 85.0%	
	<u>Division of Fire Prevention.</u>	
8314-1000	For the administration of the division, including not more than nineteen permanent positions.....	\$337,025
	<u>Division of Inspection.</u>	
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.....	\$1,260,000
	<u>Board of Boiler Rules.</u>	
8316-1000	For the administration of the board, including not more than four permanent positions.....	\$3,100
	<u>State Boxing Commission.</u>	
8317-1000	For the administration of the commission, including not more than six permanent positions.....	\$34,520
	<u>Board of Elevator Regulations.</u>	
8318-1000	For the administration of the board, including not more than seven permanent positions.....	\$6,370
	<u>Board of Examiners of Elevator Constructors, Maintenance Men and Repairmen.</u>	
8319-1000	For the administration of the board, including	

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	not more than one permanent position.....	\$1,300
	<u>Board of Elevator Appeals.</u>	
8320-1000	For the administration of the board, including not more than six permanent positions.....	\$1,000
	<u>Architectural Barriers Board.</u>	
8321-1000	For the expenses of the board, including not more than five permanent positions.....	\$42,000
	<u>Recreational Tramway Board.</u>	
8322-1000	For the expenses of the board, including not more than four permanent positions.....	\$5,000
	<u>Board of Fire Prevention Regulations.</u>	
8340-1000	For the administration of the board, including not more than eight permanent positions.....	\$6,348
	<u>Registry of Motor Vehicles.</u>	
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.....	\$20,905,694
	Highway Fund 100.0%	
8400-0002	For the administration of the certificate of title law, including not more than two hundred and twenty-three permanent positions.....	\$2,675,000
	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.....	\$1,298,584
	<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.....	\$510,000
	<u>EXECUTIVE OFFICE OF MANPOWER AFFAIRS.</u>	
	<u>Office of the Secretary.</u>	
9000-0100	For the office of the secretary, including not more than four permanent positions.....	\$108,250
9000-0300	For the administration of programs for displaced homemakers in accordance with chapter four hundred and eighty-three of the acts of nineteen hundred and seventy-eight.....	\$19,000
	<u>Commission on Employment of the Handicapped.</u>	

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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.....	\$254,596
9020-1031	For a Joint Labor-Management Committee.....	\$282,500
	<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-two permanent positions.....	\$1,553,870
9020-3001	Division of occupational hygiene, including not more than twenty permanent positions.....	\$402,918
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.....	\$68,696
9020-4001	Division of statistics, including not more than twenty-six permanent positions.....	\$219,456
9020-6001	For the expenses of the department in enforcing the minimum wage laws, including not more than twenty-two permanent positions.....	\$313,290
9020-7001	Board of conciliation and arbitration, including not more than eighteen permanent positions.....	\$369,953
9020-8001	Division of employment agencies, including not more than three permanent positions.....	\$51,900
	<u>Division of Apprentice 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.....	\$378,974
	<u>Labor Relations Commission.</u>	
9030-1001	For the administration of the commission, including not more than twenty-four permanent positions.....	\$588,298
	<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.....	\$2,475,000
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,	

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	including previous fiscal years.....	\$8,517,620
	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.....	\$100,000
	<u>Industrial Accident Rehabilitation Board.</u>	
9050-5000	For the service of the board, including not more than six permanent positions.....	\$23,910
	<u>Department of Commerce and Development.</u>	
9091-0100	For the administration of the department, including not more than eighty-three permanent positions .....	\$1,171,647
	<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.....	\$87,000
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, including not more than three permanent positions.....	\$68,708
	<u>Massachusetts Industrial Finance Agency.</u>	
9091-1003	For the administration of the Massachusetts Industrial Finance Agency; provided, that the comptroller shall transfer to the General Fund from the Massachusetts Industrial Insurance Fund, in the fiscal years beginning July first, nineteen hundred and seventy-nine, an amount equal to the expenditures made herefrom.....	\$70,000
9091-1004	For the Massachusetts Industrial Finance Agency Insurance Fund established by section thirty-two of chapter twenty-three A of the General Laws as amended by chapter four hundred and ninety-six of the acts of nineteen hundred and seventy-eight.....	\$1,000,000
	<u>Massachusetts Technology Development Corporation.</u>	
9091-2001	For the expenses of the Massachusetts Technology Development Corporation; provided, that the corporation shall reimburse the commonwealth for the appropriation herein and provided further, that a detailed report of expenditures shall be filed quarterly with the house and senate committees on ways and means.....	\$190,000
9091-3001	For the administration of the Massachusetts film bureau.....	\$92,116

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## 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 .....	\$1,114,000
9100-1620	For an elder service corps; provided, that all funds appropriated under this item shall be for corpsmen stipends 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 limitation sections of the Social Security Act and the stipend for part-time corpsmen shall not exceed one hundred and ten dollars per month.....	\$300,000
9110-1630	For a home care program for the elderly eligible for home care services pursuant to regulations adopted by the department which shall include a sliding fee scale system; and provided that not less than 1.5 million dollars and not more than 2.5 million dollars of the funds appropriated hereunder shall be used for the provision of home care services through said sliding fee scale system to certain persons ineligible for Title XX services; provided that to the extent practicable the department shall maximize available federal reimbursement for program expenses; provided that no more than two per cent of the funds appropriated hereunder may be used to meet matching requirements of Title III of the Older Americans Act; and, provided further, that the department shall conduct, either through existing resources or with a private contractor, a system-wide management audit of the home care corporations, and shall report the preliminary results of the system-wide audit to the house and senate committees on ways and means by January first, nineteen hundred and eighty.....	\$42,000,000
9110-1640	For demonstration projects and for certain studies for the purpose of developing and implementing certain alternative care programs for the elderly.....	\$425,000
9110-1660	For a program of congregate and shared housing services for the elderly; provided 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.....	\$250,000
9110-1670	For the administration of a meals program for elderly persons; provided that funds appropriated herein shall not be expended prior to January first, nineteen hundred and eighty; provided further, that the governor, upon recommendation of the commis-	

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sioner of administration, shall transfer to this item without further appropriation, any funds allocated to the private vendor portion, so-called, of item 7053-1910 and unexpended as of December thirty-first, nineteen hundred and seventy-nine; and, provided further, that to the extent practicable the department of elder affairs shall maximize federal reimbursement for meals served herein..... \$800,000

9110-9002 For a demonstration grant program for the elderly ..... \$300,000

EXECUTIVE OFFICE OF CONSUMER AFFAIRS.

Office of the Secretary.

9200-0100 For the office of the secretary, including not more than two permanent positions..... \$159,845

State Racing Commission.

9210-0001 For the administration of the commission; including not more than twenty-eight permanent positions ..... \$1,514,600

Alcoholic Beverage Control Commission.

9212-0001 For the administration of the commission; including not more than fifty-five permanent positions..... \$825,596

Consumers' Council.

9214-0001 For the administration of the council, including not more than nine permanent positions..... \$239,500

Community Antenna Television Commission.

9215-0001 For the administration of the community antenna television commission, including not more than seventeen permanent positions..... \$167,100

Division of Standards.

9218-0100 For the personal services and expenses of the division of standards, including not more than thirty-four permanent positions..... \$550,000

DEPARTMENT OF BANKING AND INSURANCE.

Division of Banks.

9221-1000 For the office of the commissioner, including not more than two hundred and forty-three permanent positions..... \$4,235,000

Division of Insurance.

9222-0100 For the administration of the division, including expenses of the board of appeal, and certain other costs of supervising motor vehicle liability insurance and the expenses of the fraudulent claims board; provided, that the positions of counsel I and counsel II shall not be subject to the provisions of chapter thirty-one of the General Laws; provided further, that contracts or orders for the purchase of statement blanks for the making of annual reports to the commissioners 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



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	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.....	\$3,737,299
	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.....	\$419,200
	<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.....	\$1,527,300
	<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.....	\$311,465
9230-0200	Board of dental examiners, including not more than nine permanent positions.....	\$26,400
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.....	\$3,500
9230-0400	Board of registration in pharmacy, including not more than ten permanent positions.....	\$112,881
9230-0500	Board of registration of nurses, including not more than fourteen permanent positions.....	\$78,900
9230-0600	Board of registration in embalming and funeral directing, including not more than five permanent positions.....	\$29,596
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.....	\$4,500
9230-0900	Board of registration of chiropractors, including not more than seven permanent positions.....	\$7,000
9230-1000	Board of registration of architects, including not more than five permanent positions.....	\$4,700
9230-1100	Board of registration of professional engineers and land surveyors.....	\$59,900
9230-1200	Board of public accountancy, including not more than eleven permanent positions.....	\$200,954
9230-1300	State examiners of electricians, including not more than five permanent positions.....	\$19,250
9230-1400	Board of state examiners of plumbers and gas fitters including not more than nine permanent positions.....	\$33,099

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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.....	\$351,700
9230-1600	Board of registration of electrologists, including not more than five permanent positions.....	\$5,200
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.....	\$112,577
9230-1800	Board of registration of hairdressers, including not more than seventeen permanent positions.....	\$209,067
9230-1900	Board of registration of dispensing opticians, including not more than five permanent positions.....	\$1,250
9230-2000	Board of registration of sanitarians, including not more than seven permanent positions.....	\$1,200
9230-2100	Board of registration of radio and television technicians, including not more than seven permanent positions.....	\$13,700
9230-2200	Board of registration of landscape architects.....	\$1,600
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.....	\$5,100
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.....	\$1,810
9230-2700	Board of registration of psychologists.....	\$1,400
9230-2800	Board of registration of social workers.....	\$3,500
	<u>Department of Public Utilities.</u>	
9270-0001	For general administration, including not more than eighty-nine permanent positions.....	\$1,939,640
	<u>Commercial Motor Vehicle Division.</u>	
9272-0001	For the administration of the division, including not more than forty permanent positions.....	\$503,000
	Highway Fund 100.0%	
	<u>Energy Facilities Siting Council.</u>	
9274-0010	For the expenses of the energy facilities siting council; provided, that the expenditures from this item shall be assessed upon utility companies in accordance with the provisions of chapter one hundred and sixty-four of the General Laws; including not more than one permanent position.....	\$365,000

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 a 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 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 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 10. 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 11. 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. The provisions of this section 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 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-nine, 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 12. 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 13. In addition to the payment of regular salaries, sums appropriated for personal services in the fiscal year nineteen hundred and eighty 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 14. 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 eighty to incur liabilities and incidental expenses for the purchase of supplies, as provided by said section fifty-one, including material to be disposed of as surplus, so called, by the federal government through agencies of the federal government in an amount not exceeding five hundred and fifty thousand dollars, in addition to any amount heretofore provided for the purpose, and the comptroller may certify for payment such incidental expenses and liabilities so incurred to an amount not exceeding five hundred and fifty thousand dollars, in addition to any amount heretofore provided for said purpose.

SECTION 15. 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 the provisions of any general or special law to the contrary, 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 16. 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 17. Notwithstanding the provisions of any general or special law to the contrary, 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, courts, 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 cost 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 18. 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 19. 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 20. 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 21. 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. Not later than May fifteenth, nineteen hundred and eighty, said secretary shall file a report with the clerks of the house and senate and the chairman of the house and senate committee on ways and means detailing the billing and collection system established under the provisions of this

section. Said report shall include but not be limited to: (1) a statement listing the third party payments collected by the department for each institution and clinic administered by the department, and (2) the administrative cost of billing and collecting said funds.

SECTION 22. 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 commissioner shall report to the clerks of the house and senate on or before January first, nineteen hundred and eighty, 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 23. Notwithstanding any provisions of law to the contrary, during the entire fiscal year nineteen hundred and eighty, for the payment of classified personal services the fiscal year shall be from July first, nineteen hundred and seventy-nine through June twenty-eighth, nineteen hundred and eighty.

SECTION 24. 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 Law.

SECTION 25. 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-nine, 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-nine, 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 noncompliance. Upon continued failure by the secretariat, 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 26. Notwithstanding the provisions of any general or special law to the contrary, payments to be made during the nineteen hundred and eighty 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 27. The department of public welfare shall require the use of interchangeable drug products as listed in the most recent Massachusetts Drug Formulary, to the extent that such drugs are available, and determined by the prescriber to be appropriate as regulated by the provisions of section thirteen of chapter seventeen of the General Laws.

The provisions of this section shall apply to recipients of medical services authorized by Title XIX of the Social Security Act.

SECTION 28. Notwithstanding the provisions of any law to the contrary, no payments shall be made by the department of public welfare under Title XIX of the Social Security Act 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 29. 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 30. 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. The department may establish regulations which provide exceptions to the ninety

day billing limitation for providers of medical and social services. Said regulations shall not permit payment of bills submitted more than one year after the last day of the month in which the goods are sold or the services are provided.

SECTION 31. 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 costs 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 32. The effective date of the appropriation accounts, subsidiary accounts, subsidiary accounts and authorizations in section two of this act shall be July first, nineteen hundred and seventy-nine. Beginning June first, nineteen hundred and seventy-nine, 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-nine; 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-nine, 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-nine, 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 as of June first, nineteen hundred and seventy-nine. Where the allotment of an appropriation account or subsidiary account is required by law, such allotments shall be made as of June first, nineteen hundred and seventy-nine.

SECTION 33. Whenever the secretary of human services or the secretary of elder affairs anticipates that intake for any service program under the executive office of human services or elder affairs, including the elderly meals program, will be closed to new applicants, the secretary of the affected executive office shall notify the house and senate committees on ways and means and the joint legislative committee on human services of the date of anticipated closure and the reason therefor.

SECTION 34. Subject to the provisions of section one hundred

and two of chapter thirty-two of the General Laws, 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 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, nineteen hundred and seventy-nine, be increased by five per cent.

SECTION 35. 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 36. For fiscal year nineteen hundred and eighty each recipient of the program of general relief shall continue to receive the six per cent supplementary payment authorized for the fiscal year nineteen hundred and seventy-nine and in addition thereto, shall receive a five per cent cost of living payment as computed on the standard needs portion of each monthly grant payable to each recipient. Said supplementary payments shall not be considered in determining the eligibility for said program.

SECTION 37. 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	\$2,120,000
Metropolitan District Parks Fund	1,040,000
Metropolitan District Sewerage Fund	860,000
Metropolitan District Water Fund	1,330,000

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 38. 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 39. Notwithstanding the provisions of any law to the contrary, no executive or administrative head of a state department, agency, commission or board shall file a consent

decree which would require the expenditure of funds not previously appropriated by the commonwealth unless such decree shall have been approved in writing by the commissioner of administration and unless notice of such decree shall have been provided to the house and senate committees on ways and means thirty days prior to the filing of the decree. Such a consent decree filed without such prior approval and notice shall be deemed to be a violation of this section and shall be null and void.

SECTION 40. The sum of fifty thousand dollars is hereby appropriated for the purposes of the special commission on the performing arts, established by chapter sixty-three of the resolves of nineteen hundred and seventy-three. 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 fourth Wednesday of January, nineteen hundred and eighty.

SECTION 41. 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 42. A five per cent adjustment to the budget standards for recipients of veterans' service benefits shall be paid as of July first, nineteen hundred and seventy-nine.

SECTION 43. Notwithstanding any provision of law to the contrary, the commissioner of public welfare may, with the approval of the secretary of administration and finance, transfer positions and funds from the general administration account and social service accounts in the department of public welfare into corresponding accounts in the department of social services; provided, however, that the existence of funds for these purposes shall have been verified by the house and senate committees on ways and means.

SECTION 44. Notwithstanding the provisions of section twenty-nine A of chapter twenty-nine of the General Laws or any regulation promulgated pursuant thereto, the special commission relative to corruption involved in certain state and county building contracts, established by chapter five of the resolves of nineteen hundred and seventy-eight, is hereby authorized to pay invoices totalling two thousand two hundred and fifty-three dollars for certain expenses incurred between the dates of August twenty-eighth, nineteen hundred and seventy-eight and January seventh, nineteen hundred and seventy-nine.

SECTION 45. There shall be allowed and paid out of the state treasury to the town of Dighton, subject to the approval of the commissioner of veterans' services, such sum not exceeding sixty-seven thousand five hundred-fifteen dollars and ten cents, as said town would have been entitled to receive in

reimbursements for veterans' benefits paid by it from July first, nineteen hundred and seventy-five through June thirtieth, nineteen hundred and seventy-eight, under the provisions of section six of chapter one hundred and fifteen of the General Laws, had said town made a proper and seasonable report thereof to said commissioner as required by said section six.

SECTION 46. Section 2 of chapter 234A of the General Laws, as appearing in section 2 of chapter 415 of the acts of 1977, is hereby amended by striking out the fifth sentence and inserting in place thereof the following sentence:- The salary of the jury commissioner shall be thirty-three thousand dollars per annum.

SECTION 47. Notwithstanding the provisions of section twenty-nine of chapter twenty-nine, section thirty-two of chapter fifteen, section twelve of chapter seventy-three, sections one and eight of chapter seventy-five, section three B of chapter seventy-five A and section six of chapter seventy-five B of the General Laws, and section thirty-one of chapter 1230 of the Acts of 1973, for the fiscal year nineteen hundred and eighty, no interchange between any subsidiary account, established as prescribed by section twenty-seven of chapter twenty-nine and the account entitled, "08, Heat and other, Plant operations", or between any subsidiary account established as prescribed by section twenty-seven of said chapter and the account entitled, "01 Salaries, Permanent Positions", established by said section twenty-seven of said chapter twenty-nine, shall be authorized unless the department, office, commission or institution making such an interchange obtains prior written approval of the house and senate committees on ways and means.

SECTION 48. A two per cent increase in the basic grant for recipients of the program of aid to families with dependent children shall be paid on January first, nineteen hundred and eighty, retroactive to January first, nineteen hundred and seventy-nine to recipients who shall have been a recipient for the period of January first, nineteen hundred and seventy-nine to and including January first, nineteen hundred and eighty. A four per cent increase in the basic grant of said program shall also be paid on January first, nineteen hundred and eighty, retroactive to July first, nineteen hundred and seventy-nine, resulting in a total six per cent cost of living increase in the basic grant in fiscal year nineteen hundred and eighty.

The provisions of this section are severable, and if any provision or its application to any set of facts or circumstances shall be held unconstitutional or to be in violation of federal statutes or regulations 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 circumstances.

SECTION 49. Notwithstanding any provision of law to the contrary, effective July first, nineteen hundred and seventy-nine, the salary of any employee of the commonwealth holding an administrative position on the professional level as defined in section sixteen of chapter seventy-three, section fourteen of chapter seventy-five, section thirty-five of chapter

seventy-five, section eleven of chapter seventy-five A and section ten of chapter seventy-five B of the General Laws who is not a part of a certified collective bargaining unit under provisions of chapter one hundred and fifty E of the General Laws, and whose salary on July first, nineteen hundred and seventy-eight was thirty thousand dollars per annum or more shall not be greater than the salary of such position in effect on July first, nineteen hundred and seventy-seven plus such increases authorized for state employees under the provisions of sections three A, three B and three C of chapter eight hundred and seventy-two of the acts of nineteen hundred and seventy-seven.

SECTION 50. All monies appropriated for the express purpose of accumulating assets in advance of the payment of retirement allowances shall be invested in a manner pursuant to the provisions of section twenty-three of chapter thirty-two of the General Laws which governs the investment of retirement monies.

SECTION 51. The department of public welfare may proceed with planning for a system of monthly income reporting, but may not implement such a system statewide without statutory authorization.

SECTION 52. The sum of eight hundred thousand dollars is hereby appropriated to provide a reserve for the purposes of assisting and improving municipal management capabilities. The program will be administered by the commissioner of administration. No expenditure or transfer will be made from these funds without the prior approval of the house and senate committees on ways and means.

SECTION 53. The department of public welfare is hereby prohibited from implementing any savings steps, so-called, with regard to the conservation of income of nursing home residents who are also recipients of medical assistance under chapter one hundred eighteen E of the General Laws without statutory authorization.

SECTION 54. No funds appropriated in section two of this act shall be used by any state institution, agency, commission, or department for the purchase of goods manufactured by J. P. Stevens & Company, Inc.; provided, however, that this section shall not effect any contract in existence on the effective date of this act. As of the effective date of this act, all state institutions, agencies, commissions, and departments are hereby prohibited from entering into any contractual agreements to purchase said goods.

SECTION 55. Notwithstanding the provisions of any law to the contrary, the Massachusetts Bay Transportation Authority is hereby authorized and directed to name the maintenance garage facility in the Charlestown section of the city of Boston after the late David P. McSweeney.

SECTION 56. A special commission is hereby established to consist of three members of the senate, four members of the house of representatives, four members appointed by the chief

justice of the supreme judicial court, one of whom shall be a judge, one of whom shall be a clerk, one of whom shall be a register or recorder, one of whom shall be a member of the Bar employed by a legal services corporation, and two persons to be appointed by the governor, one of whom shall be a member of the Bar and one of whom shall not be a member of the Bar but shall represent consumer interests, is hereby established for the purpose of making an investigation and study relative to court fees.

Said commission shall recommend legislation in accordance with the recommendations of the supreme judicial court's report on court fees pursuant to section three hundred and thirty-seven of chapter four hundred and seventy-eight of the acts of nineteen hundred and seventy-eight; to increase state court fees; to establish uniform standards of indigency and guidelines for their implementation and application; and to establish a uniform system of accounting for court fees collected or waived.

SECTION 57. A special commission consisting of three members of the senate, four members of the house of representatives, the commissioner of environmental quality engineering or his designee, and five persons to be appointed by the governor, is hereby established for the purpose of making an investigation and study relative to the feasibility of disposal methods alternative to in-ground or sanitary landfill methods and to study and propose legislation prohibiting in-ground and sanitary landfill disposal methods in the commonwealth.

SECTION 58. Said section 54A of chapter 367 of the acts of 1978 is hereby amended by striking out the tenth paragraph and inserting in place thereof the following paragraph:-

Any employer required to submit a report pursuant to the provisions of this section who fails, without reasonable cause, to comply with such reporting requirements and who, after notification by certified mail, return receipt requested, of such failure, continues for more than fifteen business days after the mailing of such notification to fail to comply, without reasonable cause, shall be liable for penalty in the following amount for each employee with respect to whom such employer is required to file a report but who is not included in such report or for whom the required information is not accurately reported or in the case of the failure to file such report within the time limit; after notification as described above, for each employee required to be included for the first such failure, up to twenty-five dollars for each employee, for the second failure, up to fifty dollars for each such employee, and for the third such failure, and for any such failure subsequent to the third failure, up to one hundred dollars for each such employee.

SECTION 59. Section fifty-eight of this act shall take effect upon its passage and shall remain in effect for the calendar years nineteen hundred seventy-nine through nineteen hundred eighty-two inclusive, provided, that the administrative implementation of this act shall continue in full force and effect until the information for the final quarter of nineteen hundred

and eighty-two has been processed in accordance with this act but not later than March thirty-first, nineteen hundred and eighty-three. The first quarterly wage report for the first quarter of calendar year nineteen hundred and seventy-nine shall be due by the date specified in regulations promulgated by the department of revenue.

SECTION 60. Chapter 7 of the General Laws is hereby amended by inserting after section 13 the following section:-

Section 13A. The comptroller shall prepare an annual report setting forth all federal grants and reimbursements received by each agency and department of the commonwealth during the fiscal year. Said report shall also include the cost of any state obligation which is a condition for such grant or reimbursement. Such report shall also include, but not be limited to, the nature of each grant, the period of time over which the grant or reimbursement shall be effective, the total commitment of such grant or reimbursement, and the expiration date of each such grant or reimbursement. A copy of said report shall be filed with the secretary of administration and finance, the house and senate committees on ways and means, and the clerks of the house and senate for the distribution to the membership of the general court.

SECTION 61. Section 16 of chapter 12 of the General Laws, as most recently amended by section 2 of chapter 995 of the acts of 1977, is hereby further amended by striking out, in lines 71 to 79, inclusive, the words "for the Plymouth district, one assistant, a sum equivalent to ninety per cent of the salary of the district attorney; two assistants, a sum equivalent to eighty per cent of the salary of the district attorney; one assistant, a sum equivalent to seventy per cent of the salary of the district attorney; two assistants, a sum equivalent to sixty per cent of the salary of the district attorney; one assistant, a sum equivalent to fifty per cent of the salary of the district attorney; all other assistant district attorneys, a sum equivalent to forty per cent of the salary of the district attorney" and inserting in place thereof the words:- 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; four assistants, 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.

SECTION 62. Section 2 of chapter 18 of the General Laws is hereby amended by adding the following subsection:-

(D) The department shall administer a program of emergency assistance to needy families with children, subject to and in accordance with the provision of the Social Security Act of 1935, as defined in 42 USC 606 (e), to provide benefits to avoid destitution or to provide living arrangements in a home. The commonwealth shall accept matching funds from the appropriate



federal authorities for said program. Nothing contained in this section shall require the department to provide benefits under such program in excess of those required by said Social Security Act.

The department shall file rules and regulations for said program with the clerks of the house and senate not less than sixty days prior to their adoption.

SECTION 63. Section 4 of chapter 19A of the General Laws is hereby amended by striking clause (c), as amended by chapter 538 of the acts of 1977, and inserting the following clause:-

(c) to encourage and assist communities to plan, develop, and implement home care programs which shall include, but not be limited to case management, homemaker and chore services, transportation, protective services, and information and referral services; provided that the department may include additional services where feasible; and, provided further, that any council on aging may be a member of its designated area agency on aging without being required to join or make any payment to a home care provider.

SECTION 64. Prior to implementation of the so-called protective services portion of the home care programs, established by section four of chapter nineteen A of the General Laws, the department of elder affairs shall submit a report to the house and senate committees on ways and means, on or before April first, nineteen hundred and eighty, containing a detailed plan for the provision and expansion of said protective services; and provided, that said report shall include, but not be limited to, an estimate of the full costs involved in the provision of protective services, as provided in said section four, and an analysis of the administrative and organizational changes necessary for implementation of said services.

SECTION 65. Section 7 of chapter 23 of the General Laws, as amended by section 2 of chapter 1192 of the acts of 1973, is hereby further amended by adding the following sentence:- Notwithstanding any general or special law to the contrary, in grievance arbitration of a public or private sector dispute arising under a collective bargaining agreement the chairman of the board may designate the neutral member of the board to sit as a single arbitrator, and in such matters, the neutral member shall have the full power of the board.

SECTION 66. Section 2C of chapter 29 of the General Laws is hereby amended by striking out the first paragraph, as appearing in chapter 505 of the acts of 1968, and inserting in place thereof the following two paragraphs:-

All grant funds, hereinafter referred to as grants, which shall include grants-in-aid and subventions, received by any department, institution, institution for higher learning, board, commission, agency, officer or employee of the commonwealth from the federal government, whether directly or through an intermediary, other than grants for capital improvements, as provided in section two B, shall be paid into the treasury of the commonwealth and credited to a separate special revenue fund to be known as the General Federal Grants Fund. Each such grant shall be held in

trust, kept in a separate account and expended solely for the purposes of the grant without specific appropriation, subject, however, to the provisions of law regulating the disbursement of public funds and the approval thereof; provided, that any provision of general law relating to expenditures peculiar to institutions of higher learning shall apply to expenditures from the grants to such institutions; and provided, further, that the portion of each such grant designated for pension or retirement purposes, including the accumulation of assets in advance of the payment of retirement allowances, as specified by the provision of said grants, or by rules or regulations promulgated by the division of insurance, in conjunction with the retirement law commission, shall be credited to the Federal Grant Accumulation Fund, established under the provisions of subdivision (3A) of section twenty-two of chapter thirty-two.

Each spending agency in receipt of federal grant funds shall at the commencement of each fiscal year, and no later than July thirty-first, and, any agency which has not previously been in receipt of a federal grant shall, upon notification of grant approval, authorize the comptroller upon his receipt of notice of a federal grant award to initiate such procedures as are necessary to transfer from the federal grant account to the general fund such amounts, as determined by the commissioner of administration to be required to fully compensate the general fund for the costs of fringe benefits, indirect costs and space use charges related to the grant; provided, that the portion of each such grant designated for pension or retirement purposes, including the accumulation of assets in advance of the payment of retirement allowances, shall be transferred from the federal grant account to the Federal Grant Accumulation Fund. Upon approval by the commissioner of administration, and subject to regulations established by him, such amounts of indirect costs may be utilized to comply with legal requirements for in-kind contributions. The costs of fringe benefits and space use charges must, in all cases, be recovered in cash. Within thirty days of the end of each quarter of the fiscal year, the commissioner of administration in conjunction with the comptroller shall make such adjustments as are determined to be appropriate to reconcile actual costs of fringe benefits, indirect costs and space use charges with those previously determined. The commissioner of administration shall submit a report on or before August fifteenth and upon request throughout the year, to the house and senate committees on ways and means, regarding compliance with this provision by all agencies in receipt of federal funds. The commissioner of administration shall not approve applications for federal funds if the agency submitting the application is not in compliance with the above provisions. This provision shall apply to all agencies of the commonwealth; provided, however, that any institution of higher learning shall be exempt from those charges associated with indirect costs as described in the following paragraph.

SECTION 67. The fourth paragraph of section 2C of said chapter 29, as most recently amended by section 2 of chapter 1230 of the acts of 1973, is hereby further amended by striking out, in line 14, the words "one million" and inserting in place thereof the

words:- one hundred thousand.

SECTION 68. Section 22 of chapter 32 of the General Laws, as most recently amended by section 15 of chapter 487 of the acts of 1978, is hereby further amended by inserting after subdivision (3) the following subdivision:-

(3A) Federal Grant Accumulation Fund.- There shall be established a federal grant accumulation fund in which shall be accumulated the credits which are required to be made by various governmental units for that portion of each federal grant designated for pension or retirement purposes.

Each system shall establish a federal grant accumulation fund, to which each participating governmental unit shall, upon receipt of a federal grant, credit that portion of the grant designated for pension or retirement purposes under the provisions of section two C of said chapter twenty-nine.

SECTION 69. Section 3 of chapter 118 of the General Laws, as most recently amended by section 2 of chapter 825 of the acts of 1977, is hereby further amended by inserting after the word "allowed", in line 23, the words:- ; and provided, further, that determination of eligibility be completed within thirty days of the date of application and that all families found eligible for assistance shall receive benefits retroactive to the date of application.

SECTION 70. The last paragraph of section 7 of chapter 161A of the General Laws, as most recently amended by section 12 of chapter 1140 of the acts of 1973, is hereby further amended by striking out, in line 1, the word "forty" and inserting in place thereof the word:- seventy-five.

SECTION 71. Section 3 of chapter 150E of the General Laws is hereby amended by striking out the second paragraph, as most recently amended by section 75 of chapter 478 of the acts of 1978, and inserting in place thereof the following paragraph:-

No elected or appointed official, member of any board of commission, representative of a public employer, including the administrative officer, director or chief of a department or agency of the commonwealth or any political subdivision thereof, or clerk, temporary clerk or assistant clerk of any court, or chief probation officer or acting chief probation officer of any court or region, including, without limitation within the term, any division or department of the trial court or any other managerial or confidential employee shall be included in an appropriate bargaining unit or entitled to coverage under this chapter.

SECTION 71A. Section 83 of chapter 276 of the General Laws, as most recently amended by section 290 of chapter 478 of the acts of 1978, is hereby further amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

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 as a salary, twenty-three thousand

dollars.

SECTION 71B. Subdivision (2) of section 99B of said chapter 276, as most recently amended by section 195 of chapter 872 of the acts of 1977, is hereby further amended by striking out, in line 1, the word "in" and inserting in place thereof the words:- except the chief probation officer, in.

SECTION 71C. Said subdivision (2) of said section 99B of said chapter 276, as most recently amended by section 196 of said chapter 872, is hereby further amended by striking out, in line 1, the word "in" and inserting in place thereof the words:- , except the chief probation officer, in.

SECTION 71D. Said chapter 276 is hereby further amended by inserting after section 99C the following section:-

Section 99D. The salaries of chief probation officers or acting chief probation officers shall be paid by the commonwealth and are hereby established as follows:-

(a) In those courts or regions having less than ten probation officers, a chief probation officer or acting chief probation officer shall receive as a salary, twenty-five thousand dollars.

(b) In those courts or regions with ten to nineteen probation officers, a chief probation officer or acting chief probation officer shall receive as a salary, twenty-eight thousand dollars.

(c) In those courts or regions with twenty or more probation officers, a chief probation officer or acting chief probation officer shall receive as a salary, thirty-one thousand dollars.

SECTION 72. The provisions of sections seventy-one, seventy-one A, and seventy-one D of this act shall take effect as of June thirtieth, nineteen hundred and seventy-eight.

SECTION 73. This act shall take effect as of July first, nineteen hundred and seventy-nine.

This Bill was returned July 19, 1979 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:

Line Items 1599-3201 & 1599-3202; Sections 48, 49, 66, 67, 68, 70 & 72 were disapproved.

Item 7700-0108 reduced to \$300,000.00.

November 6, 1979.

The vote being taken by the House of Representatives on August 6, 1979 & Senate, in concurrence, on August 7, 1979, Item 1599-3201 was passed notwithstanding said objection. The remainder of the Bill was approved by the Governor July 19, 1979.

Chap. 394. AN ACT AUTHORIZING THE TOWN OF LEXINGTON TO USE CERTAIN PARK LAND IN SAID TOWN FOR THE CONSTRUCTION OF A BANDSTAND.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section seven of chapter forty-five of the General Laws, the town of Lexington is hereby authorized to use Hastings park, a parcel of land located in said town and being bounded by Lincoln street on the south, Worthen road on the east, Massachusetts avenue on the north and Hastings road on the west, for the construction of a bandstand which exceeds six hundred square feet in area.

SECTION 2. This act shall take effect upon its passage.  
Approved July 20, 1979.

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Chap. 395. AN ACT VALIDATING CERTAIN PROCEEDINGS BY THE TOWN OF FAIRHAVEN AT THE ANNUAL MEETING IN THE YEAR NINETEEN HUNDRED AND SEVENTY-NINE.

Be it enacted, etc., as follows:

SECTION 1. The adoption by the town of Fairhaven of certain amendments to its zoning by-laws at the annual town meeting in the year nineteen hundred and seventy-nine 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 within a fourteen-day period, but not in two successive weeks.

SECTION 2. This act shall take effect upon its passage.  
Approved July 20, 1979.

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Chap. 396. AN ACT INDEMNIFYING CERTAIN ELECTED OR APPOINTED MUNICIPAL OFFICIALS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately authorize the indemnification of certain elected or appointed municipal officials by the cities or towns they serve, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

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Be it enacted, etc., as follows:

SECTION 1. Chapter 258 of the General Laws is hereby amended by adding after section 12, added by section 1 of chapter 1 of the acts of 1979, the following section:-

Section 13. Any city which accepted section one hundred I of chapter forty-one on or before July twentieth, nineteen hundred and seventy-eight, and any other city which accepts this section according to its charter, and any town which accepts this section in the manner hereinafter provided in this section shall indemnify and save harmless municipal officers, elected or appointed from personal financial loss and expense including reasonable legal fees

and costs, if any, in an amount not to exceed one million dollars, arising out of any claim, demand, suit or judgement by reason of any act or omission, except an intentional violation of civil rights of any person, if the official at the time of such act or omission was acting within the scope of his official duties or employment.

This act shall be submitted for acceptance to the voters of each town at an annual town meeting in the form of the following question which shall be placed on the official ballot to be used for the election of town officers at said meeting:- "Shall the town vote to accept the provisions of section thirteen of chapter two hundred and fifty-eight of the General Laws which provides that the town shall indemnify and save harmless municipal officers, elected or appointed, from personal financial loss and expense including reasonable legal fees and costs, if any, in an amount not to exceed one million dollars, arising out of any claim, demand, suit or judgement by reason of any act or omission except an intentional violation of civil rights of any person under any law, if the official at the time of such act or omission was acting within the scope of his official duties or employment?" If a majority of the votes in answer to said question is in the affirmative, said provisions shall thereupon take full effect, but not otherwise.

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

Approved July 20, 1979.

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Chap. 397. AN ACT AUTHORIZING THE COUNTY COMMISSIONERS OF BRISTOL COUNTY TO BORROW MONEY FOR THE PURPOSE OF ADDING TO, RENOVATING AND EQUIPPING THE FACILITIES OF THE SECOND DISTRICT COURT OF BRISTOL.

Be it enacted, etc., as follows:

SECTION 1. For the purpose of improving court house accommodations and providing adequate facilities for the second district court of Bristol, the county commissioners of Bristol county are hereby authorized to erect, equip and furnish an addition to and provide for the alteration, renovation, equipping and furnishing of the existing facilities of said court, including the provisions for an area for the parking of motor vehicles of persons in attendance in said court; provided that the total cost of said project, including sums borrowed under and for purposes authorized in chapter six hundred and eighty-three of the acts of nineteen hundred and seventy-two shall not exceed two million and thirty thousand dollars.

SECTION 2. For the purposes authorized by section one, the county treasurer of said county, with the approval of the county commissioners of said county, may borrow upon the credit of the county such sums as may be necessary, not exceeding, in the aggregate, one million one hundred and eighty thousand dollars, and may issue bonds or notes of the county therefor, which shall bear on their face the words, "Bristol County Court House Renovation and Equipping Loan, Second District Court of Bristol, Act of 1979". 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 provided herein, be subject to chapter thirty-five of the General Laws.

SECTION 3. Indebtedness incurred under section two shall be in addition to sums authorized and incurred under chapter six hundred and eighty-three of the acts of nineteen hundred and seventy-two and any sums borrowed under said chapter six hundred and eighty-three which are not required for the purposes thereof may be expended for the purposes authorized by section one of this act.

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

Approved July 20, 1979.

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Chap. 398.      AN ACT AUTHORIZING THE TOWN OF MAYNARD  
TO EXTEND THE TIME FOR BORROWING A CER-  
TAIN 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 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 the federal aid anticipation notes of 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-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 which was most recently renewed on July twenty-first nineteen hundred and

seventy-eight and payable July twenty-first nineteen hundred and seventy-nine.

SECTION 2. This act shall take effect upon its passage.  
Approved July 20, 1979.

Chap. 399. AN ACT AUTHORIZING THE USE OF LATER MORTALITY TABLES BY FRATERNAL BENEFIT SOCIETIES.

Be it enacted, etc., as follows:

SECTION 1. Section 20 of chapter 176 of the General Laws, as amended by section 2 of chapter 321 of the acts of 1960, is hereby further amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

In the case of certificates other than those for which reserves are computed on the Commissioners 1941 Standard Ordinary Mortality Table, the Commissioners 1941 Standard Industrial Mortality Table, the Commissioners 1958 Standard Ordinary Mortality Table, or such later tables as are authorized for use by domestic life insurers and approved by the commissioner, the value of every paid-up nonforfeiture benefit and the amount of any cash surrender value, loan or other option granted shall not be less than the excess, if any, of (a) over (b) as follows:

(a) The reserve under the certificate determined on the basis specified in the certificate; and

(b) The sum of any indebtedness to the society on the certificate, including interest due and accrued, and a surrender charge equal to two and one-half per cent of the face amount of the certificate, which, in the case of insurance on the lives of children, shall be the ultimate face amount of the certificate, if death benefits provided therein are graded.

SECTION 2. Said section 20 of said chapter 176 is hereby further amended by striking out the fourth paragraph and inserting in place thereof the following paragraph:-

In the case of certificates for which reserves are computed on the Commissioners 1941 Standard Ordinary Mortality Table, the Commissioners 1941 Standard Industrial Mortality Table, the Commissioners 1958 Standard Ordinary Mortality Table, or such later tables as are authorized for use by domestic life insurers and approved by the commissioner, every paid-up nonforfeiture benefit and the amount of any cash surrender value, loan or other option granted shall not be less than the corresponding amount ascertained in accordance with the provisions of the laws of the commonwealth applicable to life insurance companies issuing policies containing like insurance benefits based upon such tables.

SECTION 3. Subsection (6) of section 41 of said chapter 176, as amended by section 4 of chapter 321 of the acts of 1960, is hereby further amended by striking out the third paragraph and inserting in place thereof the following paragraph:-

The minimum standard of valuation for certificates issued on or after said January first shall be three and one-half per cent interest and the following tables, or such interest assumptions and



tables as are authorized for use by domestic life insurers and approved by the commissioner:-

(a) For certificates of life insurance-American Men Ultimate Tables of Mortality, with Bowerman's or Davis' Extension thereof or with the consent of the commissioner, the Commissioners 1941 Standard Ordinary Mortality Table, the Commissioners 1941 Standard Industrial Mortality Table or the Commissioners 1958 Standard Ordinary Mortality Table, using actual age of the insured for male risks and an age not more than three years younger than the actual age of the insured for female risks;

(b) For annuity certificates, including life annuities provided or available under optional modes of settlement in such certificates-the 1937 Standard Annuity Table;

(c) For disability benefits issued in connection with life benefit certificates-Hunter's Disability Table, which, for active lives, shall be combined with a mortality table permitted for calculating the reserves on life insurance certificates, except that the table known as Class III Disability Table (1926) modified to conform to the contractual waiting period, shall be used in computing reserves for disability benefits under a contract which presumes that total disability shall be considered to be permanent after a specified period;

(d) For accidental death benefits issued in connection with life benefit certificates-the Inter-Company Double Indemnity Mortality Table combined with a mortality table permitted for calculating the reserves for life insurance certificates; and

(e) For non-cancellable accident and health benefits-the Class III Disability Table (1926) with conference modifications or, with the consent of the commissioner, tables based upon the society's own experience.

Approved July 20, 1979.

Chap. 400. AN ACT REQUIRING SCHOOL COMMITTEES TO MAKE AVAILABLE FOR PUBLIC VIEWING PROPOSED ANNUAL BUDGETS.

Be it enacted, etc., as follows:

Section 38N of chapter 71 of the General Laws, as most recently amended by chapter 126 of the acts of 1978, is hereby further amended by inserting after the first sentence the following sentence:-

Prior to such public hearing said committee shall make available to the public at least one copy of said proposed budget for a time period of not less than forty-eight hours either at the office of the superintendent of schools or at a place so designated by said committee.

Approved July 20, 1979.

Chap. 401. AN ACT PROVIDING FOR SHORT RATE CANCELLATION OF POLICIES.

Be it enacted, etc., as follows:

The first paragraph of section 113B of chapter 175 of the Gen-

eral Laws is hereby amended by striking out the second sentence, as amended by section 2 of chapter 341 of the acts of 1973, and inserting in place thereof the following sentence:- In fixing and establishing premium charges in accordance with the provisions of this section, if an insured having paid the premium on the insurance policy to the company or its agent, cancels his insurance policy within thirty days of the effective date or within thirty days of receipt of his insurance policy, whichever is later, the commissioner shall authorize that the insured receive a return premium prorated based on the actual calendar days of coverage; but if the insured cancels his insurance policy later than thirty days from its effective date or later than thirty days from receipt of the policy, whichever is later, the insured shall be entitled to a return premium after the monthly short rates, as determined by the commissioner, have been deducted from the time the policy shall have been in force.

Approved July 20, 1979.

Chap. 402. AN ACT FURTHER LIMITING AND ABOLISHING CERTAIN ACTIONS FOR RECOVERY OF LAND AND DOWER.

Be it enacted, etc., as follows:

SECTION 1. Sections fourteen and fifteen of chapter 189, as appearing in section 3 of chapter 305 of the acts of 1978, of the General Laws are repealed.

SECTION 2. Chapter two hundred and thirty-eight of the General Laws is repealed.

SECTION 3. Sections twenty-three to twenty-seven, inclusive, of chapter two hundred and sixty of the General Laws are repealed.

Approved July 20, 1979.

Chap. 403. AN ACT RELATIVE TO THE DISSOLUTION OF LIENS ON REAL ESTATE OF CERTAIN RECIPIENTS OF VETERANS BENEFITS.

Be it enacted, etc., as follows:

Section 5A of chapter 115 of the General Laws, as most recently amended by chapter 409 of the acts of 1964, is hereby further amended by inserting after the third paragraph the following paragraph:-

Such lien shall be dissolved and be unenforceable upon the expiration of twenty years from the date of the recording in the register of deeds of the county wherein said real estate lies.

Approved July 20, 1979.

Chap. 404. AN ACT RELATIVE TO THE HUNTING OF WILD TURKEYS.

Be it enacted, etc., as follows:

Chapter 131 of the General Laws is hereby amended by striking out section 75, as appearing in section 1 of chapter 802 of the acts of 1967, and inserting in place thereof the following section:-

Section 75. Except as provided in section five, a person shall not hunt or have in his possession a wild turkey or take, molest, disturb, destroy or have in possession the nest or eggs of a wild turkey.

Approved July 20, 1979.

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Chap. 405. AN ACT INCREASING THE MEMBERSHIP OF THE BOARD OF DIRECTORS OF THE MASSACHUSETTS URBAN AREA INSURANCE PLACEMENT FACILITY.

Be it enacted, etc., as follows:

The second paragraph of section 4 of chapter 175C of the General Laws is hereby amended by striking out the seventh sentence, as most recently amended by section 4 of chapter 528 of the acts of 1969, and inserting in place thereof the following sentence:- The association and the facility shall be governed by a board of eighteen directors, who shall serve without compensation, ten to be elected annually by the members of the association by cumulative voting, and two representatives of associations of insurance agents and brokers doing business in the commonwealth and six public representatives not affiliated with the insurance industry to be appointed annually by the commissioner of insurance.

Approved July 20, 1979.

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Chap. 406. AN ACT EXTENDING THE SCOPE OF ACTIONS ARISING UNDER THE CONSUMER PROTECTION ACT AND THE PROCEDURES FOR RAISING DEFENSES AND COUNTERCLAIMS.

Be it enacted, etc., as follows:

SECTION 1. Section 9 of chapter 93A of the General Laws is hereby amended by striking out paragraph (1), as most recently amended by section 1 of chapter 72 of the acts of 1979, and inserting in place thereof the following paragraph:-

(1) Any person, other than a person entitled to bring action under section eleven of this chapter, who has been injured by another person's use or employment of any method, act or practice declared to be unlawful by section two or any rule or regulation issued thereunder or any person whose rights are affected by another person violating the provisions of clause (9) of section three of chapter one hundred and seventy-six D may bring an action in the superior court, or in the housing court as provided in section three of chapter one hundred and eighty-five C whether by way of original complaint, counterclaim, cross-claim or third party action, for damages and such equitable relief, including an injunction, as the court deems to be necessary and proper.

SECTION 2. Paragraph (3) of said section 9 of said chapter

93A, as appearing in chapter 690 of the acts of 1969, is hereby amended by striking out the last sentence and inserting in place thereof the following sentence:- The demand requirements of this paragraph shall not apply if the claim is asserted by way of counterclaim or cross-claim, or if the prospective respondent does not maintain a place of business or does not keep assets within the commonwealth, but such respondent may otherwise employ the provisions of this section by making a written offer of relief and paying the rejected tender into court as soon as practicable after receiving notice of an action commenced under this section.

Approved July 20, 1979.

Chap. 407. AN ACT AUTHORIZING THE LINCOLN-SUDBURY REGIONAL SCHOOL DISTRICT TO ESTABLISH A CONTINGENCY FUND.

Be it enacted, etc., as follows:

To provide for extraordinary or unforeseen expenditures or deficits in estimated receipts from sources other than assessments on the member towns, the Lincoln-Sudbury regional school district may include in its annual operating and maintenance budget, in addition to all other sums included therein, a sum not exceeding two per cent of the amount of said budget, to be known as the contingency fund. No direct drafts shall be made against the contingency fund, but transfers therefrom may from time to time be voted by vote of two-thirds of all members of the regional district school committee of said district. Sums included in the annual operating and maintenance budget of said district for a contingency fund shall be subject to the provisions of section thirty-four of chapter seventy-one of the General Laws.

Approved July 20, 1979.

Chap. 408. AN ACT PROVIDING THAT THE INCOME TAX LAW BE MORE CONSISTENT WITH THE FEDERAL INTERNAL REVENUE CODE.

Whereas, The deferred operation of this act would tend to defeat its purpose which, is to provide immediately that the most recently amended Internal Revenue Code of the United States apply to the taxable years of the commonwealth commencing January first, nineteen hundred seventy-nine, now therefore, it is hereby declared an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Section 1 of chapter 62 of the General Laws is hereby amended by striking out subsection (c), as inserted by section 1 of chapter 599 of the acts of 1977, and inserting in place thereof the following subsection:-

(c) "Code", the Internal Revenue Code of the United States, as amended on November sixth, nineteen hundred and seventy-eight and in effect for the taxable year.

SECTION 2. This act shall take effect as of January first,

nineteen hundred and seventy-nine and shall apply to taxable years commencing on and after that date.

Approved July 20, 1979.

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Chap. 409. AN ACT MAKING CHANGES IN THE PERSONAL INCOME TAX.

Be it enacted, etc., as follows:

SECTION 1. Section 1 of chapter 62 of the General Laws is hereby amended by striking out subsection (k), as appearing in section 2 of chapter 723 of the acts of 1973.

SECTION 2. Subsection (c) of section 2 of said chapter 62, as so appearing, is hereby amended by adding the following paragraph:-

(3) The deduction allowed by section one thousand two hundred and two of the Code.

SECTION 3. Section 3 of said chapter 62 is hereby amended by striking out paragraph (b), as most recently amended by section 8 of chapter 599 of the acts of 1977, and inserting in place thereof the following paragraph:-

(b) The following exemptions shall be allowable to individuals against the Part B income:

(1) In the case of a single person,

(A) a personal exemption of two thousand dollars,

(B) an additional exemption of two thousand two hundred dollars if the taxpayer was totally blind at the close of his taxable year, and

(C) an additional exemption of seven hundred dollars if the taxpayer had attained the age of sixty-five before the close of his taxable year.

(2) In the case of a husband and wife filing a joint return,

(A) a personal exemption of two thousand dollars and an amount not exceeding two thousand dollars, equal to the earned income included in Part B gross income of the spouse having the smaller amount of such income; and an additional exemption of seven hundred dollars for the spouse having the smaller amount of such income, provided that the total amount of such income of such spouse for the calendar year in which the taxable year of the taxpayer began did not exceed two thousand dollars. "Earned income", as used herein, shall mean salary, wages, other employee compensation, self-employment income and any amount received as a pension or annuity to the extent includable in earned income as defined under section nine hundred and eleven (b) of the Code. In no event shall the exemptions under this subsection exceed forty-six hundred dollars.

(B) an additional exemption of two thousand two hundred dollars for each spouse who was totally blind at the close of his taxable year, and

(C) an additional exemption of seven hundred dollars for each spouse who had attained the age of sixty-five before the close of his taxable year.

(3) In the case of a married person filing a separate return,

(A) a personal exemption of one thousand dollars,

(B) an additional exemption of two thousand two hundred dollars if the taxpayer was totally blind at the close of his taxable year, and

(C) an additional exemption of seven hundred dollars if the taxpayer had attained the age of sixty-five before the close of his taxable year.

(4) An exemption of seven hundred dollars for each individual who qualifies for exemption as a dependent under section one hundred and fifty-one (e) of the Code.

(5) An amount equal to the deduction for medical, dental and other expenses allowed under section two hundred and thirteen of the Code, provided that the individual itemizes deductions on his federal income tax return and has excess itemized deductions thereon. No exemption shall be allowed under this paragraph to an individual who files a joint federal income tax return with his spouse unless a joint return is also filed under this chapter.

(6) An amount equal to the fees, in excess of three per cent of the Part B adjusted gross income paid within the taxable year to any agency licensed to place children for adoption by the taxpayer on account of the adoption of a minor child.

SECTION 4. Section seven of said chapter sixty-two is hereby repealed.

SECTION 5. Notwithstanding the provisions of paragraph (3) of subsection (c) of section two of chapter sixty-two of the General Laws, added by section two of this act, for taxable years commencing during nineteen hundred and eighty, the amount of the deduction allowed by said paragraph (3) shall not exceed twenty per cent of the net capital gains; for taxable years commencing during nineteen hundred and eighty-one, the amount of the deduction shall not exceed forty per cent of the net capital gain. This section shall be inoperative for the taxable year commencing during nineteen hundred and eighty-two and thereafter.

SECTION 6. Subparagraph (2) of paragraph (b) of section 3 of said chapter 62, as appearing in section 3 of this act, is hereby amended by striking out subsection (A) and inserting in place thereof the following subsection:-

(A) a personal exemption of two thousand dollars and an amount not exceeding two thousand dollars, equal to the earned income included in Part B gross income of the spouse having the smaller amount of such income; and an additional exemption of eight hundred dollars for the spouse having the smaller amount of such income, provided that the total amount of such income of such spouse for the calendar year in which the taxable year of the taxpayer began did not exceed two thousand dollars. "Earned income", as used herein, shall mean salary, wages, other employee compensation, self-employment income and any amount received as a pension or annuity to the extent includable in earned income as defined under section nine hundred and eleven (b) of the Code. In no event shall the exemptions under this subsection exceed forty-six hundred dollars.

SECTION 7. The provisions of section three of this act shall apply to taxable years commencing on or after January first, nineteen hundred and seventy-nine. The provisions of sections one,

two, four to six, inclusive shall apply to taxable years commencing on or after January first, nineteen hundred and eighty.

Approved July 20, 1979.

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Chap. 410.     AN ACT AUTHORIZING THE COUNTY COMMISSIONERS OF BARNSTABLE COUNTY TO BORROW MONEY TO REPLACE A RADIO COMMUNICATIONS CONTROL CENTER.

Be it enacted, etc., as follows:

SECTION 1. For the purposes of upgrading and replacing a radio communications control center the county commissioners of Barnstable county are hereby authorized to purchase a new radio control center for the police radio system.

SECTION 2. For the purpose authorized by section one, the treasurer of Barnstable 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 hundred thousand dollars and may issue bonds or notes of the county therefor, which shall bear on their face the words, Barnstable County Radio Control Center Loan, Act of 1979. Each authorized issue shall constitute a separate loan, and such loans shall be payable in not more than five years from their dates. Such bonds 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 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 23, 1979.

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Chap. 411.     AN ACT AUTHORIZING THE MOSES MENDELSON CEMETERY CORPORATION TO RECEIVE AND ADMINISTER THE PROPERTY OF THE SOCIETY HAR MORIAH CEMETERY CORPORATION.

Be it enacted, etc., as follows:

SECTION 1. The Society Har Moriah Cemetery Corporation, is hereby authorized to convey to the Moses Mendelsohn Cemetery Corporation, and the said Moses Mendelsohn Cemetery Corporation is hereby authorized to receive from said Society Har Moriah Cemetery Corporation, upon such terms as may be mutually agreed upon, and thereafter to hold and maintain, but for cemetery purposes only, and subject to all rights heretofore existing in any burial lots, the real and personal property of said Society Har Moriah Cemetery Corporation, including all moneys and trust funds belonging to the said Society Har Moriah Cemetery Corporation.

SECTION 2. After such conveyance and transfer, said Moses Mendelsohn Cemetery Corporation shall hold said property and

rights upon the same trusts and for the same uses and purposes as the same were previously held by said Society Har Moriah Cemetery Corporation and shall be charged with the same duties and liabilities relative thereto. All rights which any person has acquired in the cemetery lands of the said Society Har Moriah Cemetery Corporation shall remain valid to the same extent as if this act had not been passed, and, except as otherwise provided herein, all pertinent provisions of chapter one hundred and ninety-five of the acts of nineteen hundred and nine shall apply to said lands.

SECTION 3. The power to transfer, hold and use moneys and trust funds granted by this act shall be exercised only in conformity with a decree of a court of competent jurisdiction entered within one year after the effective date of this act.

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

Approved July 23, 1979.

Chap. 412. AN ACT AUTHORIZING THE TOWN OF WESTBOROUGH AND THE TOWN OF SHREWSBURY TO ENTER AN AGREEMENT TO CONSTRUCT AND OPERATE A WASTEWATER TREATMENT PLANT AND TO ESTABLISH THE WESTBOROUGH TREATMENT PLANT BOARD.

Be it enacted, etc., as follows:

SECTION 1. The towns of Westborough and Shrewsbury acting through their boards of selectmen may enter into an agreement for a term not to exceed thirty years to jointly treat sewage in a treatment plant in the town of Westborough known as the Westborough treatment plant. Said agreement shall establish the Westborough treatment plant board and include provisions for financing and apportioning the cost of financing, construction, operation, maintenance and administration of said treatment plant between said towns.

SECTION 2. There is hereby created the Westborough treatment plant board which board shall be responsible for the construction, maintenance, operation and administration of the Westborough treatment plant.

SECTION 3. The board of selectmen in the town of Westborough and the board of selectmen in the town of Shrewsbury shall each appoint three members to the Westborough treatment plant board, one for a term of one year, one for a term of two years and one for a term of three years, and as the term of such members expire, their successors shall be appointed in the same manner for terms of three years.

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

Approved July 23, 1979.

Chap. 413. AN ACT AUTHORIZING THE COUNTY COMMISSIONERS OF ESSEX COUNTY TO PAY CERTAIN



## UNPAID BILLS.

Be it enacted, etc., as follows:

SECTION 1. The county commissioners of Essex county are hereby authorized to pay, subject to appropriation, and after such appropriation, the county treasurer of said county is hereby authorized to pay, such of the unpaid bills incurred by said county and totaling twenty-four thousand and ten dollars as are set forth in a list on file in the office of the director of accounts in the department of revenue for goods supplied and services rendered to said county during the years nineteen hundred and seventy-three through nineteen hundred and seventy-seven. Said bills are legally unenforceable against said county by reason of their being incurred in excess of available appropriations.

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

SECTION 3. Any person who knowingly files a certificate required by section two, which is false, and who thereby receives payment for goods or services which were not received by or rendered to said county shall be punished by imprisonment for not more than one year or by a fine of not more than three hundred dollars, or both.

SECTION 4. This act shall take effect upon its passage.  
Approved July 23, 1979.

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Chap. 414. AN ACT EXEMPTING THE OFFICES OF JANITORS  
OF SCHOOL BUILDINGS LAWS IN THE TOWN OF  
EDGARTOWN FROM THE CIVIL SERVICE.

Be it enacted, etc., as follows:

SECTION 1. Chapter two-hundred and seventy-five of the acts of nineteen hundred and forty-five is hereby repealed.

SECTION 2. The offices of janitors of school buildings in the town of Edgartown shall be exempt from chapter thirty-one of the General Laws.

SECTION 3. This act shall take effect upon its passage.  
Approved July 23, 1979.

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Chap. 415. AN ACT AUTHORIZING THE TOWN OF HARWICH  
TO ACQUIRE A CERTAIN PARCEL OF LAND IN  
THE TOWN OF DENNIS.

Be it enacted, etc., as follows:

SECTION 1. The town of Harwich is hereby authorized to purchase or to acquire by gift the following described parcel of land or easements therein, or both, for beach, recreation and related purposes. Said land is situated at the end of Belmont road in the town of Dennis, and is shown as "Dennis Area" on a plan by the town of Harwich engineering department entitled, "Plan of Land in Harwich, Mass. Easement at Belmont Road, Scale 1" = 40' May 1, 1978", and is more particularly bounded as follows:

Beginning at a point on Harwich and Dennis town line, which point is 430' ± Southerly from the sideline of Chase Avenue, thence running S15°-09'-08"E along the Harwich and Dennis town line a distance of 263'± to Nantucket Sound. Thence westerly by said Sound a distance of 35'±. Thence N07° 48' 30"W a distance of 253'± to the Harwich and Dennis town line and the point of beginning.

Said parcel contains four thousand four hundred and ninety-five square feet, more or less, and title to said parcel is in Green Belmont, Inc., according to Certificate of Title No. 75003 recorded at the Barnstable County registry of deeds.

SECTION 2. This act shall take effect upon its passage.  
Approved July 23, 1979.

Chap. 416. AN ACT RELATIVE TO THE METHOD OF APPOINTMENT OF A CITY SOLICITOR IN THE CITY OF PITTSFIELD.

Be it enacted, etc., as follows:

SECTION 1. Section 26 of chapter 280 of the acts of 1932 is hereby amended by striking out the eighth paragraph and inserting in place thereof the following paragraph:-

The mayor shall appoint at such time and in such manner as may be established by ordinance a city attorney or solicitor, who shall be a member of the bar of the commonwealth. Such appointee shall, during the term of his appointment, reside within the city.

SECTION 2. This act shall take effect upon its passage.  
Approved July 23, 1979.

Chap. 417. AN ACT PROVIDING FOR THE APPOINTMENT OF THE TREASURER-COLLECTOR OF TAXES IN THE TOWN OF DOVER BY THE BOARD OF SELECTMEN OF SAID TOWN.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section one of chapter forty-one of the General Laws or of any other contrary provision of law, commencing on April fourteenth, nineteen hundred and eighty, the treasurer-collector of taxes of the town of Dover shall be appointed by the board of selectmen of said town, and the person so appointed shall have all the powers and duties now or from time to time vested by law in the office of treasurer-collector of taxes. The town of Dover may establish by by-law such qualifications for said office as it deems necessary and ap-

propriate. Any vacancy in such office shall be filled in like manner for the unexpired portion of the term.

SECTION 2. This act shall take effect upon its passage.  
Approved July 23, 1979.

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Chap. 418. AN ACT VALIDATING THE ACTS AND PROCEEDINGS OF THE ANNUAL TOWN MEETING OF THE TOWN OF ANDOVER.

Be it enacted, etc., as follows:

SECTION 1. All acts and proceedings of the annual town meeting of the town of Andover in the year nineteen hundred and seventy-nine, and all acts done in pursuance thereof, are hereby ratified, validated and confirmed, notwithstanding the failure of the finance committee to mail a copy of the warrant for such meeting and a copy of its report to each household in said town at least ten calendar days before the first scheduled business session of such meeting, as required by the by-laws of said town.

SECTION 2. This act shall take effect upon its passage.  
Approved July 23, 1979.

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Chap. 419. AN ACT RELATIVE TO THE PUBLICATION OF LISTS OF CANDIDATES FOR APPOINTMENT TO PUBLIC OFFICE IN THE CITY OF LAWRENCE.

Be it enacted, etc., as follows:

SECTION 1. Part II of chapter 621 of the acts of 1911 is hereby amended by striking out section 44 and inserting in place thereof the following section:-

Section 44. Appointments to any office, offices, board or boards established by this act or by city ordinance, except foremen and day laborers and such offices as pertain to the school committee, shall be subject to the following provisions, to wit:- Two weeks preceding the appointment to any such office, offices, board or boards a statement of the position or positions to be filled shall be published in at least one daily newspaper of the city under the signature or signatures of the director or directors empowered to appoint, and he or they shall therein request any candidate or candidates for said position or positions to submit his or their candidacy in writing to the director or directors aforesaid, but nothing herein contained shall prevent the appointing power from rejecting any or all applicants and publishing a new statement of positions to be filled. Not less than two nor more than four days prior to said appointment, the said director or directors shall cause to be published in at least one daily newspaper of the city a list of the names of all candidates who have made written applications as aforesaid. All removals from appointive offices shall be accompanied by a statement of the reason or reasons therefor under the signature of the director removing the officer or officers, and a copy of the statement shall be filed in the office of the city clerk.

SECTION 2. This act shall take effect upon its passage.  
Approved July 23, 1979.

Chap. 420. 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 be a portion of the boundary line between the towns of Hudson and Stow:-

Beginning at a corner on the existing boundary between the towns of Hudson and Stow, a rough granite monument with the letter S cut on the north face and the letter M on the south face and called Hudson-Stow-1 in latitude 42°23'51.120" north and longitude 71°30'14.450" west and extending thence, following the existing boundary line, in azimuth 288°03'54.76", 91.440 meters (300.00 feet) to corner Hudson-Stow-6 an unmarked point in Boons Pond in latitude 42°23'50.201" north and longitude 71°30'10.649" west; thence leaving said existing boundary line and extending in azimuth 358°59'20.07", 112.763 meters (369.96 feet) to corner Hudson-Stow-7 an unmarked point in Boons Pond in latitude 42°23'46.547" north and 71°30'10.562" west; thence in azimuth 297°59'55.84", 185.935 meters (610.02 feet) to corner Hudson-Stow-8 an unmarked point in Boons Pond in latitude 42°23'43.718" north and longitude 71°30'03.384" west; thence in azimuth 259°59'56.31", 624.848 meters (2050.02 feet) to corner Hudson-Stow-9 an unmarked point in Boons Pond in latitude 42°23'47.234" north and longitude 71°29'36.479" west; thence in azimuth 314°00'25.76", 176.804 meters (580.06 feet) to corner Hudson-Stow-10 an unmarked point in Boons Pond in latitude 42°23'43.253" north and longitude 71°29'30.919" west; thence in azimuth 279°00'33.12", 45.713 meters (149.98 feet) to corner Hudson-Stow-11 an unmarked point in Boons Pond in latitude 42°23'43.021" north and longitude 71°29'28.945" west; thence in azimuth 213°00'19.23", 146.327 meters (480.07 feet) to corner Hudson-Stow-12 an unmarked point in Boons Pond in latitude 42°23'46.998" north and 71°29'25.460" west; thence in azimuth 278°00'31.32", 246.904 meters (810.05 feet) to corner Hudson-Stow-13 an unmarked point in Boons Pond in latitude 42°23'45.883" north and longitude 71°29'14.770" west; thence in azimuth 29°00'50.49", 134.112 meters (440.00 feet) to corner Hudson-Stow-14 an unmarked point in Boons Pond in latitude 42°23'42.082" north and longitude 71°29'17.614" west; thence in azimuth 324°42'14.90", 231.061 meters (758.07 feet) to corner Hudson-Stow-15 an unmarked point in Boons Pond on the existing boundary line between the Towns of Hudson and Stow in latitude 42°23'35.970" north and longitude 71°29'11.777" west; thence following said existing boundary line in azimuth 288°04'06.51", 1164.679 meters (3821.12 feet) to the point of ending thereof, a rough granite monument with the letter S cut on the north face, the letter S on the east face and the letter H on the south face and called Hudson-Stow-Sudbury in latitude 42°23'24.260" north and longitude 71°28'23.370" west. All of the foregoing positions, directions and distances refer to

the United States Coast and Geodetic Survey Datum of 1880. The above described line is shown on a plan entitled "Plan Showing Proposed Town Line Between Hudson & Stow Scale 1"=100' Jan. 26, 1979 Prepared by Hudson D.P.W. Eng. Div. Hudson, Mass."

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

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

Approved July 23, 1979.

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Chap. 421. AN ACT INCREASING THE AMOUNT OF MONEY THE LAWRENCE POLICE RELIEF ASSOCIATION MAY PAY TO CERTAIN MEMBERS UPON THEIR RETIREMENT.

Be it enacted, etc., as follows:

SECTION 1. Section 1 of chapter 246 of the acts of 1971 is hereby amended by striking out, in line 5, the word "one" and inserting in place thereof the word:- five.

SECTION 2. Section 2 of said chapter 246 is hereby amended by striking out, in line 3, the word "seventy-one" and inserting in place thereof the word:- seventy-nine.

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

Approved July 23, 1979.

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Chap. 422. AN ACT EXEMPTING THE POSITION OF SEALER OF WEIGHTS AND MEASURES IN THE TOWN OF LUDLOW 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 in the town of Ludlow shall be exempt from the provisions of chapter thirty-one of the General Laws; provided, however, that an incumbent in said position who is subject to the provisions of said chapter thirty-one on the effective date of this act shall continue to be subject to said chapter.

SECTION 2. Any incumbent, who has permanent civil service status, in the position of sealer of weights and measures in the town of Ludlow on the effective date of this act, shall not lose any rating, seniority, retirement or pension rights or any other rights or privileges under the provisions of civil service law.

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

Approved July 23, 1979.

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Chap. 423. AN ACT AUTHORIZING THE CITY OF NEWTON TO SELL OR LEASE TO NONANTUM AMERICAN LEGION POST 440, INC. CERTAIN SURPLUS LAND

ORIGINALLY ACQUIRED FOR PLAYGROUND  
PURPOSES.

Be it enacted, etc., as follows:

SECTION 1. The city of Newton is hereby authorized to sell or lease to Nonantum American Legion Post 440, Inc. a certain parcel of land acquired by said city for playground purposes said land having been declared surplus property by the recreation commissioner of said city, bounded as follows:-

NORTHEASTERLY, 325.78' by land American Legion Post 440;  
SOUTHEASTERLY, 142.00' by land now or formerly of Donato and Assunta Tramontozzi;

SOUTHWESTERLY, 325.97' by California Street;

NORTHWESTERLY, 142.00' by land of American Legion Post 440.

Said parcel is described as Section 11, Block 5, Lot 8, containing 46,270 square feet, on the records of the assessors of said city and is shown as Lot A and B on a Plan entitled "Land to be conveyed to American Legion - 440", dated 8/17/76, on file with City Engineers, city of Newton.

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

Approved July 23, 1979.

Chap. 424. AN ACT AUTHORIZING THE TOWN OF SHERBORN TO TRANSFER CERTAIN LAND IN SAID TOWN TO THE CONTROL OF THE BOARD OF SELECTMEN AND TO CONVEY SAID LAND TO SHERBORN COMMUNITY HOUSING, INC. FOR THE PURPOSE OF PROVIDING CERTAIN ELDERLY HOUSING FACILITIES.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any law or regulation to the contrary, the town of Sherborn is hereby authorized to transfer to the board of selectmen in said town the care, custody, management and control of town forest land containing 16.75 acres, more or less, lying on the easterly side of Main street, adjacent to the town offices, as shown on a plan entitled, "Plan of Land in Sherborn - Mass. belonging to Estate William B. H. Dowse" by Roland H. Barnes and Henry Beal, C.E.'s, dated September 1932, and recorded in the southern district registry of deeds in the county of Middlesex, Book 6858 at the end.

SECTION 2. The town of Sherborn, acting by its board of selectmen, is hereby authorized to sell and convey for consideration of not less than one dollar, all or any portion of the land described in section one hereof to Sherborn Community Housing, Inc., a corporation organized under chapter one hundred and eighty of the General Laws, provided that said Sherborn Community Housing, Inc. enters into an agreement with the town of Sherborn, acting through its board of selectmen, to construct upon said land a structure or structures to be used for housing for elderly persons of the commonwealth of low or moderate income and to operate such structure or structures for such purposes for a period of not less than twenty years, which agree-

ment may include terms and conditions concerning rents to be charged to tenants, tenant eligibility standards, site planning, architectural design, maintenance requirements and real estate assessments, and shall be as said selectmen shall in their discretion determine.

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

Approved July 23, 1979.

Chap. 425. AN ACT AUTHORIZING THE TRANSFER OF CERTAIN LAND TO THE CONSERVATION COMMISSION AND THE RECREATION COMMISSION IN THE TOWN OF MARSHFIELD.

Be it enacted, etc., as follows:

SECTION 1. The recreation commission of the town of Marshfield is hereby authorized to transfer to the conservation commission of said town the care, custody and control of a certain parcel of land in said town as shown on a plan titled "Compiled plan of town land in Marshfield, Mass.," dated April 11, 1978 and bounded and described as follows:-

A parcel of land containing about 1.50 acres and lying off the northeasterly side of Webster Street adjacent to land of Andrew Dubois, being a portion of Lot B-1 shown on a Plan entitled "Compiled Plan of Town Owned Land in Marshfield, Mass., April 11, 1978, Scale 1" = 80' James F. Mullen, Town Engineer, Marshfield, Mass." and more particularly described as follows:

Beginning at a point which is the northerly corner of said Dubois land, and thence running as follows:

S15°46'15"W 293.00 ft. By land of Dubois and of the Recreation Commission

N74°13'45"W 235.49 ft. By land of the Recreation Comm.

N23°42'00"E 38.49 ft. By land of Anderson

N19°42'00"E 255.48 ft. By land of Anderson

S74°13'45"E 212.67 ft. By land of Conservation Commission to the point of beginning.

SECTION 2. The conservation commission of the town of Marshfield is hereby authorized to transfer to the recreation commission of said town the care, custody and control of a certain parcel of land in said town as shown on a plan titled "Compiled plan of town land in Marshfield, Mass., dated April 11, 1978" and bounded and described as follows:-

A parcel of land containing about 0.30 acres and lying on the northeasterly side of Webster Street near land of Andrew Dubois, being a portion of Lot A-1 shown on a Plan entitled "Compiled Plan of Town Owned Land in Marshfield, Mass., April 11, 1978, Scale 1" = 80', James F. Mullen, Town Engineer, Marshfield, Mass." and more particularly described as follows:

Beginning at a point which lies S73°06'45"E 74.79 feet from the easterly corner of said Dubois land, and thence running as follows:

N16°53'15"E 60.00 ft. By other conservation land

S73°06'45"E 220.00 ft. By other conservation land

S16°53'15"W 60.00 ft. By other conservation land

N73°06'45"W 220.00 ft. By land of the Recreation Commission to

the point of beginning.

Approved July 23, 1979.

Chap. 426. AN ACT REQUIRING THE OPERATOR OF A MOTOR VEHICLE WHICH STRIKES AND INJURES OR KILLS A DOG TO REPORT IT.

Be it enacted, etc., as follows:

Chapter 272 of the General Laws is hereby amended by inserting after section 80F, inserted by chapter 112 of the acts of 1977, the following section:-

Section 80G. The operator of a motor vehicle that strikes and injures or kills a dog or cat shall forthwith report such an accident to the owner or custodian of said dog or cat or to a police officer in the town wherein such accident has occurred. A violation of this section shall be punished by a fine of not more than fifty dollars.

Approved July 23, 1979.

Chap. 427. AN ACT MAKING APPROPRIATIONS FOR THE FISCAL YEAR NINETEEN HUNDRED AND EIGHTY 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 eighty 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	\$1,853,215 66
2. For contractual services	220,200 00
3. For supplies and materials	410,000 00
4. For current charges and obligations	264,896 00
5. For equipment	16,614 55
8. For debt and interest	10,000 00
11. For reserve fund	20,000 00
12. For group insurance	158,378 35
For total expenditures	\$2,953,304 56

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

Approved July 23, 1979.

Chap. 428. AN ACT ALLOWING TRAILERS OWNED AND REGISTERED TO CHARITABLE CORPORATIONS ASSIGNED TO EMERGENCY DISASTER SERVICES USED FOR EMERGENCY TRANSPORTATION TO BE REGISTERED AS EMERGENCY DISASTER SERVICE VEHICLES.

Be it enacted, etc., as follows:

Section 7I of chapter 90 of the General Laws, inserted by chapter 823 of the acts of 1965, is hereby amended by inserting after the word "vehicles", in line 1, the following words:- and trailers.

Approved July 23, 1979.

Chap. 429. AN ACT VALIDATING CERTAIN ACTION OF THE TOWN OF ASHBURNHAM AT A SPECIAL TOWN



ACTS, 1979. - Chap. 430.

MEETING IN NINETEEN HUNDRED AND SEVENTY-EIGHT.

Be it enacted, etc., as follows:

The action of the town of Ashburnham at a special town meeting held on September twelfth, nineteen hundred and seventy-eight, in amending its zoning by-laws is hereby validated and confirmed, notwithstanding the failure of the planning board in said town to properly advertise its public hearing held by said board.

Approved July 23, 1979.

Chap. 430. AN ACT MAKING APPROPRIATIONS FOR THE FISCAL YEAR NINETEEN HUNDRED AND EIGHTY 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 ending June thirtieth, nineteen hundred and eighty.

WORCESTER COUNTY.

Item	Subtotal	Total
1. For interest on county debt.....		\$335,015 01
2. For reduction of county debt.....		465,000 00
3. For county commissioners, salaries and expenses.....		116,172 10
1. Personal services	\$108,747 10	
2. Contractual services	2,300 00	
3. Supplies and materials	1,275 00	
4. Current charges and obligations	3,850 00	
4. For transportation and expenses of county and acting commissioners		3,775 00
6. For county treasurer, salaries and expenses.....		220,291 73
1. Personal services	180,196 73	
2. Contractual services	13,350 00	
3. Supplies and materials	2,750 00	
4. Current charges and obligations	22,295 00	
5. Equipment	1,700 00	
7. For sheriff, salary and expenses.....		37,625 49
1. Personal services	25,365 49	
2. Contractual services	1,300 00	
3. Supplies and materials	2,510 00	
4. Current charges and obligations	950 00	
5. Equipment	7,500 00	
8. For registry of deeds, salaries and expenses		
Worcester District		857,799 29
1. Personal services	658,974 29	
2. Contractual services	113,200 00	
3. Supplies and materials	40,000 00	
4. Current charges and obligations	30,000 00	
5. Equipment	15,625 00	
Northern District		138,181 25
1. Personal services	121,948 25	
2. Contractual services	9,070 00	
3. Supplies and materials	4,400 00	
4. Current charges and obligations	2,763 00	
10. For highways, including state highways, bridges and land damages.....		600,406 35

Item	Subtotal	Total
1. Personal services	\$582,681 35	
2. Contractual services	3,225 00	
3. Supplies and materials	11,000 00	
4. Current charges and obligations	3,500 00	
15. For medical examiners.....		\$80,300 00
16. For jail and house of correction, maintenance and operation.....		2,692,476 39
1. Personal services	1,830,341 39	
2. Contractual services	297,850 00	
3. Supplies and materials	470,000 00	
4. Current charges and obligations	31,960 00	
5. Equipment	60,325 00	
6. All other	2,000 00	
18. For court houses and registry buildings, maintenance and operation.....		1,106,167 77
1. Personal services	738,839 15	
2. Contractual services	241,840 72	
3. Supplies and materials	117,811 90	
4. Current charges and obligations	6,590 00	
5. Equipment	1,086 00	
18a. For bindery department.....		35,605 18
20. For agricultural school or county cooperative extension service.....		337,631 37
1. Personal services	304,581 37	
2. Contractual services	20,000 00	
3. Supplies and materials	11,000 00	
4. Current charges and obligations	1,975 00	
5. Equipment	75 00	
24. For noncontributory pensions.....		417,928 25
25. For contributory retirement system and supervisory expenses.....		562,264 07
26. For miscellaneous and contingent expenses.....		500,043 48
27. For unpaid bills of previous years.....		150,000 00
28. For reserve fund.....		75,000 00
29. For advertising recreational, industrial and agricultural advantages of the county.....		75,000 00
31. For radio system for fire protection or police radio system.....		1,500 00
36. For Dutch elm disease.....		10,000 00
39. For group insurance, provided that no funds appropriated for this item shall be expended for the payment of abortions not necessary to prevent the death of the mother.....		560,500 00
Total amount of appropriations		\$9,378,682 73
Less estimated amount available for reduction of county tax.....		798,450 35
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		\$8,580,232 38
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		
2. For reduction of county debt.....		\$1,266,000 00

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

Approved July 23, 1979.

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Chap. 431. AN ACT RELATIVE TO THE RENDERING OF EMERGENCY AID BY FIRE DEPARTMENTS.

Be it enacted, etc., as follows:

The first sentence of the first paragraph of section 59A of chapter 48 of the General Laws, as amended by chapter 14 of the acts of 1960, is hereby further amended by inserting after the word "therein", in line 6, the words:- or rendering any other emergency aid or performing any detail as ordered by the head of the fire department.

Approved July 23, 1979.

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Chap. 432. AN ACT AUTHORIZING THE TOWN OF FAIRHAVEN TO GRANT AN ADDITIONAL LICENSE FOR THE SALE OF ALCOHOLIC BEVERAGES NOT TO BE DRUNK ON THE PREMISES.

Be it enacted, etc., as follows:

Notwithstanding the provisions of section seventeen of chapter one hundred and thirty-eight of the General Laws, the town of Fairhaven may grant to Selwyn Holland, d/b/a People's Package Store of Fairhaven a license under the provisions of section fifteen of said chapter one hundred and thirty-eight. Said license shall be subject to all the provisions of said chapter one hundred and thirty-eight except section seventeen.

Approved July 23, 1979.

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Chap. 433. AN ACT AUTHORIZING THE TOWN OF FAIRHAVEN TO GRANT AN ADDITIONAL LICENSE FOR THE SALE OF ALCOHOLIC BEVERAGES NOT TO BE DRUNK ON THE PREMISES.

Be it enacted, etc., as follows:

Notwithstanding the provisions of section seventeen of chapter one hundred and thirty-eight of the General Laws, the town of Fairhaven may grant to Ulric A. Benoit, d/b/a Food Town of Fairhaven a license under the provisions of section fifteen of said chapter one hundred and thirty-eight. Said license shall be subject to all the provisions of said chapter one hundred and thirty-eight except section seventeen.

Approved July 23, 1979.

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Chap. 434. AN ACT AUTHORIZING THE TOWN OF FAIRHAVEN TO GRANT AN ADDITIONAL LICENSE FOR THE SALE OF ALCOHOLIC BEVERAGES NOT TO BE DRUNK ON THE PREMISES.

Be it enacted, etc., as follows:

Notwithstanding the provisions of section seventeen of chapter one hundred and thirty-eight of the General Laws, the town of Fairhaven may grant to Calistus D. Sylvia, Jr., manager, d/b/a Little Bay Liquors, Inc., of Fairhaven a license under the provisions of section fifteen of said chapter one hundred and thirty-eight. Said license shall be subject to all the provisions of said chapter one hundred and thirty-eight except section seventeen.

Approved July 23, 1979.

Chap. 435. AN ACT AUTHORIZING THE PROMOTION OF CERTAIN MEMBERS OF THE CALL FIRE FORCE IN CERTAIN TOWNS TO THE REGULAR FIRE FORCE.

Be it enacted, etc., as follows:

Section 36A of chapter 48 of the General Laws, as most recently amended by section 141 of chapter 835 of the acts of 1974, is hereby further amended by striking out the first sentence and inserting in place thereof the following sentence:- Any town which has not accepted chapter four hundred and eighty-seven of the acts of nineteen hundred and thirteen and shall accept this section by vote of the town at a town meeting, and has a call or part call fire force which now is or may hereafter be subject to chapter thirty-one, may, on the recommendation of the appointing officer of the fire department, promote to membership in the regular or permanent full-time force, without civil service examination and without any probationary period of service required under said chapter thirty-one and the rules made thereunder, any persons then in the call or part call fire force who have served as call men or part call men or substitute call men for three or more successive years, and who are certified to be competent physically for the duty by the town physician, if any, otherwise by a physician designated therefor by said appointing officer.

Approved July 23, 1979.

Chap. 436. AN ACT MAKING APPROPRIATIONS FOR THE FISCAL YEAR NINETEEN HUNDRED AND EIGHTY 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 ending June thirtieth, nineteen hundred and eighty.

BARNSTABLE COUNTY.		
Item	Subtotal	Total
1. For interest on county debt.....		\$73,063 75
2. For reduction of county debt.....		95,000 00
3. For county commissioners, salaries and expenses.....		95,927 76
1. Personal services	\$86,097 76	
2. Contractual services	4,540 00	
3. Supplies and materials	2,410 00	
4. Current charges and obligations	2,880 00	
4. For transportation and expenses of county and acting commissioners.....		1,700 00

<u>Item</u>	<u>Subtotal</u>	<u>Total</u>
6. For county treasurer, salaries and expenses.....		\$83,569 73
1. Personal services	\$67,569 73	
2. Contractual services	8,650 00	
3. Supplies and materials	4,050 00	
4. Current charges and obligations	2,700 00	
5. Equipment	600 00	
7. For sheriff, salary and expenses.....		26,530 45
1. Personal services	22,365 45	
2. Contractual services	525 00	
3. Supplies and materials	3,250 00	
4. Current charges and obligations	390 00	
8. For registry of deeds, salaries and expenses.....		718,048 84
1. Personal services	587,619 84	
2. Contractual services	61,150 00	
3. Supplies and materials	27,420 00	
4. Current charges and obligations	28,450 00	
5. Equipment	13,409 00	
10. For highways, including state highways, bridges and land damages.....		29,200 00
2. Contractual services	9,200 00	
6. All other	20,000 00	
15. For medical examiners.....		40,200 00
16. For jail and house of correction, maintenance and operation		1,109,292 14
1. Personal services	833,632 14	
2. Contractual services	73,700 00	
3. Supplies and materials	179,650 00	
4. Current charges and obligations	11,860 00	
5. Equipment	10,450 00	
18. For court houses and registry buildings, maintenance and operation.....		422,412 17
1. Personal services	206,806 12	
2. Contractual services	139,447 00	
3. Supplies and materials	63,077 00	
4. Current charges and obligations	4,137 80	
5. Equipment	2,030 25	
6. All other	6,914 00	
18a. For sewage system.....		9,133 60
20. For agricultural school or county cooperative extension service.....		143,843 54
1. Personal services	129,102 54	
2. Contractual services	7,486 00	
3. Supplies and materials	5,425 00	
4. Current charges and obligations	470 00	
5. Equipment	1,360 00	
22. For hospital.....		2,311,379 14
1. Personal services	1,490,376 14	
2. Contractual services	209,530 00	
3. Supplies and materials	301,920 00	
4. Current charges and obligations	145,805 00	
5. Equipment	112,348 00	
6. All other	51,400 00	
23. For health service.....		294,270 09
1. Personal services	258,379 15	
2. Contractual services	23,160 00	
3. Supplies and materials	6,650 00	
4. Current charges and obligations	2,575 00	
5. Equipment	3,505 94	
25. For contributory retirement system and supervisory expenses.....		245,710 00
26. For miscellaneous and contingent expenses.....		262,957 18

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Item	Subtotal	453 Total
27. For unpaid bills of previous years.....		\$10,000 00
28. For reserve fund.....		35,000 00
29. For advertising recreational, industrial and agricultural advantages of the county.....		125,000 00
31. For police radio system.....		345,654 00
32a. For maintenance, forest fire apparatus.....		7,824 94
33. For police training school and bureau of criminal investigation.....		170,654 16
35. For county planning or development commission.....		194,126 65
36. For police service building.....		20,150 00
37. For drug information bureau.....		69,034 22
38. For county airplane.....		8,170 00
39. For group insurance provided that no funds appropriated for this item shall be expended for the payment of abortions not necessary to prevent the death of the mother.....		325,200 00
41. For fire training school.....		29,230 00
43. For retired senior volunteer program.....		13,060 00
44. For family services.....		40,000 00
45. For home care.....		59,200 00
Total amount of appropriations		\$7,414,542 36
Less estimated amount available for reduction of county tax		2,972,952 00
And the county commissioners of Barnstable county are hereby authorized to levy as the county tax of said county for the current year, in the manner provided by law, the sum of		\$4,441,590 36

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	
2. For reduction of county debt.....	\$380,000 00
24. For noncontributory pensions.....	80,919 12
Total	\$460,919 12

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

Approved July 23, 1979.

Chap. 437. AN ACT AUTHORIZING THE TOWN OF MARBLEHEAD  
TO APPROPRIATE MONEY FOR THE PAYMENT OF  
AND TO PAY CERTAIN ADDITIONAL COMPENSATION  
TO CERTAIN MEMBERS OF THE FIRE DEPARTMENT  
OF SAID TOWN.

Be it enacted, etc., as follows:

The town of Marblehead is hereby authorized to appropriate  
the sum of one thousand seven hundred eighty-four dollars and  
ten cents, and after such appropriation, the treasurer of said  
town is authorized to pay the following present or former members  
of the fire department of said town the following sums of money:  
Robert E. Cash, four hundred eighty-four dollars and thirty-one  
cents; Robert H. Rhoades, three hundred fourteen dollars and  
thirty-nine cents; David A. Woodfin, one hundred fifty-eight  
dollars and ninety-seven cents; Walter Conrad, two hundred

seventy-nine dollars and thirty-one cents; Clinton I. Hutchinson, Jr., three hundred ninety-three dollars and eighty-eight cents; and John Phillips, who retired from said department, one hundred fifty-three dollars and twenty-four cents for compensation for services out of rank performed by such members in the fiscal year nineteen hundred and seventy-seven.

Approved July 23, 1979.

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Chap. 438. AN ACT ESTABLISHING THE TERM FOR THE OFFICE OF SCHOOL COMMITTEE IN THE CITY OF FALL RIVER TO BE CO-TERMINOUS WITH THAT OF THE MAYOR AND CITY COUNCIL OF SAID CITY.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section thirty-one of chapter forty-three of the General Laws, beginning in the year nineteen hundred and eighty, members of the school committee in the city of Fall River shall be elected at large at each regular biennial city election to serve terms of two years, said terms to be co-terminous with the terms of the mayor and members of the city council.

SECTION 2. This act shall be submitted for acceptance to the voters of the city of Fall River at the city election to be held in the year nineteen hundred and seventy-nine in the form of the following question which shall be placed in the official ballot to be used for the election of city offices: "Shall an act passed by the General Court in the year nineteen hundred and seventy-nine entitled, 'An act establishing the term for the office of school committee in the city of Fall River to be co-terminous with those of the mayor and city council', 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 23, 1979.

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Chap. 439. AN ACT REGULATING THE USE OF LIVE VERTEBRATE FOR EXPERIMENTAL OR EXHIBITIONAL PURPOSES IN CERTAIN SCHOOLS.

Be it enacted, etc., as follows:

SECTION 1. Section thirty-three of chapter seventy-one of the General Laws is hereby repealed.

SECTION 2. Chapter 272 of the General Laws is hereby amended by inserting after section 80F, inserted by chapter 112 of the acts of 1977, the following section:-

Section 80G. No school principal, administrator or teacher shall allow any live vertebrate to be used in any elementary or high school under state control or supported wholly or partly by public money of the state as part of a scientific experiment or for any other purpose in which said vertebrates are experimentally medicated or drugged in a manner to cause painful reactions or to

induce painful or lethal pathological conditions, or in which said vertebrates are injured through any other type of treatment, experiment or procedure including but not limited to anesthetization or electric shock, or where the normal health of said animal is interfered with or where pain or distress is caused.

No person shall, in the presence of a pupil in any elementary or high school under state control or supported wholly or partly by public money of the state, practice vivisection, or exhibit a vivisected animal. Dissection of dead animals or any portions thereof in such schools shall be confined to the class room and to the presence of pupils engaged in the study to be promoted thereby, and shall in no case be for the purpose of exhibition.

Live animals used as class pets or for purposes not prohibited in paragraphs one and two hereof in such schools shall be housed or cared for in a safe and humane manner. Said animals shall not remain in school over periods when such schools are not in session, unless adequate care is provided at all times.

The provisions of the preceding three paragraphs shall also apply to any activity associated with or sponsored by the school.

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

Approved July 23, 1979.

Chap. 440. AN ACT AUTHORIZING THE LICENSING AUTHORITIES OF THE TOWN OF WINCHENDON TO GRANT AN ADDITIONAL LICENSE FOR THE SALE OF ALL ALCOHOLIC BEVERAGES NOT TO BE DRUNK ON THE 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 licensing authority of the town of Winchendon is hereby authorized to grant, in addition to the number of such licenses authorized by said section seventeen, one additional license under the provisions of section fifteen 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 23, 1979.

Chap. 441. AN ACT AUTHORIZING THE COUNTY COMMISSIONERS OF BRISTOL COUNTY TO BORROW ADDITIONAL MONEY FOR CONSTRUCTION AND EQUIPMENT OF A COURT HOUSE FOR THE THIRD DISTRICT COURT OF BRISTOL AND BRISTOL JUVENILE COURT.

Be it enacted, etc., as follows:

SECTION 1. Section 1 of chapter 488 of the acts of 1978 is hereby amended by striking out the last sentence and inserting in place thereof the following sentence:- 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, five million five hundred dollars.

SECTION 2. Section 2 of said chapter 488 is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- For the purposes authorized by section one, the treasurer of said county, with the approval of the county commissioners, may borrow upon the credit of the county such sums as may be necessary, not exceeding, in the aggregate, five million five hundred 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.

Approved July 27, 1979.

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Chap. 442. AN ACT AUTHORIZING THE TOWN OF NORFOLK TO RELEASE CERTAIN LAND FROM CONSERVATION RESTRICTIONS.

Be it enacted, etc., as follows:

SECTION 1. The town of Norfolk, acting through its board of selectmen, is hereby authorized to release a two-acre portion, more or less, of a conservation restriction acquired pursuant to section thirty-two of chapter one hundred and eighty-four of the General Laws comprising a total of two acres, more or less, as shown on a plan entitled, Plan of Land in Norfolk, Mass., dated March 13, 1979, by Landmark Engineering of New England, Inc.

Said two-acre parcel is shown on said plan dated March 13, 1979 and identified as follows:

Land shown as Lots 1 and 2 and Parcel B on plan entitled "Plan of Land in Norfolk, Mass." dated March 13, 1979 by Landmark Engineering of New England, Inc. said lots 1 and 2 being together bounded and described according to said plan as follows:

Southeasterly by Boardman Street, 565 feet, more or less; Southwesterly by a stream and the land of Leonard and Helen Vinson 318 feet, more or less;

Northwesterly by other land owned by Liljestrand 519 feet, more or less;

Northeasterly by other land owned by Liljestrand 225 feet, more or less.

Lot 1 contains 77,670 square feet, more or less; Lot 2 contains 45,000 square feet, more or less, and Parcel 8 is located 114 feet northeast from Boardman Street containing 1,933 square feet, more or less, on which is located a pool house and said Parcel B is bounded by other land owned by Liljestrand all according to said plan.

A copy of said plan shall be on file with the town clerk of said town. Said land shall be subject to the conservation commission restriction and regulations as appearing in a letter dated March 26, 1979 and on file with said town clerk.

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

Approved July 30, 1979

Chap. 443. AN ACT A ESTABLISHING A WATER AND SEWER COMMISSION IN THE TOWN OF MARBLEHEAD.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, there shall be in the town of Marblehead a water and sewer commission consisting of five members to be elected at large by official ballot. Said town shall, at the annual town meeting to be held in the year nineteen hundred and eighty, elect one commissioner for a term of one year, two for terms of two years and two for terms of three years. At each annual town election thereafter the voters of said town shall elect in place of those commissioners whose terms are about to expire a like number of commissioners to serve for terms of three years.

SECTION 2. Upon the initial election of the members of the water and sewer commission established under section one the terms of office of the members of the board of water commissioners and the board of sewer commissioners shall terminate, and all powers and duties of said board of water commissioners and said board of sewer commissioners, shall be transferred to, exercised and performed by said water and sewer commission.

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

Approved August 3, 1979.

Chap. 444. AN ACT EXTENDING THE BOUNDARY LINES OF THE NORTH SAGAMORE WATER DISTRICT.

Be it enacted, etc., as follows:

SECTION 1. Chapter 290 of the acts of 1939 is hereby amended by striking out section 1 and inserting in place thereof the following section:-

SECTION 1. The inhabitants of the town of Bourne, liable to taxation in said town, and residing within the territory comprised within the following boundary lines, to wit:- beginning at the northeast corner of the town of Bourne at Cape Cod bay and running southwesterly along the boundary line between the town of Bourne and the town of Plymouth to a point five hundred feet west of the state highway route, 3, thence turning and running southerly by a line five hundred feet west of and parallel to the westerly side line of the said state highway route 3 to the vicinity of the traffic circle at the northerly end of the Sagamore bridge, thence turning and running westerly by a line north of and five hundred feet distant from the United States highway route 6 on the north side of the canal to a point northerly of the residence of Nathan B. Hartford opposite the junction of said United States highway route 6 and the Old Wareham road, thence still running westerly by a line five hundred feet north of and parallel to the northerly side line of the Old Wareham road to and across the Herring Pond road and Herring river to a point five hundred feet west of said river, thence turning and running southerly by a line five hundred feet west of said river to the Cape Cod canal, thence running easterly by said Cape Cod canal to the Bourne-Sandwich town line, and thence turning and running northerly

by the Bourne-Sandwich town line and Cape Cod bay to the point of beginning at the northeast corner of the town of Bourne, and beginning on the boundary line between the town of Bourne and the town of Plymouth at a point five hundred feet westerly of the westerly sideline of said state highway as route 3; thence turning and running southerly by a line five hundred feet west of and parallel to the westerly sideline of the said state highway, route No. 3, to the vicinity of the traffic circle at the northerly end of the Sagamore bridge, thence turning and running westerly by a line north of and five hundred feet distant from said United States highway as route 6 on the north side of the canal, to a point northerly of the now or former residence of Nathan B. Hartford, opposite the junction of said United States highway Route 6 and Old Wareham road; thence still running westerly by a line five hundred feet north of and parallel to the northerly sideline of Old Wareham road to and across the Herring Pond road and to the Herring river, and the easterly district line of the Buzzards Bay Water District; thence turning and running northerly by the Herring river and said easterly district line of the Buzzards Bay Water District to Great Herring pond; thence turning and running easterly by Great Herring pond to the boundary line between the town of Bourne and the town of Plymouth; thence turning and running easterly along said boundary line between the town of Bourne and the town of Plymouth to the point of beginning, shall constitute a water district and are hereby made a body corporate by the name of the North Sagamore Water District, hereinafter called the district, for the purpose of supplying themselves with water for the extinguishment of fires and for domestic and other purposes, with power to establish fountains and hydrants and to relocate and discontinue the same, to regulate the use of such water and to fix and collect rates to be paid therefor, and for the purposes of assessing and raising taxes as provided herein for the payment of such services, and for defraying the necessary expenses of carrying on the business of said district, subject to all general laws now or hereafter in force relating to such districts, except as otherwise provided herein. The district shall have power to prosecute and defend all actions relating to its property and affairs.

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

Approved August 3, 1979.

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Chap. 445. AN ACT AUTHORIZING THE APPOINTMENT OF KENNETH VIGNEAULT AS A PERMANENT INTERMITTENT POLICE OFFICER IN THE TOWN OF LUDLOW NOTWITHSTANDING THE MAXIMUM AGE REQUIREMENTS FOR SUCH POSITION.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law or any rule to the contrary regulating the maximum age of applicants for appointment as police officer, Kenneth Vigneault shall be eligible to take the next open competitive examination for permanent intermittent police officer in the town of

Ludlow, 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 August 3, 1979.

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Chap. 446. AN ACT PROVIDING TENURE OF OFFICE FOR WILLIAM R. McMENIMEN, INCUMBENT IN THE OFFICE OF DIRECTOR OF PUBLIC HEALTH FOR THE TOWN OF TEWKSBURY.

Be it enacted, etc., as follows:

William R. McMenimen, incumbent in the office of director of public health for the town of Tewksbury, shall hold said office with tenure unless incapacitated by physical or mental disability from performing the duties thereof; but he may be removed therefrom for cause after hearing in the manner provided by section forty-three of chapter thirty-one of the General Laws.

Approved August 3, 1979.

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Chap. 447. AN ACT AUTHORIZING THE CITY OF NEW BEDFORD TO PLACE A CERTAIN QUESTION RELATIVE TO THE FLUORIDATION OF ITS WATER SUPPLY ON THE BALLOT TO BE USED AT THE MUNICIPAL ELECTION IN SAID CITY IN THE CURRENT YEAR.

Be it enacted, etc., as follows:

Chapter 243 of the acts of 1979 is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- The city of New Bedford shall place on the official ballot to be used for the election of city officers in said city at the municipal election to be held in the current year the following question:- "Shall the fluoridation of the public water supply for domestic use in the city of New Bedford be continued?"

Approved August 3, 1979.

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Chap. 448. AN ACT PROVIDING TENURE OF OFFICE FOR KENNETH C. GRIME, INCUMBENT OF THE OFFICES OF TOWN TREASURER AND TAX COLLECTOR IN THE TOWN OF SOMERSET.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, the tenure of office of Kenneth C. Grime, incumbent of the offices of town treasurer and tax collector in the town of Somerset, shall be unlimited, unless incapacitated by physical or mental disability from performing the duties thereof, but he may be removed for cause after a hearing conducted by the board of selectmen of said town in the manner provided by section forty-three of chapter thirty-one of the General Laws.

SECTION 2. This act shall be submitted for acceptance to the voters of the town of Somerset at the annual town meeting to be held in the year nineteen hundred and eighty in the form of the following question, which shall be placed on the official ballot to be used for the election of town officers at said meeting:- "Shall an act passed by the General Court in the year nineteen hundred and seventy-nine, entitled 'An Act providing tenure of office for Kenneth C. Grime, incumbent of the offices town treasurer and tax collector in the town of Somerset', be accepted?" If a majority of the votes cast in answer to said question is in the affirmative, this act shall take full effect, but not otherwise.

Approved August 3, 1979.

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Chap. 449. AN ACT EXEMPTING THE OFFICE OF SEALER OF WEIGHTS AND MEASURES IN THE TOWN OF BRIDGEWATER FROM THE PROVISIONS OF THE CIVIL SERVICE LAW.

Be it enacted, etc., as follows:

SECTION 1. The office of the sealer of weights and measures in the town of Bridgewater shall be exempt from the provisions of chapter thirty-one of the General Laws, provided, however, that the sealer of weights and measures may be removed from office at any time after a hearing by the board of selectmen, in accordance with the provisions of said chapter thirty-one.

SECTION 2. The provisions of section one shall not impair the civil service status of the sealer of weights and measures in the town of Bridgewater holding civil service status on the effective date of this act.

SECTION 3. All future incumbents of the office of sealer of weights and measures in the town of Bridgewater shall, at the time of appointment, have five years experience in the use of weighing and measuring devices in a federal, state, county or local agency. The board of selectmen shall prescribe the duties, authority and compensation of such sealer of weights and measures.

Approved August 3, 1979.

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Chap. 450. AN ACT AUTHORIZING THE COUNTY COMMISSIONERS OF BRISTOL COUNTY TO PAY A SUM OF MONEY TO ROSE LINHARES.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any provisions of the law to the contrary, the county commissioners of Bristol county are hereby authorized to pay out of the current dog fund the sum of four hundred dollars to Rose Linhares of South Dartmouth to settle a claim for damages alleged to have incurred as a result of dogs injuring livestock owned by said Rose Linhares on April seventh, nineteen hundred and seventy-seven.

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

Approved August 6, 1979.

Chap. 451. AN ACT RELATIVE TO THE SALE OF CERTAIN LANDS HELD BY A CITY OR TOWN UNDER TAX TITLES.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately define the sale of certain lands held by a city or town under tax titles, 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 79 of chapter 60 of the General Laws is hereby amended by striking out the third sentence, as amended by section 1 of chapter 162 of the acts of 1979, and inserting in place thereof the following sentence:- If the commissioner is of the opinion that such parcels are of insufficient value to meet the taxes, interest and charges including the payment of fifty dollars to a city or town as the legal fee for proceedings under this section, and all subsequent taxes and assessments thereon, together with the expenses of a foreclosure under section sixty-nine, including the payment of fifty dollars to a city or town as the legal fee for proceedings under this section, that none of such parcels exceeds two thousand five hundred dollars in value, and that the facts essential to the validity of the tax titles on such lands have been adequately established, he shall make affidavit of such finding, which shall be recorded in the registry of deeds for the district wherein the land lies.

Approved August 6, 1979.

Chap. 452. AN ACT PROVIDING FOR RECIPROCAL ENFORCEMENT OF SUPPORT ORDERS.

Be it enacted, etc., as follows:

Section 1 of chapter 273A of the General Laws, as appearing in section 1 of chapter 556 of the acts of 1954, is hereby amended by striking out the definition of "State" and inserting in place thereof the following definition:-

"State", includes any state, territory or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico and any other jurisdiction in which this or a substantially similar reciprocal law has been enacted and with which the commonwealth is authorized to enter into such a reciprocal agreement.

Approved August 6, 1979.

Chap. 453. AN ACT AUTHORIZING REGULATION BY CITIES AND TOWNS OF THE PARKING OF MOTOR VEHICLES IN AREAS CONTROLLED BY HOUSING AUTHORITIES.

Be it enacted, etc., as follows:

Chapter 121B of the General Laws is hereby amended by striking out section 32A, inserted by chapter 146 of the acts of 1977, and inserting in place thereof the following section:-

Section 32A. A housing authority may make reasonable rules

and regulations for the use of parking areas under its control and may make reasonable charges for the use of such areas; provided, however, no housing authority shall charge its tenants for the use of any parking space within an area under its control. Any such authority shall have the power to tow any abandoned or unregistered vehicle which is parked in any area under their control. At least one attested copy of said rules and regulations shall be posted at each facility and any violation thereof shall be punished by a fine of not more than twenty dollars.

Approved August 6, 1979.

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Chap. 454. AN ACT RELATIVE TO THE DISSOLUTION OF CERTAIN BUSINESS CORPORATIONS.

Be it enacted, etc., as follows:

SECTION 1. Section 100 of chapter 156B of the General Laws is hereby amended by striking out clause (b), as most recently amended by section 206 of chapter 514 of the acts of 1978, and inserting in place thereof the following clause:-

(b) Within thirty days of the date of such authorization, notice that dissolution of the corporation has been duly authorized shall be mailed by the corporation to the commissioner of revenue.

SECTION 2. Clause (c) of said section 100 of said chapter 156B is hereby amended by striking out subclause (4) and inserting in place thereof the following subclause:-

(4) A statement that notice of the proposed dissolution of the corporation was duly given to the commissioner of revenue as required by this section.

SECTION 3. Said section 100 of said chapter 156B is hereby further amended by striking out clauses (d), (e), and (f) and inserting in place thereof the following two clauses:-

(d) Such articles of dissolution shall constitute an amendment of the articles of organization, and the dissolution of the corporation shall become effective when said articles are filed with the state secretary in accordance with section six, unless said articles specify a later effective date not more than thirty days after such filing, in which event the dissolution shall become effective upon such later date, and upon such dissolution the existence of the corporation shall cease, subject to the provisions of sections one hundred and two, one hundred and four, and one hundred and eight.

(e) At any time before the filing of articles of dissolution the corporation may authorize the abandonment of the dissolution proceedings by the same corporate action with respect to such abandonment as is required by this section for the authorization of a dissolution.

SECTION 4. Said chapter 156B is hereby amended by striking out section 101, inserted by section 44 of chapter 685 of the acts of 1965, and inserting in place thereof the following section:-

Section 101. If a corporation has failed to comply with the provisions of law requiring the filing of reports with the state secretary or tax returns with the commissioner of revenue for two

or more consecutive years, or if the state secretary is satisfied that a corporation has become inactive and that its dissolution would be in the public interest, the state secretary may dissolve the corporation subject to the provisions of sections one hundred and two, one hundred and four, and one hundred and eight.

The state secretary shall use the following procedure to dissolve corporations in accordance with this section. The state secretary shall give the corporation at least ninety days notice of the proposed dissolution, and shall send a copy of the notice to the commissioner of revenue. The notice shall be given by mail to the corporation at the address of its principal office as shown in the records of the state secretary and in such other manner as the state secretary may require. The notice shall state that the corporation will be dissolved ninety days from the date of the notice, or at such later date as the state secretary shall order. The notice shall state the reasons for the proposed dissolution and shall state that the corporation may, within sixty days of the date of the notice, request a hearing to show cause why it should not be dissolved.

If the corporation does not request such a hearing, it shall be dissolved as of the date stated in the notice. If the corporation requests such a hearing and at or after the hearing there is a finding that there is cause for dissolution, the corporation shall be dissolved thirty days after the date notice of such finding is given to the corporation. Notwithstanding the foregoing, a corporation shall not be dissolved if the reports or tax returns that gave rise to the state secretary's notice have been filed at least ten days before the effective date of dissolution or if the state secretary determines before the effective date of dissolution that the dissolution would not be in the public interest.

Hearings under this section shall be conducted in accordance with the provisions of chapter thirty A applicable to adjudicatory proceedings.

SECTION 5. Section 107 of said chapter 156B is hereby amended by striking out the words "or one hundred and one" inserted by section 47 of said chapter 685.

Approved August 6, 1979.

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Chap. 455. AN ACT EXEMPTING ALL POSITIONS IN THE DEPARTMENT OF PUBLIC WORKS OF THE TOWN OF ANDOVER FROM THE PROVISIONS OF THE CIVIL SERVICE LAW.

Be it enacted, etc., as follows:

SECTION 1. All positions in the department of public works in the town of Andover shall be exempt from the provisions of chapter thirty-one of the General Laws.

SECTION 2. The provisions of section one of this act shall not impair the civil service status of any person employed in the department of public works of the town of Andover on the effective date of this act.

SECTION 3. This act shall be submitted for acceptance to the



voters of the town of Andover at its next annual town meeting in the form of the following question which shall be placed on the official ballot to be used for the election of town officers at said meeting: "Shall an act passed by the General Court in the year nineteen hundred and seventy-seven entitled 'An Act exempting all positions in the department of public works of the town of Andover from the provisions of 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 August 6, 1979.

Chap. 456. AN ACT RELATIVE TO CERTAIN EQUALIZED VALUATIONS FOR THE CITY OF HAVERHILL.  
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 law to the contrary, the equalized valuation of the city of Haverhill as of January first, nineteen hundred and seventy-six, as most recently reported to the general court by the commissioner of revenue is hereby changed to four hundred million 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 commissioner of revenue under section twenty-five A of said chapter fifty-eight, for the fiscal year ending June thirtieth, nineteen hundred and eighty. Any resulting amounts payable to or charged against the city of Haverhill shall be so paid or charged in the fiscal year ending June thirtieth, nineteen hundred and eighty.

Approved August 7, 1979.

Chap. 457. AN ACT MAKING APPROPRIATIONS FOR THE FISCAL YEAR NINETEEN HUNDRED AND EIGHTY 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 ending June thirtieth, nineteen hundred and eighty.

HAMPDEN COUNTY.		Subtotal	Total
Item			
1.	For interest on county debt.....		\$928,070 00
2.	For reduction of county debt.....		1,351,000 00
3.	For county commissioners, salaries and expenses.....		111,103 82
1.	Personal services	\$104,003 82	
2.	Contractual services	2,100 00	
3.	Supplies and materials	2,500 00	
4.	Current charges and obligations	2,500 00	
4.	For transportation and expenses of county and acting commissioners		500 00
6.	For county treasurer, salaries and expenses.....		120,019 91
1.	Personal services	109,419 91	
2.	Contractual services	5,900 00	
3.	Supplies and materials	2,050 00	
4.	Current charges and obligations	2,650 00	

<u>Item</u>	<u>Subtotal</u>	<u>Total</u>
7. For sheriff, salary and expenses.....		\$27,990 46
1. Personal services	\$27,365 46	
2. Contractual services	400 00	
4. Current charges and obligations	225 00	
8. For registry of deeds, salaries and expenses.....		580,931 16
1. Personal services	513,918 16	
2. Contractual services	9,000 00	
3. Supplies and materials	30,700 00	
4. Current charges and obligations	19,210 00	
5. Equipment	8,103 00	
10. For highways, including state highways, bridges and land damages.....		21,093 70
1. Personal services	15,068 70	
2. Contractual services	700 00	
3. Supplies and materials	325 00	
6. All other	5,000 00	
15. For medical examiners.....		135,000 00
16. For jail and house of correction, maintenance and operation .....		2,063,358 87
1. Personal services	1,496,216 87	
2. Contractual services	228,492 00	
3. Supplies and materials	303,150 00	
4. Current charges and obligations	26,300 00	
5. Equipment	5,700 00	
6. All other	3,500 00	
17. For training school.....		18,540 31
1. Personal services	7,045 31	
2. Contractual services	1,475 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 .....		1,440,994 67
1. Personal services	1,034,794 67	
2. Contractual services	361,800 00	
3. Supplies and materials	32,900 00	
4. Current charges and obligations	11,500 00	
20. For agricultural school or county cooperative extension service .....		401,417 23
1. Personal services	375,037 23	
2. Contractual services	18,500 00	
3. Supplies and materials	5,600 00	
4. Current charges and obligations	800 00	
5. Equipment	1,480 00	
21. For state reservation, maintenance and operation (Mount Tom) .....		109,418 20
24. For noncontributory pensions.....		170,812 56
25. For contributory retirement system and supervisory expenses .....		441,727 00
26. For miscellaneous and contingent expenses.....		128,790 00
27. For unpaid bills of previous years.....		20,000 00
28. For reserve fund.....		75,000 00
28e. For special reserve jail.....		263,000 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, provided that no funds appropriated for this item shall be expended for the payment of abortions not		

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Item	Total
necessary to prevent the death of the mother.....	\$302,654 80
45. For centralized purchasing department.....	35,468 51
Total amount of appropriations	\$8,764,491 20
Less estimated amount available for reduction of county tax	
.....	599,000 00
And the county commissioners of Hampden county are hereby authorized to levy as the county tax of said county for the current year, in the manner provided by law, the sum of.....	\$8,165,491 20
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	
2. For reduction of county debt.....	\$290,000 00
16. For jail and house of correction maintenance and operation	
6. All other.....	700,000 00
	\$990,000 00

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

Approved August 7, 1979.

Chap. 458. AN ACT RELATIVE TO VERIFICATION OF EMPLOYMENT FOR CERTAIN WINTHROP TOWN EMPLOYEES FOR RETIREMENT BENEFIT PURPOSES.

Be it enacted, etc., as follows:

Notwithstanding any provisions of chapter thirty-two of the General Laws to the contrary, the board of retirement of the commonwealth and the State-Boston retirement board are hereby authorized and directed to accept affidavits which the said boards deem proper and sufficient evidence of verification of employment for persons employed in the elections and registration department of the town of Winthrop for the period between the years nineteen hundred and thirty-six and nineteen hundred and thirty-nine, inclusive.

Approved August 7, 1979.

Chap. 459. AN ACT PERMITTING MOTOR VEHICLE OPERATORS TO MAKE A RIGHT TURN ON RED LIGHTS.

Be it enacted, etc., as follows:

SECTION 1. Section 8 of chapter 89 of the General Laws is hereby amended by striking out the second paragraph, added by chapter 350 of the acts of 1978, and inserting in place thereof the following paragraph:-

At any intersection on ways, as defined in section one of chapter ninety, in which vehicular traffic is facing a steady red indication in a traffic control signal, the driver of a vehicle which is stopped as close as practicable at the entrance to the crosswalk or the near side of the intersection or, if none, then at the entrance to the intersection in obedience to such red or stop signal, may make a right turn but shall yield the right-of-way to pedestrians and other traffic proceeding as directed by the signal at said intersection, except that a city or town, subject to section two of chapter eighty-five, by rules, orders, ordinances, or by-laws, or the department of public works by regulations, may prohibit any such right turn against a red or stop signal at any such intersection, which rule, order, ordinance, by-law or regulation shall be effective when a sign is erected at such intersection giving notice thereof. Any person who violates the provisions of this paragraph

shall be punished by a fine of not less than one hundred dollars.

SECTION 2. This act shall take effect on January first, nineteen hundred and eighty.

Approved August 8, 1979.

Chap. 460. AN ACT AUTHORIZING THE COUNTY COMMISSIONERS OF NORFOLK COUNTY TO PAY A CERTAIN UNPAID BILL.

Be it enacted, etc., as follows:

SECTION 1. The county commissioners of Norfolk county are hereby authorized to approve for payment and after such approval, the treasurer of said county is hereby authorized to pay, subject to appropriation, a certain bill in the amount of nine thousand three hundred thirty-one dollars and ninety-four cents to the city of Taunton for said county's share of certain retirement benefits paid by said city.

SECTION 2. This act shall take effect upon its passage.  
Approved August 9, 1979.

Chap. 461. AN ACT AUTHORIZING THE TOWN OF HULL TO LEASE CERTAIN TOWN PROPERTY.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section three of chapter forty of the General Laws, the town of Hull, acting through its board of selectmen, is hereby authorized to lease the town property known as the Atlantic Aquarium for not more than twenty-five years, on such terms as said board of selectmen shall determine said property being located in said town and described in land court docket Number 186141, certificate number 60098.

SECTION 2. This act shall take effect upon its passage.  
Approved August 9, 1979.

Chap. 462. AN ACT RELATIVE TO THE GRANTING OF LICENSES FOR THE SALE OF ALCOHOLIC BEVERAGES BY CERTAIN CLUBS AND VETERANS ORGANIZATIONS IN THE TOWN OF SHARON.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any law to the contrary, the state secretary shall cause the following question to be placed on the official ballot to be used in the town of Sharon at the biennial state election to be held in the year nineteen hundred and eighty and at each biennial state election thereafter until the voters of said town have voted in the affirmative three consecutive times or in the negative three consecutive times:

"Shall licenses be granted in the town of Sharon for the sale therein of all alcoholic beverages by

clubs and war veterans' organizations?"

If a majority of the votes cast in said town in answer to said question is in the affirmative, said town shall be taken to have authorized, for the two calendar years next succeeding, the sale in said town of all alcoholic beverages to be drunk on the premises of nationally chartered fraternal corporations and veterans' organizations as defined and limited in section twelve of chapter one hundred and thirty-eight of the General Laws, notwithstanding any provisions of said section twelve to the contrary, and of clubs which are not organized for commercial purposes as defined and limited in section one of said chapter one hundred and thirty-eight, notwithstanding any provisions of said section one to the contrary. Said licenses shall be subject, however, to all other provisions of said chapter one hundred and thirty-eight.

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

Approved August 9, 1979.

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Chap. 463. AN ACT ESTABLISHING A TRAFFIC COMMISSION IN THE CITY OF MARLBOROUGH.

Be it enacted, etc., as follows:

SECTION 1. There is hereby established in the city of Marlborough, hereinafter referred to as the city, a traffic commission, consisting of the commissioner of public works or his designee, the chief of police or his designee, the chief engineer of the fire department or his designee, one at-large councilor to be appointed at the beginning of each calendar year by the incoming president of the city council, and one person to be elected by the other four members to serve during a calendar year or until his successor has been elected.

SECTION 2. The members of the traffic commission shall elect a chairman annually. Said members of the said commission shall receive no compensation for their services to said commission.

Meetings of said commission shall be held on one 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 and the city council. All of said persons may attend commission meetings and present their views, but only commission members may vote.

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. Said commission may, with the approval of the mayor and city council, 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 said chapter ninety. 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 said commission to be urgently required for 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) The traffic commission may erect, make or 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.

(c) The traffic commission, with the approval of the mayor and city council, may retain the services of qualified consultants when such retention is deemed necessary or advisable.

(d) The traffic commission may recommend to the city council

the alteration, construction, erection, installation and maintenance of street lights.

(e) 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 said commission to modify or limit any power or authority of the mayor, city council, 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 chief of police, the chief engineer of the fire department, the commissioner of public works, the city engineer, and city solicitor of the city 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 said commission in so far as such rules and

regulations relate to their respective departments.

SECTION 5. This act shall take effect upon its passage.  
Approved August 9, 1979.

Chap. 464. AN ACT AUTHORIZING WORCESTER COUNTY TO  
RENOVATE THE VACANT NURSES HOME AT  
WORCESTER COUNTY HOSPITAL FOR USE BY THE  
WORCESTER COUNTY EXTENSION SERVICE.

Be it enacted, etc., as follows:

SECTION 1. The county commissioners of Worcester county are hereby authorized to renovate the vacant nurses home at Worcester County Hospital for use by the Worcester county extension service; provided, however, that for such purpose the county commissioners may expend a sum not to exceed forty-five thousand dollars. Any sums received from the federal government for the purposes of this act shall be included in, and considered part of, the total amount authorized to be expended hereunder.

SECTION 2. For the purposes authorized by section one, the county treasurer of Worcester county, with the approval of the county commissioners, may borrow upon the credit of said county such sums as may be necessary, not exceeding, in the aggregate, forty-five thousand dollars and may issue bonds or notes of said county therefor, which bonds or notes shall bear on their face the words, Worcester County Hospital Nurses Home Loan, Act of 1979. Each authorized issue shall constitute a separate loan, and such loans shall be payable in not more than twenty years from their dates and may be payable at any time within twenty years. 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.

SECTION 3. This act shall take effect upon its passage.  
Approved August 9, 1979.

Chap. 465. AN ACT IMPOSING A PENALTY FOR CUSTODIAL  
INTERFERENCE.

Be it enacted, etc., as follows:

SECTION 1. Section 26 of chapter 265 of the General Laws, as most recently amended by chapter 900 of the acts of 1971, is hereby further amended by striking out, in lines 12 to 14, inclusive, the words ", unless such parent acts in violation of any court order or decree relating to the adoption or custody of such child".

SECTION 2. Said chapter 265 is hereby further amended by



inserting after section 26 the following section:-

Section 26A. Whoever, being a relative of a child less than eighteen years old, without lawful authority, holds or intends to hold such a child permanently or for a protracted period, or takes or entices such a child from his lawful custodian, or takes or entices from lawful custody any incompetent person or other person entrusted by authority of law to the custody of another person or institution shall be punished by imprisonment in the house of correction for not more than one year or by a fine of up to one thousand dollars, or both. Whoever commits any offense described in this section under circumstances which expose the person taken or enticed from lawful custody to a risk which endangers his safety shall be punished by a fine of not more than five thousand dollars, or by imprisonment in the state prison for not more than five years, or by both such fine and imprisonment.

SECTION 3. Section 27 of said chapter 265, as appearing in the Tercentenary Edition, is hereby amended by striking out, in line 1, the words "preceding section" and inserting in place thereof the words:- section twenty-six.

SECTION 4. Said chapter 265 is hereby further amended by inserting after section 27 the following section:-

Section 27A. A crime described in section twenty-six A may be tried in the county where committed or in a county in or to which the person so taken or enticed is held, carried to, or brought.

Approved August 9, 1979.

Chap. 466. AN ACT MAKING APPROPRIATIONS FOR THE FISCAL YEAR NINETEEN HUNDRED AND EIGHTY 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 ending June thirtieth, nineteen hundred and eighty.

DUKES COUNTY.		
Item	Subtotal	Total
1. For interest on county debt.....		\$5,000 00
2. For reduction of county debt.....		40,000 00
3. For county commissioners, salaries and expenses.....		28,839 59
1. Personal services	\$26,699 59	
2. Contractual services	885 00	
3. Supplies and materials	1,150 00	
4. Current charges and obligations	105 00	
4. For transportation and expenses of county and acting commissioners.....		150 00
6. For county treasurer, salaries and expenses.....		15,113 52
1. Personal services	13,426 52	
2. Contractual services	580 00	
3. Supplies and materials	400 00	
4. Current charges and obligations	57 00	
5. Equipment	650 00	
7. For sheriff, salary and expenses.....		17,389 26
1. Personal services	15,039 26	
2. Contractual services	700 00	
3. Supplies and materials	1,650 00	

<u>Item</u>	<u>Subtotal</u>	<u>Total</u>
8. For registry of deeds, salaries and expenses.....		\$56,205 83
1. Personal services	\$42,510 83	
2. Contractual services	8,950 00	
3. Supplies and materials	2,950 00	
4. Current charges and obligations	45 00	
5. Equipment	1,750 00	
10. For highways, including state highways, bridges and land damages.....		5,000 00
2. Contractual services.....		5,000 00
15. For medical examiners and commitments of of insane.....		2,000 00
16. For jail and house of correction, maintenance and operation .....		103,167 00
1. Personal services	60,167 00	
2. Contractual services	40,600 00	
3. Supplies and materials	2,050 00	
5. Equipment	350 00	
18. For court houses and registry buildings, maintenance and operation.....		25,329 94
1. Personal services	12,354 94	
2. Contractual services	11,000 00	
3. Supplies and materials	1,000 00	
4. Current charges and obligations	650 00	
5. Equipment	325 00	
19. For construction of county buildings and/or purchase of land .....		15,000 00
20. For agricultural school or county cooperative extension service .....		45,693 06
1. Personal services	34,308 06	
2. Contractual services	6,525 00	
3. Supplies and materials	1,200 00	
4. Current charges and obligations	1,010 00	
5. Equipment	1,850 00	
6. All other	800 00	
21. For state reservation, maintenance and operation (Indian Burial Ground).....		1,000 00
23a. For mental health program.....		7,000 00
23c. For public health program.....		12,000 00
24. For noncontributory pensions.....		13,600 00
25. For contributory retirement system and supervisory expenses .....		32,343 00
26. For miscellaneous and contingent expenses.....		82,858 11
27. For unpaid bills of previous years.....		5,000 00
28. For reserve fund.....		10,000 00
29. For advertising recreational, industrial and agricultural advantages of the county.....		52,638 76
33. For police training school.....		850 00
38. For county airport, maintenance and operation .....		189,863 13
1. Personal services	123,190 13	
2. Contractual services	18,000 00	
3. Supplies and materials	20,300 00	
4. Current charges and obligations	9,100 00	
5. Equipment	19,273 00	
44. For communication system		68,945 16
Total amount of appropriations		834,986 36

<u>Item</u>	<u>Subtotal</u>	<u>Total</u>
Less estimated amount available for reduction of county tax		\$174,000 00
And the county commissioners of the county of Dukes County are hereby authorized to levy as the county tax of said county for the current year, in the manner provided by law, the sum of .....		\$660,986 36
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

39. For group insurance; provided however that no funds appropriated for this item shall be expended for the payment of abortions not necessary to prevent the death of the mother.....	\$50,000 00
42. For rodent control	16,325 32
Total	\$66,325 32

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

Approved August 9, 1979.

Chap. 467. AN ACT PROVIDING THAT CERTAIN CITY CLERKS MAY BE PAID ADDITIONAL COMPENSATION FOR SERVING AS CLERKS OF THE CITY COUNCIL.

Be it enacted, etc., as follows:

Chapter 41 of the General Laws is hereby amended by striking out section 19F, inserted by chapter 386 of the acts of 1962, and inserting in place thereof the following section:-

Section 19F. In any city which accepts this section, the city clerk shall, if in said city, he is required by statute or ordinance to serve as clerk of the city council, and notwithstanding any provision of section thirty-three A of chapter forty-four or any other general or special law to the contrary, be paid for such services, a salary of a minimum amount of one thousand dollars but not more than two thousand dollars, which shall be in addition to any other compensation to which he may be entitled as clerk of such city.

Approved August 9, 1979.

Chap. 468. AN ACT PROHIBITING THE APPOINTMENT OF CERTAIN PERSONS TO POSITIONS IN THE DEPARTMENT OF CORRECTION.

Section 9 of chapter 125 of the General Laws is hereby amended by striking out the fourth paragraph, as appearing in section 9 of chapter 777 of the acts of 1972, and inserting in place thereof the following paragraph:-

Notwithstanding any provision of law to the contrary, but subject to the provisions of section sixty of chapter one hundred and nineteen, no person who has been convicted of a felony or who has been convicted of a misdemeanor and has been confined in any jail or house of correction for said conviction, shall be appointed to any position in the department of correction unless the commissioner certifies that such appointment will contribute substantially to the work of the department; provided, however that no such person shall be appointed to the position of correction officer, superintendent,

deputy superintendent, assistant superintendent, or any position involving the regulation of state or county correctional facilities.

Approved August 9, 1979.

Chap. 469. AN ACT RELATIVE TO RECORDING DOCUMENTS IN THE LAND COURT OR REGISTRY OF DEEDS.

Be it enacted, etc., as follows:

SECTION 1. Chapter 183 of the General Laws is hereby amended by inserting after section 6A the following section:-

Section 6B. All documents to be recorded in the land court or registry of deeds shall, where applicable, set forth in the margin the street address of the property which is affected by such document; provided, however, that failure to include such address shall not affect the validity of the document or the recording thereof.

SECTION 2. Chapter 185 of the General Laws is hereby amended by inserting after section 61 the following section:-

Section 61A. All documents to be recorded in the land court or registry of deeds shall, where applicable, set forth in the margin the street address of the property which is affected by such document, provided; however, that failure to include such address shall not affect the validity of the document or the recording thereof.

Approved August 9, 1979.

Chap. 470. AN ACT RELATIVE TO LOANS ON REALTY.

Be it enacted, etc., as follows:

Section 55 of chapter 172 of the General Laws is hereby amended by striking out subsection B, as appearing in section 1 of chapter 493 of the acts of 1961, and inserting in place thereof the following subsection:-

B. Any such corporation may, subject to the limitations of section fifty-six, make, acquire by purchase, participate in or service first mortgage real estate loans in accordance with the provisions of section thirty-four, thirty-five and thirty-six of chapter one hundred and sixty-eight; provided, however, that the limitations on amounts that may be invested in the classes of mortgage loans referred to in paragraphs 1, 2, 3 and 8 of section thirty-five of said chapter one hundred and sixty-eight and that part of paragraph 4 of said section thirty-five which provides that the aggregate balance of principal outstanding at any time on mortgage loans of this class as are in excess of one-half of one per cent of deposits shall not exceed fifteen per cent of the deposits of such corporation and the limitations on the liabilities of one person referred to in paragraph 8 of section thirty-six of said chapter one hundred and sixty-eight shall not apply.

Approved August 9, 1979.

Chap. 471. AN ACT FURTHER REGULATING THE CANCELLA-

TION OF CERTAIN FIRE INSURANCE POLICIES  
AND CONTRACTS.

Be it enacted, etc., as follows:

SECTION 1. Clause Twelfth of section 99 of chapter 175 of the General Laws is hereby amended by striking out the fourteenth paragraph, as most recently amended by section 1 of chapter 378 of the acts of 1973, and inserting in place thereof the following paragraph:-

This policy shall be cancelled at any time at the request of the insured, in which case this company shall, upon demand and surrender of this policy, refund the excess of paid premium above the customary short rates for the expired time. This policy may be cancelled by this company by giving to the insured and to any mortgagee to whom this policy is payable twenty days' written notice of cancellation with or without tender of the excess paid premium above the pro rata premium for the expired time, which excess, if not tendered, shall be refunded on demand. Notice of cancellation shall state that said excess premium, if not tendered, will be refunded on demand and shall state or be accompanied by a statement of the specific reason or reasons for such cancellation. After this policy has been in effect for sixty days, or after sixty days from any anniversary date, no notice of cancellation shall be effective unless it is based on the occurrence, after the effective date of the policy, of one or more of the following: (1) nonpayment of premium; (2) conviction of a crime arising out of acts increasing the hazard insured against; (3) discovery of fraud or material misrepresentation by the insured in obtaining the policy; (4) discovery of willful or reckless acts or omissions by the insured increasing the hazard insured against; (5) physical changes in the property insured which result in the property becoming uninsurable; or (6) a determination by the commissioner that continuation of the policy would violate or place the insurer in violation of the law. Where the stated reason is nonpayment of premium, the insured may continue the coverage and avoid the effect of the cancellation by payment within fifteen days of his receipt of the notice of cancellation.

SECTION 2. Said section 99 of said chapter 175 is hereby amended by striking out clause Thirteenth.

Approved August 9, 1979.

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Chap. 472. AN ACT INCREASING THE PENALTY FOR KEEP-  
ING OR MAINTAINING A HOUSE FOR PROSTITUTION  
PURPOSES.

Be it enacted, etc., as follows:

Chapter 272 of the General Laws is hereby amended by striking out section 6, as amended by section 5 of chapter 379 of the acts of 1978, 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 for money or

the purpose of unlawfully having sexual intercourse for money or other financial gain, shall be punished by imprisonment in the state prison for a period of five years and a five thousand dollar fine.

Approved August 9, 1979.

Chap. 473. AN ACT FURTHER REGULATING THE DISTRIBUTION OF RISKS AMONG COMPANIES ISSUING MOTOR VEHICLE INSURANCE.

Be it enacted, etc., as follows:

Section 113H of chapter 175 of the General Laws, as most recently amended by section 3 of chapter 365 of the acts of 1977, is hereby further amended by striking out the eighth paragraph and inserting in place thereof the following paragraph:-

The rules for such plan shall require that separate statistical data be recorded for risks reinsured in the plan and may provide incentives and penalties to prevent abuse of such plan. The rules for such plan shall also include a provision giving the commissioner authority, after due hearing and investigation, to order that any company he finds using practices which have the effect of distributing risks or expenses or losses of risks unfairly and inequitably on other companies or agents or brokers be assigned a share of the expenses and losses of said risks to insure a fair and equitable distribution. The commissioner may relieve any insurer of a part or all of its obligations under the plan, if he finds that continuation of such obligations would threaten the solvency of such insurer.

Approved August 9, 1979.

Chap. 474. AN ACT PROVIDING THAT CERTAIN DOGS SHALL BE INNOCULATED WITH AN APPROVED RABIES VACCINE BEFORE LICENSING.

Be it enacted, etc., as follows:

SECTION 1. Section 137 of chapter 140 of the General Laws is hereby amended by inserting after the first paragraph, as most recently amended by chapter 140 of the acts of 1945, the following two paragraphs:-

No municipal clerk or other official designated by the governing body of any municipality to license dogs shall grant any such license and official metal registration tag for any dog unless the owner thereof provides written evidence that the dog to be licensed and registered has been inoculated with an approved rabies vaccine in accordance with section one hundred and forty-five B, or has been certified exempt from such provision as hereinafter provided.

The dog licensing official may grant an exemption of the rabies inoculation requirement for (a) dogs which have not yet attained the age of six months, (b) any dog which the local board of health, for a specified period of time, declares exempt upon presentation of a veterinarian's certificate stating that because of an infirmity, other physical condition, or regimen of therapy, that inoculation

is thereby deemed inadvisable, or (c) dogs in transit, or dogs brought into the state temporarily for the sole purpose of showing in dog shows or exhibitions.

SECTION 2. Section 145B of said chapter 140, inserted by chapter 207 of the acts of 1969, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

Whoever is the owner or keeper of a dog six months of age or older shall cause such dog to be vaccinated against rabies by a licensed veterinarian using a vaccine approved by the department of public health, and shall procure and possess said veterinarian's certificate indicating that such dog has been inoculated against rabies and setting forth the date of such inoculation and the duration of immunity. The certificate of inoculation shall be exhibited to the dog licensing official of the municipality when application for a dog license is made. Said certificate shall also be produced by any person owning or keeping a dog upon the request of any dog licensing enforcement official.

Approved August 9, 1979.

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Chap. 475. AN ACT DIRECTING THE DEPARTMENT OF MENTAL HEALTH AND THE RETIREMENT BOARD TO PERMIT HELEN BIGGANE, LABOR RELATIONS SPECIALIST AT THE WRENTHAM STATE SCHOOL TO REMAIN IN SERVICE.

Be it enacted, etc., as follows:

Notwithstanding the provisions of section ninety F of chapter thirty-two of the General Laws, the department of mental health and the retirement board are hereby authorized and directed to permit Helen Biggane to continue in service as a labor relations specialist at the Wrentham State School, notwithstanding the fact that she has attained age seventy prior to the effective date of chapter seven hundred and thirty-five of the acts of nineteen hundred and seventy-seven.

Approved August 9, 1979.

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Chap. 476. AN ACT AUTHORIZING THE BOARD OF TRUSTEES OF THE SOLDIERS' HOME IN MASSACHUSETTS TO LEASE A CERTAIN PARCEL OF LAND.

Be it enacted, etc., as follows:

The Soldiers' Home in Massachusetts, is hereby authorized to lease for a period not exceeding five years and renewable for succeeding five year periods a parcel of land of approximately twelve thousand square feet located on Lafayette avenue in the city of Chelsea to Charles Hill for private parking purposes provided that such land is used as a private parking facility and is maintained in a physical condition satisfactory to the superintendent and the board of trustees of said Home.

Approved August 9, 1979.

Chap. 477. AN ACT PROVIDING THAT CERTAIN POLICE OFFICERS MAY ATTEND CERTAIN MEETINGS OF THE MASSACHUSETTS POLICE ASSOCIATION WITHOUT LOSS OF COMPENSATION.

Be it enacted, etc., as follows:

Chapter 41 of the General Laws is hereby amended by inserting after section 100G the following section:-

Section 100G $\frac{1}{2}$ . Members of the police department in a city, town or district may be excused from duty without loss of compensation while in attendance of meetings of the executive board of the Massachusetts police association, when such regular meetings are held during the regular tour of duty of such member. The provisions of this section shall become effective in a city or town when accepted by such city or town and in a district when accepted by a majority of the towns comprising such district.

Approved August 9, 1979.

Chap. 478. AN ACT RELATIVE TO THE COMPENSATION OF CERTAIN CITY MANAGERS.

Be it enacted, etc., as follows:

The first paragraph of section 103 of chapter 43 of the General Laws is hereby amended by striking out the third sentence, as amended by chapter 128 of the acts of 1973, and inserting in place thereof the following sentence:- He shall hold office during the pleasure of the city council and shall receive such compensation as it shall fix by ordinance.

Approved August 9, 1979.

Chap. 479. AN ACT INCREASING THE PENALTY FOR ABANDONED AND UNSAFE PROPERTY.

Be it enacted, etc., as follows:

Section 9 of chapter 143 of the General Laws, as most recently amended by section 25 of chapter 802 of the acts of 1972, is hereby further amended by striking out the third sentence and inserting in place thereof the following sentence:- The costs and charges incurred shall constitute a lien upon the land upon which the structure is located and shall be enforced in an action of contract, and such owner, lessee or mortgagee in possession shall, for every day's continuance of such refusal or neglect after being so notified, be punished by a fine of not less than one hundred dollars.

Approved August 9, 1979.

Chap. 480. AN ACT PROVIDING FOR A TRANSPORTATION DEVELOPMENT AND IMPROVEMENT PROGRAM FOR THE COMMONWEALTH.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide forthwith funds for a



comprehensive rail transit, accelerated highway and railroad construction and improvement program, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

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Be it enacted, etc., as follows:

SECTION 1. The department of public works, hereinafter in sections one to eleven called the department, is hereby authorized and directed to expend a sum not to exceed three hundred and ninety-six million dollars for the following purposes:

Projects for the laying out, construction, reconstruction, resurfacing, relocation or improvement of highways, bridges, bicycle paths or facilities, parking facilities, auto-restricted zones, scenic easements, grade crossing eliminations and alterations of other crossings, traffic safety devices on state highways and on roads constructed under the provisions of section thirty-four of chapter ninety of the General Laws, highway or mass transportation studies, including without limitation, traffic, environmental or parking studies, establishment of school zones in accordance with section seventeen of said chapter ninety, improvements on routes not designated as state highways without assumption of maintenance responsibilities, and notwithstanding any law to the contrary, for the relocation of persons, or businesses, or replacement of dwellings or structures, including, without limitation, the provision of last resort housing under federal law and such functional replacement of structures in public ownership, as may be necessary for the foregoing purposes and for relocation benefits equal to those provided for by the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and to sell, at public or private sale, any structure the title to which has been acquired for highway purposes. When dwellings or other structures are removed in furtherance of any of the foregoing projects, the excavations or cellar holes remaining shall be filled in and brought to grade within one month.

Funds authorized by this section shall except as otherwise specifically provided in this act, be subject to the provisions of the first paragraph of section six and sections seven and nine of chapter seven hundred and eighteen of the acts of nineteen hundred and fifty-six and, notwithstanding any law to the contrary, may be used for the purposes stated in this act in conjunction with funds of cities, towns, and any political subdivision of public agencies and commissions of the commonwealth.

In addition to the foregoing the department is further authorized:

(1) to expend funds made available by this section to lease from any person, land or interests in land for parking facilities adjacent to any public way, to be operated by the department or under contract with any person; and

(2) to expend from funds made available by this section not more than fifty thousand dollars for the acquisition of van-type vehicles used for multi-passenger, commuter-driven carpools; and

(3) to exercise all powers and do all things necessary and convenient to carry out the purposes of this act.

SECTION 2. Amounts authorized by section one of this act shall be allocated on the accounting records of the comptroller to the department, as follows:

(a) a sum not to exceed two hundred million dollars for projects, pursuant to the provisions of section one, on the interstate federal aid highway system,

(b) a sum not to exceed one hundred and fifty-five million dollars for projects, pursuant to the provisions of section one on the federal aid highway system, other than interstate,

(c) a sum not to exceed twenty-five million dollars for engineering and other consultant services essential to the purposes and projects authorized by this section,

(d) a sum not to exceed four million dollars for direct expenses in connection with research and planning projects and work to be done on a cooperative basis with educational institutions and other state, regional and federal agencies,

(e) a sum not to exceed twelve million dollars for administrative and engineering expenses directly attributable to the purposes and projects authorized by section one.

SECTION 2A. In addition to the funds authorized by section one of this act the department is hereby authorized and directed to expend the following:

(a) a sum not to exceed two million dollars for the acquisition and improvement of maintenance sites, including the construction of sanitary facilities, the erection of protection fences, and the construction of salt storage sheds; provided, that the department shall make available to cities and towns a sum of one million dollars of said two million dollars for the construction of salt storage sheds;

(b) a sum not to exceed five million dollars for the design and improvements to, and reconstruction of, state highway bridges and other bridges; provided, that, notwithstanding the provisions of any other law to the contrary, the provisions of section forty of chapter one hundred and thirty-one of the General Laws and sections sixty-one and sixty-two of chapter thirty of the General Laws shall not apply to the repair of existing state highway bridges and other bridges nor to the reconstruction or replacement of said bridges in which the design is substantially the functional equivalent of, and in similar alignment to, the structure to be reconstructed or replaced; and provided further, that the provisions of sections eleven, twelve, twelve A and fourteen of chapter ninety-one of the General Laws shall not apply to bridge projects of the department;

(c) a sum not to exceed forty million dollars for the design and construction, repair or improvement to non-federally reimbursable projects;

(d) a sum not to exceed twelve million dollars for improvements to United States highway route 1 in the city of Chelsea; provided however that said improvements shall not proceed until such time as the department and the Massachusetts Port Authority have entered into an agreement providing that said Authority shall reimburse the department for the percentage of said improvements for which such route would have been eligible from the federal government had it not been considered by said federal government to be a portion of a toll-facility under the provisions of sections

129 and 301 of Title 23 of the United States Code.

(e) a sum not to exceed one million five hundred thousand dollars for certain improvements in the cities of Chelsea and Revere adjacent to United States highway route 1, commonly referred to as the northeast expressway, subject to the following; (1) agreement by the city of Chelsea that no further development be permitted in the lower basin below elevation 12.0, and (2) agreement by the city of Revere to remove the fill now in place between the Chelsea Housing Authority, Project 200-2 and the west side of the expressway to elevation 8.0;

(f) a sum not less than twenty million dollars for projects for construction of town and county ways under subdivision (a) of clause (2) of section thirty-four of chapter ninety of the General Laws; and,

(g) a sum not to exceed five million dollars for nonfederal aid highway expenditures which are potentially reimbursable by the federal government.

SECTION 3. Pursuant to the provisions of section one the department is hereby authorized and directed to expend a sum not less than sixty million dollars for projects in the following four areas:- no less than fifteen million dollars or said sum shall be expended in the area west of the Connecticut River, including therein any bridges across said river with their approaches and connections; not less than fifteen million dollars in the area lying between the Connecticut River and the easterly boundary line of Worcester county; not less than fifteen million dollars in Essex, Middlesex and Norfolk counties; and not less than fifteen million dollars in Bristol, Plymouth, Barnstable, Dukes and Nantucket counties.

SECTION 4. No payment in excess of twenty-five thousand dollars by way of purchase of real estate or any interest therein shall be made by the department and no settlements in excess of twenty-five thousand dollars shall be made out of court for damage recoverable under chapter seventy-nine of the General Laws, in excess of the amount recommended by the real estate review board established by section six of chapter seven hundred and eighteen of the acts of nineteen hundred and fifty-six by reason of a purchase or taking under this act or under chapter six hundred and seventy-nine of the acts of nineteen hundred and sixty-five, or chapter six hundred and sixteen of the acts of nineteen hundred and sixty-seven or chapter seven hundred and sixty-eight of the acts of nineteen hundred and sixty-nine, or chapter seven hundred and sixty-five of the acts of nineteen hundred and seventy-two or chapter eight hundred and fifty-nine of the acts of nineteen hundred and seventy-five, or chapter three hundred and fifty-six of the acts of nineteen hundred and seventy-seven. Each recommendation of the real estate review board shall be in writing and shall be accompanied by a written statement of the reasons for such recommendation.

No settlement by reason of a taking under this act or under said chapters six hundred and seventy-nine, six hundred and sixteen, seven hundred and sixty-eight, seven hundred and sixty-five, chapter eight hundred and fifty-nine and chapter three hundred and fifty-six in excess of twenty-five thousand

dollars and in excess of the recommendation of the real estate review board, shall be made by agreement of the parties during or after trial except with the written approval of the court; provided that settlements in excess of the recommendation of the board may be made without such approval if the settlement does not exceed the amount of any verdict or finding which may have been rendered, together with interest and costs.

SECTION 5. The department may provide functional replacement of real property in public ownership whenever the department has acquired such property under the provisions of this act as a result of a highway or highway related project and whenever the department determines such functional replacement is made necessary by such project and is in the public interest. Functional replacement is defined as the replacement of real property, either land or facilities, or both, acquired as a result of a highway or highway related project with lands or facilities, or both, which will provide equivalent utility.

Whenever the department determines it is necessary that any utility, as defined in section 123 of Title 23 of the United States Code, is required to be relocated because of construction of a project authorized under the provisions of this act which is to be reimbursed federally in whole or in part, then such facilities shall be relocated by the owner thereof in accordance with the order of the department; provided, however, that the commonwealth may reimburse the owner of such utility facility for the "cost of relocation" as such cost is defined in said section 123 of Title 23 of the United States Code.

SECTION 6. The secretary of administration and finance may from time to time establish in the bureau of building construction such units as may be necessary to assist the department in the planning, development and supervision of construction of buildings or facilities which the department is providing as replacement facilities on projects authorized under the provisions of this act. The director of the bureau of building construction may, with the approval of the public works commission, temporarily assign any permanent or temporary employee of said bureau as may be required for the supervision of the project provided that the salaries and expenses of all such employees during the period of such assignment shall be paid from funds made available to the department for said project. No increase in the number of permanent positions in said bureau shall be allowed on account of this action, nor shall it cause a decrease in the number of positions in said bureau's budget.

SECTION 7. Any amounts made available by sections one and three of this act or heretofore made available by section one of chapter six hundred and seventy-nine of the acts of nineteen hundred and sixty-five and section one of chapter six hundred and sixteen of the acts of nineteen hundred and sixty-seven and section one of chapter seven hundred and sixty-eight of the acts of nineteen hundred and sixty-nine and sections one and four of chapter seven hundred and sixty-five of the acts of nineteen hundred and seventy-two and sections six and eight of chapter eight hundred and fifty-nine of the acts of nineteen hundred and seventy-five and sections one and two of chapter three

hundred and fifty-six of the acts of nineteen hundred and seventy-seven shall be available for expenditure until June thirtieth, nineteen hundred and eighty-four.

SECTION 8. The department is hereby authorized and directed to take all necessary actions to secure any federal highway or mass transportation assistance which is or may become available to said department, including, without limitation, actions authorized under or in compliance with the provisions of Title 23 of the United States Code, and actions such as filing applications for federal assistance, supervising the expenditure of funds under federal grants or other assistance agreements, and making any determinations and certifications necessary or appropriate to the foregoing. If any federal law, administrative regulation or practice requires any action relating to such federal assistance to be taken by any department, agency or other instrumentality of the commonwealth other than said department, such other department, agency or instrumentality of the commonwealth other than said department, such other department, agency or instrumentality is authorized and directed to take such action.

In furtherance of the foregoing purposes, said department shall accept any federal funds available for projects authorized in section one of this act and such federal funds when received shall be credited to the Federal Highway Construction Program Fund. To meet a portion of the expenditures authorized by section one of this act there is hereby appropriated from the Federal Highway Construction Program Fund a sum of three hundred and twelve million dollars which shall be expended, subject to the limitations contained in Article LXXVIII of the Amendments to the Constitution, and which shall be in addition to the amounts appropriated in section six of chapter six hundred and seventy-nine of the acts of nineteen hundred and sixty-five, section seven of chapter six hundred and sixteen of the acts of nineteen hundred and sixty-seven, section six of chapter seven hundred and sixty-eight of the acts of nineteen hundred and sixty-nine, and section six of chapter seven hundred and sixty-five of the acts of nineteen hundred and seventy-two, and section eleven of chapter eight hundred and fifty-nine of the acts of nineteen hundred and seventy-five, and section eight of chapter three hundred and fifty-six of the acts of nineteen hundred and seventy-seven.

SECTION 9. To meet a portion of the expenditures necessary in carrying out the provisions of this act, the state treasurer shall, upon request of the governor, issue and sell at public or private sale bonds of the commonwealth, registered or with interest coupons attached, as he may deem best, to an amount to be specified by the governor from time to time, but not exceeding in the aggregate, the sum of one-hundred and sixty-nine million, six hundred thousand dollars to be in addition to bonds authorized to be issued and sold in section ten of chapter six hundred and seventy-nine of the acts of nineteen hundred and sixty-five and section eleven of chapter six hundred and sixteen of the acts of nineteen hundred and sixty-seven and section nine of chapter seven hundred and sixty-five of the acts of nineteen hundred and seventy-two and section fourteen of chapter eight

hundred and fifty-nine of the acts of nineteen hundred and seventy-five and section nine of chapter three hundred and fifty-six of the acts of nineteen hundred and seventy-seven.

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 five. All interest payments and payments on account of principal on such bonds shall, subject to the limitations contained in Article LXXVIII of the Amendments to the Constitution, be payable from the Highway Fund; provided, that notwithstanding the foregoing, such bonds shall be general obligations of the commonwealth.

SECTION 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 authorized by this act, and may issue and renew from time to time notes of the commonwealth therefor, bearing interest payable at such times and at such rates as shall be fixed by the state treasurer. Such notes shall be issued and may be renewed one or more times for such terms, not exceeding one year, as the governor may recommend to the general court in accordance with Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth, provided, that the total amount of such notes outstanding at any one time shall not exceed fifty million dollars, and the final maturity of such notes, whether original or renewal, shall not be later than June thirtieth, nineteen hundred and eighty-four.

Notes and interest thereon issued under the authority of this section, notwithstanding any other provisions of this act, shall be general obligations of the commonwealth. All payments on account of principal on the said notes allocable to the Federal Highway Construction Program Fund shall be repaid from the said Federal Highway Construction Program Fund.

SECTION 11. The Massachusetts aeronautics commission is hereby authorized and directed to expend a sum not to exceed one million five hundred thousand dollars for airport systems planning in the commonwealth and for payments, reimbursements or both to cities, towns and counties for planning, design and construction of airports pursuant to section thirty-nine F and fifty-one K of chapter ninety of the General Laws and for providing navigational aids pursuant to section forty of chapter ninety of the General Laws; provided, however, that said one million five hundred thousand dollars shall not be expended for

salaries of employees of said commission. Funds provided in this section shall be in addition to any prior appropriations authorized for the purposes of this section, and, eighty per cent of such funds shall be expended only for projects for which the federal government has provided grants averaging at least fifty per cent of the estimated eligible cost of such projects or for expenditures which are preliminary to the obtaining of federal grants.

SECTION 12. To meet the expenditures necessary in carrying out the provisions of section eleven of this act, the state treasurer shall upon request of the governor, issue and sell at public or private sale, bonds of the commonwealth, registered or with interest coupons attached, as he may deem best, to an amount to be specified by the governor from time to time, but not exceeding in the aggregate the sum of one million five hundred thousand dollars. All bonds, issued by the commonwealth, as aforesaid, shall be designated on their face, Airport Capital Outlay 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 five. All interest payments and payments on account of principal on such bonds shall be payable from the General Fund; provided, that notwithstanding the foregoing, such bonds shall be general obligations of the commonwealth.

SECTION 13. Paragraph (f) of section 3 of chapter 161A of the General Laws, as appearing in section 18 of chapter 563 of the acts of 1964, is hereby amended by inserting after the word "authority", in line 3, the words:- ; provided, however, that any agreement entered into by the authority for the construction or acquisition of mass transportation facilities or equipment of more than one million dollars, which is financed in whole or in part from the proceeds of bonds the debt service payments on which are assisted by the commonwealth, shall not become effective until approved by the secretary of transportation; and provided, further, that said secretary shall notify the secretary of administration and finance of any such approval.

SECTION 14. Section 23 of said chapter 161A is hereby amended by striking out the first paragraph, inserted by section 16A of chapter 356 of the acts of 1977, the following paragraph:-

In addition to the bonding authorization provided in the third, fifth and sixth paragraphs, the authority may issue not more than seventy-five million dollars of bonds for the purposes described above; provided, that said bonds shall not be reissued upon their redemption.

SECTION 15. The second sentence of section 28 of said chapter 161A is hereby amended by striking out the words "three hundred and seventy-seven", inserted by section 17 of said chapter 356, and inserting in place thereof the words:- four hundred and fifty-two.

SECTION 16. The proceeds of the seventy-five million dollars of additional bond authorization provided under the seventh paragraph of section twenty-three of chapter one hundred and sixty-one A of the General Laws, inserted by section fourteen of this act, shall be expended only for projects on the so-called Blue Line Extension, Red Line Extension, Orange Line Relocation, Green Line Improvements, commuter railroad improvements, and other existing system improvements; provided however that a sum of not less than ten million dollars of said additional seventy-five million dollars shall be expended only for purchase and rehabilitation of rolling stock on said commuter railroad system; and provided further that a sum of not less than one million dollars be expended for immediate repairs to the elevated portion of the orange line, including track and tie replacement, reconstruction of wood decking on walkways and structural repairs where necessary.

SECTION 17. Section 14 of chapter 356 of the acts of 1977 is hereby amended by adding the following paragraph:-

All bonds issued by the commonwealth as aforesaid shall be designated on their face, Rail Transportation Loan, Act of 1977, 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 18. Paragraph (e) of section 2 of chapter 859 of the acts of 1975 is hereby amended by striking out the word "seventy-nine", inserted by section 1 of chapter 346 of the acts of 1977, and inserting in place thereof the word:- eighty-five.

SECTION 19. Notwithstanding the provisions in section four of chapter one hundred and sixty-one C of the General Laws, and the limitation to expenditures of appropriations from the Freight Rail Fund only for purposes of acquisition, as provided in paragraph (c) of section two of chapter eight hundred and fifty-nine of the acts of 1975, there is hereby appropriated from the Freight Rail Fund the sum of three hundred and fifty thousand dollars to be spent for appraisals, engineering and inspection activities, on lines to be acquired by the commonwealth.

SECTION 20. Notwithstanding the limitation to expenditures of appropriations from the Freight Rail Fund only for purposes



of acquisition, as provided in paragraph (c) of section two of chapter 859 of the acts of 1975, there is hereby appropriated from the Freight Rail Fund the sum of two hundred thousand dollars which may be expended for rehabilitation and upgrading of rail lines.

SECTION 21. There is hereby appropriated from the Freight Rail Fund, established under paragraph (c) of section two of chapter eight hundred and fifty-nine of the acts of 1975, the sum of two million three hundred thousand dollars, to be expended for the acquisition of railroad properties and related facilities.

SECTION 22. Section 2 of chapter 346 of the acts of 1977 is hereby amended by striking out, in lines 2 and 3, the words "one hundred and fifty thousand dollars" and inserting in place thereof the words:- five hundred thousand dollars.

SECTION 23. Section 7 of chapter 160 of the General Laws, as appearing in the Tercentenary Edition, is amended by inserting after the word "seventy-nine", in line 3, the words:- ; provided, however, that said notice shall not be required if the corporation does not conduct railroad operations in the commonwealth.

SECTION 24. In accordance with the provisions of paragraph (e) of section five of chapter four hundred and sixty-two of the acts of nineteen hundred and seventy-eight, the secretary of transportation and construction is hereby directed to take all necessary actions to acquire on behalf of the commonwealth that portion of the railroad right-of-way and related facilities between the city of Attleborough and the town of Sandwich now owned by the Consolidated Railroad Corporation.

SECTION 25. Chapter 6A of the General Laws is hereby amended by inserting after section 19 the following section:-

Section 19A. The secretary shall apply for, accept and expend, subject to appropriation, on behalf of the commonwealth, any gift, loan or grant-in-aid from the federal government, or any agency or instrumentality thereof for demonstration projects and programs as may become available to the commonwealth for the purpose of energy conservation for improved transportation management systems or for improved transportation management systems.

SECTION 26. To meet the expenditures necessary for carrying out the purposes of section nineteen A of chapter six A of the General Laws, inserted by section eighteen of this act, there is hereby appropriated from the Highway Fund the sum of one hundred and twenty-five thousand dollars; provided, that these funds shall be expended only with the prior written approval of the commissioner of administration and the house and senate committees on ways and means.

Approved August 10, 1979.

TATION DEVELOPMENT AND IMPROVEMENT  
PROGRAM.

Be it enacted, etc., as follows:

SECTION 1. Chapter 64A of the General Laws is hereby amended by striking out section 4, as most recently amended by section 48 of chapter 415 of the acts of 1976, and inserting in place thereof the following section:-

Section 4. At the time of filing a return required by subsection (a) of section sixteen of chapter sixty-two C, every distributor and unclassified exporter shall pay to the commissioner for the account of the purchaser an excise of eight and one-half cents on each gallon of fuel sold by him in the commonwealth during the calendar month covered by the return.

At the time of filing a return required by subsection (a) of section sixteen of chapter sixty-two C, every unclassified importer shall pay to the commissioner for the account of the ultimate purchaser an excise of eight and one-half cents on each gallon of fuel imported or caused to be imported during the calendar month covered by the return.

SECTION 2. Said chapter 64A is hereby further amended by striking out section 13, as most recently amended by section 11 of chapter 356 of the acts of 1977, and inserting in place thereof the following section:-

Section 13. All sums received under this chapter as excises, penalties, forfeitures, interest, costs of suits and fines, less all amounts for reimbursement under sections seven and seven A, shall be credited as follows:

(a) Eighty-two and twenty-one hundredths per cent shall be credited to the Highway Fund.

(b) Whereas not less than fifteen hundredths of one per cent of the excise imposed by section four is obtained from the sale or importation of fuel used in producing or generating power for the operation of watercraft of every description, except seaplanes, said amount shall be credited to the inland fisheries and game fund established by section two of chapter one hundred and thirty-one.

(c) Seventeen and sixty-four hundredths per cent of the excise imposed by section four and all sums received as penalties, forfeiture, interest, costs of suits and fines, shall be credited to the Highway Fund and used solely for reimbursing cities and towns for the cost incurred in constructing, maintaining and policing city or town streets or roads as provided in section thirty-one of chapter eighty-one, providing that one half of said amount shall be used solely for projects for the construction, reconstruction and improvement including surface treatments so-called, of town and county ways under subdivision (a) of clause (2) of section thirty-four of chapter ninety, said funds to be in addition to any matching funds as may be provided by cities and towns; and provided that said one-half of said amount shall not be subject to assessment under the provisions of section twenty of chapter fifty-nine.

SECTION 3. Section 6 of chapter 64C of the General Laws, as most recently amended by section 55 of chapter 415 of the acts of 1976, is hereby further amended by striking out the first two sentences and inserting in place thereof the following sentences:- Every licensee who is required to file a return under section sixteen of chapter sixty-two C shall, at the time of filing such return, pay to the commissioner an excise equal to ten and one-half mills for each cigarette so sold during the calendar month covered by the return; provided, that cigarettes with respect to which the excise under this chapter has once been imposed and has not been refunded, if paid, shall not be subject upon a subsequent sale to the excise imposed by this chapter. Each unclassified acquirer shall, at the time of filing a return required by section sixteen of chapter sixty-two C, pay to the commissioner an excise equal to ten and one-half mills for each cigarette so imported or acquired and held for sale or consumption, and cigarettes, with respect to which such excise has been imposed and has not been refunded, if paid, shall not be subject, when subsequently sold, to any further excise under this chapter.

SECTION 4. Said chapter 64C is hereby further amended by striking out section 28, as most recently amended by section 58 of said chapter 415, and inserting in place thereof the following section:-

Section 28. All sums received under this chapter shall be paid into the treasury of the commonwealth and shall be credited as follows:-

(a) Eight mills of the excise imposed by section six and a proportionate amount of all sums received as penalties, forfeitures, interest, costs of suits and fines shall be credited to the General Fund.

(b) Two and one-half mills of the excise imposed by section six and a proportionate amount of all sums received as penalties, forfeitures, interest, costs of suits and fines shall be credited to the Highway Fund.

SECTION 5. Chapter 64E of the General Laws is hereby amended by striking out section 4, as most recently amended by section 65 of chapter 415 of the acts of 1976, and inserting in place thereof the following section:-

Section 4. At the time of filing a return required by section sixteen of chapter sixty-two C, every licensee, other than a user, shall pay to the commissioner for the account of the purchaser an excise of eight and one-half cents on each gallon of special fuels sold or used by him in the commonwealth during the calendar month covered by the return.

SECTION 6. Said chapter 64E is hereby further amended by striking out section 13, as amended by section 5 of chapter 497 of the acts of 1971, and inserting in place thereof the following section:-

Section 13. All sums received under this chapter as excises, penalties, forfeitures, interest, costs of suits and fines shall be credited to the Highway Fund, and eleven and seventy-six

hundredths per cent thereof shall be used solely for reimbursing cities and towns for the costs incurred in constructing, maintaining and policing city or town streets or roads as provided in section thirty-one of chapter eighty-one.

SECTION 7. Section 3 of chapter 64F of the General Laws is hereby amended by striking out the first sentence, as most recently amended by section 6 of said chapter 497, and inserting in place thereof the following sentence:- Any person who, having acquired fuel or special fuels outside the commonwealth, shall use the same for the propulsion of motor vehicles upon or over the highways of the commonwealth, or who has in his possession fuel or special fuels so acquired for such use, including persons who although not residents of the commonwealth shall regularly or habitually use and operate motor vehicles over the highways of the commonwealth, shall be subject to an excise for the privilege of using said highways at the rate of eight and one-half cents per gallon.

SECTION 8. Said chapter 64F is hereby further amended by striking out section 6, as most recently amended by section 68 of chapter 415 of the acts of 1976, and inserting in place thereof the following section:-

Section 6. At the time of filing a return required by section sixteen of chapter sixty-two C, every licensee shall pay to the commissioner the excise due at the rate of eight and one-half cents on each gallon of fuel and special fuels used by him in the commonwealth during the calendar quarter covered by the return.

SECTION 9. Said chapter 64F is hereby further amended by striking out section 14, as amended by section 8 of chapter 497 of the acts of 1971, and inserting in place thereof the following section:-

Section 14. All sums received under this chapter as excises, penalties, forfeitures, interest, costs of suits and fines shall be credited to the Highway Fund, and eleven and seventy-six hundredths per cent thereof shall be used solely for reimbursing cities and towns for the costs incurred in constructing, maintaining and policing city or town streets or roads as provided in section thirty-one of chapter eighty-one.

SECTION 10. The first paragraph of section 21 of chapter 138 of the General Laws, as most recently amended by section 203 of chapter 514 of the acts of 1978, is hereby further amended by striking out the first sentence and inserting in place thereof the following sentence:- Every licensed manufacturer of alcoholic beverages or alcohol as defined in this chapter, and every winegrower under section nineteen B, and every holder of a wholesaler's and importer's license for the sale and importation of alcoholic beverages, and every licensee under section seventy-six shall, in addition to the license fees elsewhere provided in this chapter, be liable for and pay to the commonwealth an excise, for the privilege enjoyed by him as such manufacturer, winegrower, wholesaler and importer, or licensee under section seventy-six,

to be levied on sales within the commonwealth of alcoholic beverages or alcohol, other than wines to be used for sacramental purposes only and other than malt beverages imported into the commonwealth, and to be levied on importations of malt beverages into the commonwealth, as follows:

(a) For each barrel of thirty-one gallons, or fractional part of a barrel, aforesaid, of malt beverages, at the rate of three dollars and thirty cents per barrel aforesaid;

(b) For each wine gallon, or fractional part thereof, of cider containing more than three per cent but not more than six per cent of alcohol by weight at sixty degrees Fahrenheit, at the rate of three cents per wine gallon;

(c) For each wine gallon, or fractional part thereof, of still wine, other than cider containing more than three per cent but not more than six per cent of alcohol as aforesaid, including vermouth, at the rate of fifty-five cents per wine gallon;

(d) For each wine gallon, or fractional part thereof, of champagne and all other sparkling wines, at the rate of seventy cents per wine gallon;

(e) For each wine gallon, or fractional part thereof, of all other alcohol beverages containing fifteen per cent or less of alcohol by volume at sixty degrees Fahrenheit, at the rate of one dollar and ten cents per wine gallon;

(f) For each wine gallon, or fractional part thereof, of all other alcoholic beverages containing more than fifteen per cent but not more than fifty per cent of alcohol by volume at sixty degrees Fahrenheit, at the rate of four dollars and five cents per wine gallon;

(g) For each proof gallon, or fractional part thereof, of all other alcoholic beverages containing more than fifty per cent of alcohol by volume at sixty degrees Fahrenheit, or alcohol at the rate of four dollars and five cents per proof gallon.

SECTION 11. The last paragraph of said section 21 of said chapter 138, as appearing in section 6 of chapter 929 of the acts of 1977, is hereby amended by adding the following sentence:- All sums received under this section, including all sums received as penalties, forfeitures, interest, costs of suits and fines, less all amounts allowed as refunds and abatements under this section, shall be credited as follows:

(a) Sixteen and seven-tenths per cent shall be credited to the separate fund for the accumulation of assets in advance of the payment of retirement allowances and 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.

(b) The balance shall be credited to the General Fund.

SECTION 12. Section twenty-four of chapter five hundred and forty-six of the acts of nineteen hundred and sixty-nine is hereby repealed.

SECTION 13. This act shall take effect on July first, nineteen hundred and eighty.

Approved August 10, 1979.

Chap. 482. AN ACT RELATIVE TO THE MANAGEMENT OF THE SOLDIERS' HOME IN MASSACHUSETTS AND HOLYOKE.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is relative to the management of the Soldiers' Home in Massachusetts, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Section 17 of chapter 6 of the General Laws, as appearing in section 1 of chapter 535 of the acts of 1966, is hereby amended by inserting after the word "Massachusetts", in line 5, the words:- , the superintendent of the Soldiers' Home in Massachusetts, who shall have the title of commandant who shall be appointed by the governor, and the superintendent of the Soldiers' Home in Holyoke, who shall have the title of superintendent.

Approved August 10, 1979.

Chap. 483. AN ACT PROVIDING THAT CERTAIN MEDICAL PAYMENTS MAY BE ORDERED BY A SINGLE MEMBER OF THE INDUSTRIAL ACCIDENT BOARD.

Be it enacted, etc., as follows:

Chapter 152 of the General Laws is hereby amended by striking out section 7, as most recently amended by section 1 of chapter 742 of the acts of 1972, and inserting in place thereof the following section:-

Section 7. If the insurer and the injured employee fail to reach an agreement in regard to compensation, or if they have reached such an agreement, which has been signed and filed in accordance with this chapter, and compensation has been paid or is due in accordance therewith, and the parties thereto then disagree as to the continuance of any weekly payments or payment of medical and hospital bills under such agreement, either party may notify the division, which shall thereupon assign the case for conference by a member thereof, to be held not later than twenty-eight days from the date such notice was received by the division. Such member shall make such inquiries and investigations as he deems necessary and shall have the power to require and receive reports of injury, signed statements of the employee and other witnesses, medical and hospital reports and records, and such other oral and written matter as shall enable him to determine whether weekly compensation or medical and hospital bills under this chapter are due. If the member determines, on such information that weekly compensation or medical and hospital bills are due under this chapter, he shall forthwith file a written order for such weekly compensation or medical and hospital bills. If the member determines that weekly compensation or medical and hospital bills should be modified or terminated, he shall forthwith file a written order modifying or discontinuing weekly compensation or medical and hospital bills. Any party aggrieved by an order filed under this section may within ten days from

the filing of such an order request the division to set the case for a hearing before another member thereof. Upon the filing of such request the chairman shall schedule a hearing to be held on a date not later than three months from the date the request was filed. Pending a decision rendered after such hearing, compensation shall be paid, modified or discontinued in accordance with the order filed under this section. Such an order shall for all purposes be enforceable under section eleven; provided, however, that in the event of a request for a hearing, such order shall be enforceable under said section eleven only until a decision has been rendered after such hearing. If, after such hearing, a decision is rendered that weekly payments or medical and hospital bills made under the original order were not due, the state treasurer shall reimburse the insurer and the employee shall reimburse the state treasurer for the amounts paid the insurer. If, after such hearing, a decision is rendered ordering payment of compensation from the date on which a modification or discontinuation of payments had been ordered, the employee shall be paid the compensation found due. The decision rendered after a hearing shall be enforceable under said section eleven.

Approved August 10, 1979.

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Chap. 484. AN ACT PROVIDING THAT CERTAIN LABOR CONTRACTS SHALL CONTINUE IN EFFECT AND BE BINDING UPON SUCCESSOR EMPLOYERS.

Be it enacted, etc., as follows:

Chapter 149 of the General Laws is hereby amended by inserting after section 179B the following section:-

Section 179C. Where a collective bargaining agreement between an employer and a labor organization as defined in subsection (5) of section two of chapter one hundred and fifty A, contains a successor clause, such clause shall be binding upon and enforceable against any successor employer who succeeds to the contracting employer's business until the expiration date of the agreement stated in the agreement. No such successor clause shall be binding upon or enforceable against any successor employer for more than three years from the effective date of the collective bargaining agreement between the contracting employer and the labor organization.

As used in this section, "successor employer" means any purchaser, assignee or transferee of a business the employees of which are subject to a collective bargaining agreement, if such purchaser, assignee, or transferee conducts or will conduct substantially the same business operation, or offer the same service and use the same physical facilities, as the contracting employer.

This section shall not apply to a receiver or trustee in bankruptcy of any contracting employer who has gone into receivership or bankruptcy, nor to any employer who acquires a business from a receiver or trustee in bankruptcy nor to any employer which is a public entity, nor to any employer who is subject to the National Labor Relations Act or the Railway Labor Act.

An employer who is a party to a collective bargaining agreement containing a successor clause has the affirmative duty to disclose the existence of such agreement and such clause to any successor employer. Such disclosure requirements shall be satisfied by including in any contract of sale, agreement to purchase, or any similar instrument of conveyance, a statement that the successor employer is bound by such clause as provided for in the collective bargaining agreement.

The provisions of this section may be enforced in a civil action in the superior court division of the trial court or by a criminal action subject to the provisions of section one hundred and eighty or by both such civil and criminal actions.

Approved August 10, 1979.

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Chap. 485. AN ACT CHANGING THE TITLES OF CERTAIN OFFICERS OF COUNTY CORRECTIONAL FACILITIES.

Be it enacted, etc., as follows:

SECTION 1. Group 2 in paragraph (g) of subdivision (2) of section 3 of chapter 32 of the General Laws, as appearing in section 1 of chapter 626 of the acts of 1974, is hereby amended by striking out, in lines 14 and 15, the words "master, deputy master, assistant deputy master" and inserting in place thereof the words:- superintendent, deputy superintendent, assistant deputy superintendent.

SECTION 2. Group 4 in said paragraph (g) of said subdivision (2) of said section 3 of said chapter 32, as appearing in section 2 of said chapter 626, is hereby amended by striking out, in lines 34 and 35, the words "master, deputy master, assistant deputy master" and inserting in place thereof the words:- superintendent, assistant superintendent, assistant deputy superintendent.

SECTION 3. The first sentence of section 22 of chapter 35 of the General Laws, as appearing in chapter 87 of the acts of 1952, is hereby amended by striking out, in line 3, the word "masters" and inserting in place thereof the word:- superintendents.

SECTION 4. Section 22A of said chapter 35, as most recently amended by section 24 of chapter 478 of the acts of 1978, is hereby amended by striking out, in line 1, the word "masters" and inserting in place thereof the word:- superintendents.

SECTION 5. Section 17 of chapter 37 of the General Laws is hereby amended by striking out the first paragraph, as most recently amended by chapter 39 of the acts of 1978, and inserting in place thereof the following paragraph:-

The salaries of sheriffs shall be paid by their respective counties and shall, except as hereinafter provided, be in full compensation for all services rendered both as sheriff and as superintendent or keeper of the jail or house of correction. If a sheriff elects to act, or his deputy acts, as superintendent 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, together with such other maintenance as may be determined from time to time by the county personnel board.

SECTION 6. Section 2 of chapter 126 of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by striking out, in line 2, the word "master" and inserting in place thereof the word:- superintendent.

SECTION 7. Said chapter 126 is hereby further amended by inserting after section 8 the following section:-

Section 8A. The chief administrative officer of a house of correction shall be the superintendent. The superintendent, and any deputy superintendents, shall be appointed by the sheriff, or in the case of Suffolk county, by the penal commissioner of the city of Boston, and shall serve at his pleasure, and shall not be subject to the provisions of sections nine A and nine B of chapter thirty, or chapter thirty-one.

SECTION 8. Said chapter 126 is hereby amended by striking out section 16, as amended by section 6 of chapter 219 of the acts of 1937, and inserting in place thereof the following section:-

Section 16. The sheriff shall have custody and control of the jails in his county, and, except in Suffolk county, of the houses of correction therein, and of all prisoners committed thereto, and shall keep the same himself or by his deputy as jailer, superintendent or keeper, and shall be responsible for them. The jailer, superintendent or keeper shall appoint subordinate assistants, employees and officers and shall be responsible for them. In Suffolk county the penal institutions commissioner shall appoint a superintendent of the house of correction, who shall hold office at the pleasure of said commissioner. A sheriff, who acts as jailer, superintendent or keeper, or a jailer, superintendent or keeper appointed by the sheriff, before entering upon the performance of his duties as such, and thereafter, at intervals of not more than one year, so long as he continues so to act or to hold such office, as the case may be, shall give to the state treasurer a bond, with such sureties as the superior court shall order and approve, conditioned faithfully to perform his duties.

SECTION 9. Section 24 of said chapter 126, as appearing in the Tercentenary Edition, is hereby amended by striking out, in lines 1 and 6, the word "master" and inserting in place thereof, in each instance, the word:- superintendent.

SECTION 10. Section 25 of said chapter 126, as so appearing, is hereby amended by striking out, in line 1, the word "master" and inserting in place thereof the word:- superintendent.

SECTION 11. Section 26 of said chapter 126, as so appearing, is hereby amended by striking out, in line 8, the word "master" and inserting in place thereof the word:- superintendent.

SECTION 12. Section 30 of said chapter 126, as so appearing, is hereby amended by striking out, in line 1, the word "Masters" and inserting in place thereof the word:- Superintendents.

SECTION 12A. Section 33 of said chapter 126, as so appearing,

is hereby amended by striking out, in line 1, the word "master" and inserting in place thereof the word:- superintendent.

SECTION 13. Section 34 of said chapter 126, as so appearing, is hereby amended by striking out, in line 3, the word "masters" and inserting in place thereof the word:- superintendents.

SECTION 14. The first sentence of section 2 of chapter 127 of the General Laws, as most recently amended by section 7 of chapter 777 of the acts of 1957, is hereby further amended by striking out, in line 2, the word "masters" and inserting in place thereof the word:- superintendents.

SECTION 15. Section 5 of said chapter 127, as appearing in the Tercentenary Edition, is hereby amended by striking out, in lines 1 and 11, the word "master" and inserting in place thereof, in each instance, the word:- superintendent.

SECTION 16. Section 6 of said chapter 127, as most recently amended by section 8 of chapter 777 of the acts of 1957, is hereby further amended by striking out, in line 3, the words "master or keeper" and inserting in place thereof the words:- superintendent or keeper of each jail or house of correction.

SECTION 17. Section 8 of said chapter 127, as appearing in the Tercentenary Edition, is hereby amended by striking out, in lines 1, 6, 10, and 12, the word "master" and inserting in place thereof, in each instance, the word:- superintendent.

SECTION 18. Section 9 of said chapter 127, as so appearing, is hereby amended by striking out, in line 1, the word "master,".

SECTION 19. Section 13 of said chapter 127, as so appearing, is hereby amended by striking out, in line 1, the word "master" and inserting in place thereof the word:- superintendent.

SECTION 20. Section 16 of said chapter 127, as most recently amended by section 9 of chapter 777 of the acts of 1957, is hereby further amended by striking out, in line 3, the word "masters" and inserting in place thereof the word:- superintendents.

SECTION 21. Section 21 of said chapter 127, as amended by section 21 of chapter 770 of the acts of 1955, is hereby further amended by striking out, in line 9, the word "master" and inserting in place thereof the word:- superintendent.

SECTION 22. Section 33 of said chapter 127, as most recently amended by section 12 of chapter 777 of the acts of 1957, is hereby further amended by striking out, in line 3, the word "masters" and inserting in place thereof the word:- superintendents.

SECTION 23. Section 41 of said chapter 127, as amended by section 31 of chapter 770 of the acts of 1955, is hereby further amended by striking out, in line 2, the word "master" and inserting in place thereof the word:- superintendent.

SECTION 24. Section 51 of said chapter 127, as most recently amended by section 19 of chapter 777 of the acts of 1957, is hereby further amended by striking out, in line 3, the word

"masters" and inserting in place thereof the word:- superintendents.

SECTION 25. Section 52 of said chapter 127, as amended by section 36 of chapter 770 of the acts of 1957, is hereby further amended by striking out, in line 6, the word "masters", and, in line 12, the word "master", and by inserting in place thereof, in each instance, the word:- superintendents.

SECTION 26. Section 66A of said chapter 127, inserted by section 40 of said chapter 770, is hereby amended by striking out, in lines 6 and 7, the word "master" and inserting in place thereof, in each instance, the word:- superintendent.

SECTION 27. Section 67 of said chapter 127, as most recently amended by section 21 of chapter 777 of the acts of 1957, is hereby further amended by striking out, in lines 3 and 4, the words ", master or keeper" and inserting in place thereof the words:- of the correctional institution of the commonwealth, the superintendent or keeper of the jails or houses of correction.

SECTION 28. Section 68 of said chapter 127, as appearing in section 42 of chapter 770 of the acts of 1955, is hereby amended by striking out, in line 3, the word "master" and inserting in place thereof the word:- superintendent.

SECTION 29. Section 69 of said chapter 127, as most recently amended by section 22 of chapter 777 of the acts of 1957, is hereby further amended by striking out, in line 1, the word ", master".

SECTION 30. Section 71 of said chapter 127, as most recently amended by section 16 of chapter 777 of the acts of 1972, is hereby further amended by striking out, in lines 13 and 14, the words "master or deputy master" and inserting in place thereof the words:- superintendents and deputy superintendents.

SECTION 31. Section 72 of said chapter 127, as most recently amended by section 24 of chapter 777 of the acts of 1957, is hereby further amended by striking out, in line 13, the word "master" and inserting in place thereof the word:- superintendent.

SECTION 32. Said chapter 127 is hereby further amended by striking out section 73, as most recently amended by section 25 of said chapter 777, and inserting in place thereof the following section:-

Section 73. The superintendent or keeper of any institution named in section fifty-one may sue or be sued upon any contract of purchase or sale made by him under sections fifty-one to seventy, inclusive. No suit shall abate by reason of a vacancy in any such office, but the successor of any such officer may, and upon motion of the adverse party shall, prosecute or defend it. The superintendent or keeper may submit a controversy relative to such contract or an action thereon to the final determination of arbitrators or referees, who shall, if the claim or suit is made or brought by or against the superintendent of a correctional institution of the commonwealth, be approved by the governor, or, if made or brought by or against the superintendent or keeper of a jail, a house of correction, or any other penal or

reformatory institution, be approved by the county commissioners.

SECTION 33. Section 87 of said chapter 127, as most recently amended by section 27 of said chapter 777, is hereby further amended by striking out, in line 6, the word ", master".

SECTION 34. Section 88 of said chapter 127, as most recently amended by section 28 of said chapter 777, is hereby further amended by striking out, in line 9, the words "or master".

SECTION 35. Section 93 of said chapter 127, as most recently amended by section 55 of chapter 770 of the acts of 1955, is hereby further amended by striking out, in lines 2 and 9, the word "master" and inserting in place thereof, in each instance, the word:- superintendent.

SECTION 36. Section 129A of said chapter 127, as most recently amended by chapter 765 of the acts of 1975, is hereby further amended by striking out, in line 17, the word "master" and inserting in place thereof the word:- superintendent.

SECTION 37. Section 135 of said chapter 127, as most recently amended by section 6 of chapter 765 of the acts of 1960, is hereby further amended by striking out, in lines 2, 8, 19, and 20, the word "master" and inserting in place thereof, in each instance, the word:- superintendent.

SECTION 37A. Said chapter 127 is hereby further amended by striking out section 146, as most recently amended by chapter 400 of the acts of 1962, and inserting in place thereof the following section:-

Section 146. If a poor prisoner has been confined in a jail or house of correction for three months under one or more sentences for fine or fine and expenses only, the jailer, superintendent or keeper shall make a report thereof, in Suffolk county to the municipal court of the city of Boston, and in other counties to a district court. The court shall inquire into the truth of the report, and may require the jailer, superintendent or keeper to bring the prisoner into court. If the court finds that the report is true, and that the prisoner since his confinement has not had any property, real or personal, with which he could have paid the amount or amounts for which he was committed, it shall, if it finds that he is held for no other cause, and may, if it finds that he is held only for one or more other sentences for fine or fine and expenses, order the sheriff, superintendent or keeper to discharge the prisoner. If a poor prisoner has been confined in a correctional institution of the commonwealth on a sentence with fine, after three months from the date of release by parole or otherwise on the term sentence, the superintendent shall make a report thereof to the district court. The court shall inquire in the truth of the report and if the court finds the report is true and the prisoner has had no property, real or personal, with which he could have paid the amounts of fine for which he is held and that he is held for no other cause, may order the superintendent to discharge the prisoner. A person under guardianship may have the benefit of this section, although it appears that he has property held

under guardianship, if it also appears that such property is beyond his actual control; and if he is discharged the commonwealth may, in an action of tort brought within one year after the discharge, recover from his guardian, if he has assets, the amount of fine or fines and expenses remaining unpaid.

SECTION 38. Section 149A of said chapter 127, inserted by chapter 765 of the acts of 1965, is hereby amended by striking out, in line 11, the word "master" and inserting in place thereof the word:- superintendent.

SECTION 39. The fourth sentence of section 151J of said chapter 127, as appearing in section 1 of chapter 229 of the acts of 1957, is hereby amended by striking out, in line 3, the word ", master".

SECTION 40. Section 165 of said chapter 127 is hereby amended by striking out, in lines 1, 6, and 8, as appearing in the Tercentenary Edition, the word "master" and inserting in place thereof, in each instance, the word:- superintendent.

SECTION 41. Section 26 of chapter 268 of the General Laws, as most recently amended by section 33 of chapter 777 of the acts of 1957, is hereby further amended by striking out, in line 7, the word "master" and inserting in place thereof the word:- superintendent.

SECTION 42. Section 28 of said chapter 268, as most recently amended by section 34 of said chapter 777, is hereby further amended by striking out, in line 6, the word ", master".

SECTION 43. Section 29 of said chapter 268 is hereby amended by striking out, in lines 2, 8, and 18, as appearing in section 26 of chapter 328 of the acts of 1934, the word ", master" and inserting in place thereof, in each instance, the word:- superintendent.

SECTION 44. Section 31 of said chapter 268, as most recently amended by chapter 747 of the acts of 1962, is hereby further amended by striking out, in line 11, the word ", master".

SECTION 45. Section 72A of chapter 277 of the General Laws, as amended by chapter 343 of the acts of 1965, is hereby further amended by striking out, in lines 2, 13, 16 and 22, the word ", master" and inserting in place thereof, in each instance, the word:- superintendent.

SECTION 46. Section 40 of chapter 279 of the General Laws, as most recently amended by section 39 of chapter 777 of the acts of 1957, is hereby further amended by striking out, in lines 5 and 6, the word ", master" and inserting in place thereof, in each instance, the word:- superintendent.

SECTION 47. Chapter 280 of the General Laws is hereby amended by striking out section 8, as amended by section 313 of chapter 478 of the acts of 1978, and inserting in place thereof the following section:-

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, superintendent 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 48. Section 14 of said chapter 280, as appearing in the Tercentenary Edition, is hereby amended by striking out, in line 2, the word "master" and inserting in place thereof the word:- superintendent.

SECTION 49. Said chapter 280 is hereby further amended by striking out section 15, as amended by section 315 of chapter 478 of the acts of 1978, and inserting in place thereof the following section:-

Section 15. Every keeper of a jail and superintendent 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.

Approved August 10, 1979.

Chap. 486. AN ACT DIRECTING THE COUNTY COMMISSIONER OF MIDDLESEX COUNTY TO ESTABLISH A PARK ON CERTAIN LAND IN THE TOWN OF BILLERICA.

Be it enacted, etc., as follows:

All the land owned by Middlesex county on the southeasterly side of Treble Cove road in the town of Billerica, presently under control and custody of the sheriff of said county is hereby transferred to the control and custody of the county commissioners, after a survey has been made, describing the metes and bounds of said land and said survey has been recorded with the registry of deeds for said county, and shall be used and maintained as a park and recreation area.

Approved August 9, 1979.

Chap. 487. AN ACT DIRECTING THE COMMISSIONER OF ADMINISTRATION TO SELL AND CONVEY CERTAIN LAND IN THE CITY OF NORTH ADAMS TO THE NORTH ADAMS REDEVELOPMENT AUTHORITY.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to sell and convey certain land of the commonwealth to the North Adams Redevelopment Authority, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. The commissioner of administration acting for and in behalf of the commonwealth is hereby authorized and directed to sell and convey to the North Adams Redevelopment Authority at a nominal fee, by deed approved as to form by the attorney general, all of the right, title and interest of the commonwealth to a parcel of land in the city of North Adams for redevelopment purposes. Said parcel consisting of 32,900 square feet more or less, is described by deed of Pittsfield and North Adams Railroad Corporation, dated June 3, 1878 and recorded with the northern district registry of deeds in the county of Berkshire in Book 150, page 309.

SECTION 2. Said conveyance shall be subject to the condition that title to the aforesaid parcel shall revert to the commonwealth if the land is not used by said Authority for redevelopment purposes within five years.

Approved August 10, 1979.

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Chap. 488. AN ACT PROVIDING FOR CAPITAL PUNISHMENT.

Be it enacted, etc., as follows:

SECTION 1. It is hereby declared that the value of capital punishment as a deterrent for crime is a complex factual issue the resolution of which properly rests with the general court, which has evaluated the results of statistical studies in the terms of the local conditions with a flexibility of approach not available to the courts, and that the general court has so found and defined those crimes and those criminals for which capital punishment is most probably an effective deterrent. It is hereby further declared that the value of capital punishment as retribution, although unappealing to many, is an expression of society's moral outrage at the commission of particularly heinous crimes and that capital punishment for the crime of murder cannot be viewed as invariably disproportionate to the severity of that crime. It is hereby further declared that in the past nine years the Congress and over thirty-five states have enacted new death penalty statutes by legislative measures adopted by the people's chosen representatives. It is hereby further declared that the ability of the people of the commonwealth to express their preference through their duly elected representatives must not be shut off by the intervention of the judicial department on the basis of a constitutional test intertwined with an assessment of contemporary standards and that the judgment of the general court weighs heavily in ascertaining such standards in this commonwealth. It is hereby further declared that in a democratic society, legislatures, and here, in this commonwealth, the general court is the body constituted to respond to the will of the people. It is hereby further declared that the declarations set forth above include and reflect the declarations already made by the highest court of the land which express that this subject of whether there be or not be capital punishment in any state is peculiarly questions of legislative, not judicial decision, and, in this commonwealth, that question is one for the general court to

decide. It is hereby further declared that the following proposed legislation is the result of long study and review of the work and experience of other jurisdictions which have satisfied all those norms demanded by the Supreme Court of the United States to safeguard against all of the elements of arbitrariness and capriciousness condemned by said court in former state death penalty statutes.

SECTION 2. Section 2 of Chapter 265 of the General Laws, as most recently amended by section 12 of chapter 731 of the Acts of 1956, is hereby further amended by striking out the first two sentences and inserting in place thereof the following sentence:- Whoever is guilty of murder in the first degree may suffer the punishment of death pursuant to the procedures set forth in sections fifty-three to fifty-six, inclusive, of chapter two hundred and seventy-nine.

SECTION 3. Chapter 279 of the General Laws is hereby amended by adding the following four sections:-

Section 53. In all cases in which the death penalty may be imposed, upon a return of a verdict of guilty, the trial shall resume with the conduct of a presentence hearing before the jury before which the case was tried. During the presentence hearing the only issue shall be the determination of the punishment to be imposed. During such hearing the jury shall hear all additional relevant evidence in extenuation, mitigation, and aggravation of punishment including the record of any prior criminal convictions and pleas of guilty or pleas of nolo contendere of the defendant, or the absence of any prior conviction and pleas; provided, however, that only such evidence in aggravation as the commonwealth has made known to the defendant prior to his trial shall be admissible.

The jury shall also hear arguments by the defendant or his counsel and by the commonwealth as provided by law regarding the punishment to be imposed. The commonwealth shall present the opening argument and the defendant or his counsel shall present the closing argument. Upon the conclusion of the evidence and arguments, the court shall give the jury in cases tried by that jury appropriate instructions, and the jury shall then retire to determine whether any mitigating or aggravating circumstances, as defined in section fifty-four, exist and whether to recommend that the death penalty be imposed. Upon the findings of the jury, the court shall set a sentence within the limits prescribed by law.

If the trial court is reversed on appeal because of error only in the presentence hearing, the new trial which may be ordered shall apply only to the issue of punishment.

Section 54. In all cases for which the death penalty may be authorized, the court shall include in its instructions to the jury for its consideration any mitigating circumstances or aggravating circumstances otherwise authorized by law.

Unless at least one of the statutory aggravating circumstances enumerated in paragraph (a) is found to exist by the jury beyond a reasonable doubt the death penalty shall not be imposed. In addition, the jury is authorized to consider any other appro-



priate aggravating or mitigating circumstances as enumerated in paragraph (b), or otherwise. The jury is not required to find any mitigating circumstance in order to make a recommendation of mercy that is binding on the trial court, but it must find a statutory aggravating circumstance before recommending a sentence of death.

(a) The statutory aggravating circumstances are as follows:-

(1) The offense of murder was committed on the victim who was killed while serving in the performance of his duties as a police officer, firefighter, or correctional officer.

(2) The offense of murder was committed by a person who had previously been convicted of the crime of murder in the first degree.

(3) The offender committed the offense of murder for himself or another, for the purpose of receiving money or any other thing of monetary value.

(4) The offender caused or directed another to commit murder as an agent or employee of another person.

(5) The offender by his act of murder knowingly created a great risk of death to more than one person in a public place by means of a weapon or device which would normally be hazardous to the lives of more than one person.

(6) The offense of murder was committed on the victim during the course of a hijacking or attempted hijacking of an airplane or school bus.

(7) The capital felony was committed by a person under sentence of imprisonment.

(8) The defendant was previously convicted of another capital felony or of a felony involving the use or threat of violence to the person.

(9) The defendant knowingly created a great risk of death to many persons.

(10) The capital felony was committed for the purpose of avoiding or preventing a lawful arrest or effecting an escape from custody.

(11) The offense of murder was committed by a person in connection with the commission of rape or an attempt to commit rape on the victim.

(12) The offense of murder was committed on the victim in the course of a kidnapping for ransom of the victim or attempted kidnapping for ransom of the victim.

(b) The statutory mitigating circumstances are as follows:-

(1) The offense of murder was committed by one with no history of prior criminal activity.

(2) The offense of murder was committed by one who was under the influence of extreme mental or emotional disturbance.

(3) The offense of murder was committed by one who was a participant in the defendant's homicidal conduct or consented to the homicidal act.

(4) The offense of murder was committed by one under duress or under domination of another person.

(5) The age or mental capacity of the defendant at the time of the crime.

The statutory instructions as determined by the court to be warranted by the evidence shall be given in charge and in

writing to the jury for its deliberation. The jury, if its unanimous verdict be a recommendation of death, shall designate in writing, signed by the foreman of the jury, the aggravating circumstance or circumstances which it found beyond a reasonable doubt.

Section 55. Where, upon a trial by jury, a person is convicted of an offense which may be punishable by death, a sentence of death shall not be imposed unless the jury verdict includes a finding of at least one statutory aggravating circumstance and a recommendation that such sentence be imposed. Where a statutory aggravating circumstance is found and a recommendation of death is made, the court shall sentence the defendant to death. Where a sentence of death is not recommended by the jury, the court shall sentence the defendant to imprisonment as provided by law. Unless the jury trying the case makes a finding of at least one statutory aggravating circumstance and recommends the death sentence in its verdict, the court shall not sentence the defendant to death, provided that no such finding of statutory aggravating circumstance shall be necessary in offenses of treason or aircraft hijacking.

Section 56. (a) Whenever the death penalty is imposed, and upon the judgment becoming final in the trial court, the sentence shall be reviewed in the supreme judicial court. The clerk of the trial court, within ten days after the imposition of sentence shall transmit the entire record and transcript to the supreme judicial court together with a notice prepared by the clerk and a report prepared by the trial judge. The notice shall set forth the title and docket number of the case, the name of the defendant and the name and address of his attorney, a narrative statement of the judgment, the offense, and the sentence imposed. The report shall be in the form of a standard questionnaire prepared and supplied by the supreme judicial court, which shall include (1) data concerning the defendant including his family background, education, and psychiatric information and evaluation, if any; (2) data concerning the trial; (3) data related to the offense including statutory aggravating circumstances, non statutory aggravating circumstances, and all mitigating circumstances; (4) data concerning the representations of the defendant or those of his counsel; (5) general considerations including racial consideration, extensive publicity, other circumstances possibly creating undue influence, and the trial judge's own comments on the appropriateness of the sentence; and (6) a chronology of the case. An opportunity to examine and then submit written comments on said report shall be given to counsel.

(b) The supreme judicial court shall consider the punishment as well as any error enumerated by way of appeal.

(c) With regard to the sentence, the supreme judicial court shall determine (1) whether the sentence of death was imposed under the influence of passion, prejudice or any other arbitrary factor, (2) whether the evidence supports the jury's finding of a statutory aggravating or mitigating circumstance as enumerated in section fifty-four, and (3) whether the sentence of death is excessive or disproportionate to the penalty imposed in similar cases, considering both the crime and the defendant.

(d) Both the defendant and the commonwealth shall have the right to submit briefs within the time provided by the supreme judicial court, and to present oral argument to said court.

(e) The supreme judicial court shall include in its decision a reference to similar cases which it took into consideration. In addition to its authority regarding correction of errors, the said court shall have authority to (1) affirm the sentence of death, or (2) set the sentence aside and remand the case for resentencing by the trial judge based on the record and argument of counsel. The records of similar cases referred to by the supreme judicial court in its decision, and the extracts thereof shall also be provided to the resentencing judge for his consideration.

(f) The sentence review and appeal shall be consolidated for consideration. The court shall render its decision on legal errors enumerated, the factual substantiation of the verdict and the validity of the sentence.

SECTION 4. The supreme judicial court shall accumulate the records of all first degree murder cases in which sentence was imposed after January first, nineteen hundred and eighty or such earlier date as the court may deem appropriate. The executive secretary to the supreme judicial court shall provide to said court extracts from said cases, including but not limited to a synopsis or brief of the facts in the record concerning the crime and the defendant. Said extracts shall be used by the supreme judicial court for its own purposes and for those set forth in paragraph (e) of section fifty-six of chapter two hundred and seventy-nine of the General Laws.

Approved August 14, 1979.

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Chap. 489. AN ACT RELATIVE TO THE FUNDING OF  
SALARIES PAYABLE DURING THE MONTHS  
OF JULY AND AUGUST TO TEACHERS AND  
OTHER PROFESSIONAL EMPLOYEES OF THE  
SCHOOL DEPARTMENT IN THE TOWN OF  
BILLERICA.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any law to the contrary, the school committee of the town of Billerica may exclude from its budget for the fiscal year ending June thirtieth, nineteen hundred and eighty the estimated amounts earned by teachers or any other professional employees of the school department for the school year ending on June thirtieth, nineteen hundred and eighty, which are actually payable during the months of July and August of the year nineteen hundred and eighty. Said school committee shall budget for the fiscal year commencing July first, nineteen hundred and eighty, one-half of the amounts necessary to make payments during the months of July and August, nineteen hundred and eighty-one, of monies earned by teachers and any other professional employees for the school year ending June thirtieth, nineteen hundred and eighty, and for the fiscal year commencing July first, nineteen hundred and eighty-one, the full amounts necessary to make payments

during the months of July and August, nineteen hundred and eighty-one, of monies earned by teachers and any other professional employees for the school year ending June thirtieth, nineteen hundred and eighty-two, and such amounts shall be subject to the provisions of section thirty-four of chapter seventy-one of the General Laws.

SECTION 2. This act shall take effect upon its passage.  
(The foregoing was laid before the Governor on the 1st day of August, 1979 and after ten days it had "the force of a law", as prescribed by the Constitution, as it was not returned by him within his objections thereto within that time.)

Chap. 490. AN ACT ALTERING THE PROCEDURE OF VOTING  
 IN THE STILES LAKE WATER DISTRICT IN  
 PARTS OF THE TOWNS OF LEICESTER AND  
 SPENCER.

Be it enacted, etc., as follows:

SECTION 1. Section 1 of chapter 476 of the acts of 1976 is hereby amended by striking out, in line 1, the words "The inhabitants" and inserting in place thereof the words:- All eligible voters and natural persons who own real property who are not eligible voters.

SECTION 2. Section 9 of said chapter 476 is hereby amended by striking out, in line 5, the words "inhabitants of and voters" and inserting in place thereof the words:- eligible to vote.

SECTION 3. Section 11 of said chapter 476 is hereby amended by striking out, in lines 3 and 4, the words "legal voters" and inserting in place thereof the words:- eligible voters and natural persons who own real estate who are not eligible voters.

SECTION 4. Section 13 of said chapter 476 is hereby amended by striking out, in line 8, the word "voters" and inserting in place thereof the words:- eligible voters and natural persons who own real estate who are not eligible voters.

SECTION 5. Said section 13 of said chapter 476 is hereby amended by striking out, in line 10, the word "voters" and inserting in place thereof the word:- persons.

Approved August 14, 1979.

EMERGENCY LETTER, August 15, 1979 @ 1:37 P.M.

Chap. 491. AN ACT MAKING CORRECTIVE CHANGES IN  
 THE LAW AUTHORIZING THE ACQUISITION OF  
 EASEMENTS IN THE TOWN OF MARBLEHEAD BY  
 THE SOUTH ESSEX SEWERAGE DISTRICT FOR  
 THE CONSTRUCTION OF CERTAIN SEWERAGE  
 FACILITIES.

Be it enacted, etc., as follows:

SECTION 1. The South Essex Sewerage District is hereby

authorized to acquire from the town of Marblehead by grant or deed of conveyance, which said town is hereby authorized to make, or to acquire by eminent domain under the provisions of chapter seventy-nine of the General Laws through the South Essex Sewerage Board, acting on behalf of said district, an easement in certain land hereinafter described, for the construction, laying, maintenance and operation of new and enlarged main sewers, pumping stations and other related sewerage works as shall be required to convey sewage from said town to the sewage treatment plant of the district in the city of Salem. Said easement is bounded and described as follows:

A permanent easement through, across, over and under certain park land in the said town of Marblehead as shown on a plan entitled "Marblehead, Mass. Sewer Easement, South Essex Sewerage District, Scale 1"=40', June 30, 1978 W. T. Foss Co., Engineers", and more particularly described as follows:

Beginning at a point on the Southwesterly side of Ocean Avenue, thence running

South 62° 59' 48" East a distance of 90.87 feet; thence turning and running

South 71° 13' 52" East a distance of 206.50 feet; thence turning and running

North 77° 28' 07" East a distance of 40.75 feet to the Southwesterly side of Ocean Avenue; thence turning and running

South 71° 13' 52" East by the Southwesterly side of Ocean Avenue a distance of 38.49 feet; thence turning and running

South 77° 28' 07" West a distance of 79.24 feet; thence turning and running

North 71° 13' 52" West a distance of 213.54 feet; thence turning and running

North 62° 59' 48" West a distance of 112.11 feet to the Southwesterly side of Ocean Avenue; thence turning and running

North 71° 43' 10" East by the Southwesterly side of Ocean Avenue a distance of 28.14 feet to the point of beginning.

SECTION 2. All property, real or personal, or any easements, owned by the town of Marblehead and located within said town, as described in section one of this act, acquired by eminent domain or otherwise or transferred to the district by said town for the purpose of conveying sewage, and constructed, maintained and operated for the sole use of said town, shall, when no longer needed for such purpose, be transferred by the South Essex Sewerage Board to said town, and said board shall execute, acknowledge and deliver such instruments as said town, acting through its board of selectmen, may determine necessary to effect such transfer of title as directed by section seven of chapter six hundred and forty-three of the acts of nineteen hundred and seventy-two.

SECTION 3. Chapter one hundred and twelve of the acts of nineteen hundred and seventy-nine is hereby repealed.

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

Approved August 14, 1979.

Chap. 492. AN ACT AUTHORIZING CERTAIN COMMUNITIES TO PROCEED UNDER COMMUNITY ANTENNA TELEVISION COMMISSION EMERGENCY REGULATIONS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately authorize certain towns to proceed with the community antenna television licensing process under certain emergency licensing 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:

Notwithstanding any general or special law or rule or regulation to the contrary, the towns of Acushnet, Arlington, Eastham, Fairhaven, and Reading are hereby authorized to proceed with the community antenna television licensing process under emergency licensing regulations, adopted on December eighteenth, nineteen hundred and seventy-eight by the community antenna television commission. Any license granted in accordance with said regulations shall be valid, notwithstanding the fact that the effective time period of the said emergency licensing regulation has expired.

Approved August 14, 1979.

Chap. 493. AN ACT AUTHORIZING THE DEPARTMENT OF PUBLIC HEALTH TO CONVEY CERTAIN LAND IN THE TOWN OF TEWKSBURY TO THE TEWKSBURY HOUSING AUTHORITY.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to authorize an immediate conveyance to the Tewksbury Housing Authority of certain land under the jurisdiction of the department of public health, 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. The commissioner of public health acting for and in behalf of the commonwealth is hereby authorized to sell and convey to the Tewksbury housing authority, by and through a deed approved as to form by the attorney general, all of the right, title and interest of the commonwealth in and to, a parcel of land in the town of Tewksbury for the construction of elderly housing units. Said parcel consisting of 5.0 acres (more or less) and shown on a plan entitled, "Plan of Land in Tewksbury, Massachusetts, drawn for Tewksbury Housing Authority, Scale 1 in. = 100 feet; October, 1978, Prepared by: Tewksbury Engineering Department, presently on file in said Tewksbury Engineering Department, is bounded and described as follows:-

Beginning at a point on the southwesterly side of Livingston Street; thence turning and running in a southwesterly direction along land of the Commonwealth of Massachusetts for a distance of 97.25 feet to a stonebound; thence turning and running in a northwesterly direction along land of the Tewksbury Housing

Authority for a distance of 556.13 feet to an iron pipe; thence turning and running still in a northwesterly direction along land of the Commonwealth of Massachusetts for a distance of 260.00 feet to a point; thence turning and running in a northeasterly direction along land of the Commonwealth of Massachusetts for a distance of 555 feet (plus or minus) to a point on the sideline of Livingston Street; thence turning and running in a southeasterly direction along said Livingston Street for a distance of 468.00 feet to the point of beginning.

SECTION 2. Said conveyance shall be subject to such conditions and restrictions as the commissioner of public health may deem advisable, including the reservation of any easement or easements deemed appropriate by said commissioner for sewer and drain purposes. The consideration for said conveyance shall be a nominal amount as determined by the commissioner of administration. It is further provided that title to the aforesaid parcel shall revert to the commonwealth if such conditions and restrictions are not complied with or the land is not used for the construction of elderly housing units within five years.

SECTION 3. Said Housing Authority, subject to the provisions and restrictions of section two, shall provide for the construction of housing for the elderly. Said Authority is further authorized to enter into a contract with a private developer for the purpose of constructing "Turnkey" elderly housing, so-called, and is empowered to perform all acts, including conveyance of land to said private developer, which are necessary to construct such "Turnkey" elderly housing.

Approved August 14, 1979.

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Chap. 494. AN ACT AUTHORIZING THE TOWN OF BRAINTREE TO CONVEY CERTAIN LAND IN SAID TOWN TO TEDESCHI REALTY CORPORATION IN EXCHANGE FOR CERTAIN OTHER LAND IN SAID TOWN.

Be it enacted, etc., as follows:

SECTION 1. The town of Braintree, by its board of selectmen, is hereby authorized to convey to Tedeschi Realty Corporation two parcels of land in said town being the land shown on assessors plan plot 1, plan 1096, containing 53,755 square feet, more or less, and as plot 7, plan 1094, containing 43,200 square feet, more or less, presently under the control and management of said town forest committee and bounded and described as follows:

Plan 1096 Plot 1

Beginning at an angle point on the northeasterly sideline of Liberty Park Avenue, so called, where the northerly sideline of Liberty Park Avenue, so called a Private Way, intersects with the easterly sideline of Liberty Park Avenue, so called, an accepted Public Way, said point being the northeasterly corner of Liberty Park Avenue, so called, as laid out by the Board of Selectmen on April 28, 1975 and as accepted by the Braintree Special Town Meeting on May 10, 1976; thence running in a westerly direction along the said northerly sideline of Liberty

Park Avenue, so called, for a distance of two hundred seventy (270) feet, more or less, to a point; thence turning to the right and running in a northerly direction for a distance of one hundred eighty-three (183) feet, more or less, to a point; thence turning to the right and running in an easterly direction for a distance of three hundred fifty (350) feet, more or less, to a point; thence turning to the right and running in a southwesterly direction for a distance of one hundred eighty (180) feet, more or less, to the point of beginning; containing in all an area of approximately 53,755 square feet, including lots no. 54 through 59 inclusive as shown on Assessors Plan no. 1096, plot no. 1.

Plan 1094 Plot 7

Beginning at a concrete bound on the southerly sideline of Liberty Park Avenue, so called, a private way, said bound being located when measured in a westerly direction two hundred ninety-four (294) feet, more or less, from an iron pipe located on the northerly terminus of Liberty Park Avenue, so called, as laid out by the Board of Selectmen on April 28, 1975 where said Liberty Park Avenue layout intersects the said southerly sideline of Liberty Park Avenue, a private way; thence running along the said southerly sideline of Liberty Park Avenue south 81 degrees 20 minutes 50 seconds east for a distance of two hundred (200) feet to an iron pipe; thence turning to the right and running south 08 degrees 39 minutes 10 seconds west for a distance of one hundred twelve and ninety-two/100 (112.92) feet to an iron pipe; thence turning to the right and running north 81 degrees 20 minutes 50 seconds west for a distance of two hundred (200) feet to a point; thence turning to the right and running in a northerly direction for a distance of one hundred thirteen (113) feet, more or less, to the point of beginning, containing in all an area of approximately 43,200 square feet and consisting of lots 29, 30, 31, and 32 as shown on Assessors plan no. 1094 plot no. 7.

In exchange for said conveyance to said town the Tedeschi Realty Corporation shall convey to said town the following parcels of land for town forest purposes: parcel of land off Liberty Park avenue in said town, being a portion of plot 2, plan 1092, as shown on the town of Braintree assessors map, comprising lots 39 to 51, inclusive, on said plot containing 130,980 square feet, more or less, and bounded by and described as follows:

Plan 1092 Plot 2 (lots 39-51)

Beginning at a point on the northerly sideline of Liberty Park Avenue, so called, a Private Way, said point being also the northwesterly corner of the said private way, and said point being distant when measured in a westerly direction a distance of one thousand (1,000) feet, more or less, from an angle point on the said northerly sideline of Liberty Park Avenue, so called, a Private Way, said angle point being also the northeasterly corner of Liberty Park Avenue, so called, as laid out by the Board of Selectmen on April 28, 1975; thence running in a northerly direction along land of the Braintree Town Forest for a distance of two hundred twenty-one (221) feet, more or less, to a point; thence turning to the right and running in an easterly



direction along land of the Braintree Town Forest for a distance of six hundred thirty-two (632) feet, more or less, to a point; thence turning to the right and running in a southerly direction for a distance of one hundred eighty-nine (189) feet, more or less, to a point on the said northerly sideline of Liberty Park Avenue, so called, a private way, thence turning to the right and running in a westerly direction along the said northerly sideline of Liberty Park Avenue for a distance of six hundred thirty (630) feet, more or less, to a point of beginning, containing in all an area of approximately 130,980 square feet, including lots no. 39 through 51 inclusive as shown on Assessors Plan no. 1092, plot no. 2.

SECTION 2. Land conveyed to the town of Braintree by Tedeschi Realty Corporation under the provisions of section one shall be managed and controlled by the town forest committee in said town as forest land under the provisions of section twenty-one of chapter forty-five of the General Laws.

SECTION 3. This act shall take effect upon its passage.  
Approved August 14, 1979.

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Chap. 495. AN ACT AUTHORIZING THE SUPREME JUDICIAL COURT AND THE SUPERIOR COURT TO GRANT INJUNCTIVE RELIEF TO ENFORCE AN ORDER OF A REGULATORY AUTHORITY.

Be it enacted, etc., as follows:

Section 3 of chapter 214 of the General Laws, as appearing in section 62 of chapter 1114 of the acts of 1973, is hereby amended by adding the following two subsections:-

(12) Civil actions seeking injunctive relief and commenced by the attorney general in the name of the commonwealth or in his name to enforce a regulation or decision or order of an agency of the commonwealth, whether interlocutory or final, directing a person to take or refrain from taking an action or cease an activity. It shall not be a defense to such an action that the regulatory statute under which the action is brought provides criminal penalties for the violation of its provisions; provided, however, that the results of such an action may not be used as the basis for criminal prosecution. The scope of review in such an action shall be governed by section fourteen of chapter thirty A.

(13) Civil actions seeking injunctive relief and commenced by the attorney general in the name of the commonwealth or in his name to compel a person whom an agency of the commonwealth has preliminarily determined to be subject to its authority to comply with any regulations or orders or decisions, whether interlocutory or final, the purpose of which is to require the person to participate in appropriate administrative proceedings designed, among other things, to determine finally whether the person is subject to the agency's authority. The court shall not take evidence concerning any facts not previously submitted to the agency and, unless it determines that the defendant is not subject to the agency's authority, it shall grant judgment for the

commonwealth.

Approved August 14, 1979.

Chap. 496. AN ACT AUTHORIZING THE BARNSTABLE FIRE DISTRICT TO EXPEND MONIES RAISED BY ASSESSMENT OF BASIC USE CHARGES.

Be it enacted, etc., as follows:

Section 5H of chapter 109 of the acts of 1926, inserted by chapter 302 of the acts of 1934, is hereby amended by adding the following sentence:- Any and all funds heretofore or hereafter raised by the assessment of charges determined by the said commissioners from time to time to fairly and reasonably reflect the cost of equipment necessary to provide water to new customers within said District, shall be accounted for by said commissioners separately and, notwithstanding any of the restrictions on income from the water works as provided for in this section, shall only be appropriated for such new construction of or capital improvements to the water system, as said commissioners, with the approval of the District, may determine upon, or for the payment of principal and interest on long or short term debt incurred in connection with any such capital improvements or new construction.

Approved August 14, 1979.

Chap. 497. AN ACT AUTHORIZING THE COUNTY OF NORFOLK TO RENOVATE THE DISTRICT COURT OF NORTHERN NORFOLK.

Be it enacted, etc., as follows:

SECTION 1. Section 1 of chapter 390 of the acts of 1978 is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- The county commissioners of Norfolk county are hereby authorized to renovate and 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 one million two 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.

SECTION 2. Section 2 of said chapter 390 is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- 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, one million two 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.

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

Approved August 14, 1979.

Chap. 498. AN ACT PROVIDING CERTAIN RETIREMENT  
BENEFITS FOR ANGELO J. MANNI A POLICE  
OFFICER IN THE CITY OF BOSTON.

Be it enacted, etc., as follows:

SECTION 1. For the purpose of promoting the public good, the city of Boston, with the approval of the mayor of said city, shall forthwith retire, on an annual pension to be granted by said city and paid in equal monthly installments, to Angelo J. Manni, a police officer in the police department of said city, who is permanently incapacitated for further service as a police officer as a result of injuries sustained by him when injured in the performance of his duty on October eighth, nineteen hundred and seventy. Such pension shall be equal to the annual rate of regular compensation which would have been paid to him had he continued in service in the grade held by him at the time of his retirement. Upon the death of said Angelo J. Manni leaving Maria A. Manni, his wife, surviving him, said city shall pay to her, so long as she remains unmarried an annuity of three thousand dollars, increased by three hundred and twelve dollars for each child of said Angelo J. Manni during such time as such child is under eighteen years of age, or over said age and physically or mentally incapacitated from earning. If said Maria A. Manni remarries, said city shall pay, in lieu of the aforesaid annuity to her, an annuity of five hundred and twenty dollars to or for the benefit of each such child during the time aforesaid.

SECTION 2. Upon the retirement of said Angelo J. Manni under the provisions of section one, the retirement board of the city of Boston shall forthwith pay to Angelo J. Manni all amounts standing to his credit in the annuity savings fund of the retirement system of said city.

SECTION 3. The provisions of section one hundred of chapter forty-one of the General Laws shall continue to apply to said Angelo J. Manni relative to his indemnification by said city for any medical, hospital, and related expenses which may be incurred by him after the date of his retirement as a result of the aforementioned incapacity.

Approved August 14, 1979.

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Chap. 499. AN ACT MAKING APPROPRIATIONS FOR THE  
FISCAL YEAR NINETEEN HUNDRED AND EIGHTY  
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 ending June thirtieth, nineteen hundred and eighty.

ACTS, 1979. - Chap. 499.

515

BERKSHIRE COUNTY.

Item	Subtotal	Total
1. For interest on county debt.....		\$55,250 00
2. For reduction of county debt.....		160,100 00
3. For county commissioners, salaries and expenses.....		83,089 96
1. Personal services	\$71,460 96	
2. Contractual services	9,389 00	
3. Supplies and materials	1,325 00	
4. Current charges and obligations	915 00	
4. For transportation and expenses of county and acting commissioners.....		\$1,000 00
6. For county treasurer, salaries and expenses.....		74,998 71
1. Personal services	65,587 71	
2. Contractual services	6,715 00	
3. Supplies and materials	1,600 00	
4. Current charges and obligations	816 00	
5. Equipment	280 00	
7. For sheriff, salary and expenses.....		23,713 46
1. Personal services	22,113 46	
2. Contractual services	1,300 00	
3. Supplies and materials	200 00	
4. Current charges and obligations	100 00	
8. For registry of deeds, salaries and expenses		
Northern District.....		85,653 56
1. Personal services	75,518 56	
2. Contractual services	5,550 00	
3. Supplies and materials	2,925 00	
4. Current charges and obligations	1,260 00	
5. Equipment	400 00	
Middle District.....		128,822 49
1. Personal services	104,391 49	
2. Contractual services	12,080 00	
3. Supplies and materials	5,200 00	
4. Current charges and obligations	250 00	
5. Equipment	6,901 00	
Southern District.....		51,320 54
1. Personal services	40,782 19	
2. Contractual services	6,850 00	
3. Supplies and materials	1,700 00	
4. Current charges and obligations	57 00	
5. Equipment	1,931 35	
10. For highways, including state highways, bridges and land damages.....		171,150 78
1. Personal services	144,800 78	
2. Contractual services	11,825 00	
3. Supplies and materials	5,875 00	
4. Current charges and obligations	2,850 00	
5. Equipment	5,800 00	
15. For medical examiners and commitments of insane .....		50,000 00
16. For jail and house of correction, maintenance and operation .....		240,360 00
2. Contractual services	85,350 00	
3. Supplies and materials	130,650 00	
4. Current charges and obligations	4,500 00	
5. Equipment	15,860 00	
6. All other	4,000 00	
18. For court houses and registry buildings, maintenance and operation.....		193,749 19
1. Personal services	85,349 19	
2. Contractual services	98,650 00	
3. Supplies and materials	8,275 00	

## ACTS, 1979. - Chap. 499.

Item	Subtotal	Total
4. Current charges and obligations	\$525 00	
5. Equipment	950 00	
20. For agricultural school or county cooperative extension service.....		\$166,373 06
1. Personal services	131,423 06	
2. Contractual services	18,870 00	
3. Supplies and materials	6,100 00	
4. Current charges and obligations	7,570 00	
5. Equipment	2,410 00	
23a. For tuberculosis clinic.....		86,519 43
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
25. For contributory retirement system and supervisory expenses.....		140,945 00
26. For miscellaneous and contingent expenses.....		132,875 00
27. For unpaid bills of previous years.....		20,000 00
28. For reserve fund.....		75,000 00
29. For advertising recreational, industrial and agricultural advantages of the county.....		75,000 00
31. For radio system for fire protection.....		9,643 30
31a. For radio system for police protection.....		7,356 68
32. For forest development.....		4,864 69
33. For police training.....		2,000 00
33a. For emergency medical training program.....		100 00
35. For industrial development commission.....		81,644 00
36. For Dutch elm disease.....		5,000 00
37. For human services.....		89,500 00
39. For group insurance provided that no funds appropriated for this item shall be expended for the payment of abortions not necessary to prevent the death of the mother.....		95,000 00
45. For community action council.....		20,000 00
47. For county consumer advocates.....		5,000 00
Total amount of appropriations.....		\$2,373,529 85
Less estimated amount available for reduction of county tax.....		208,775 00

And the county commissioners of Berkshire county are hereby authorized to levy as the county tax of said county for the current year, in the manner provided by law, the sum of..... \$2,164,754 85

The following sums are hereby appropriated for said fiscal year from federal revenue sharing funds, subject to the provisions of law regulating the disbursement of county funds and approval thereof.

Item		
16. For jail and house of correction, maintenance and operation.....		\$623,349 70
1. Personal services	\$623,349 70	

SECTION 2. Notwithstanding the provisions of Chapter 151 of the acts of 1979, this act shall take effect upon its passage.

Approved August 15, 1979.

Chap. 500. AN ACT AUTHORIZING THE DEPARTMENT OF ENVIRONMENTAL QUALITY ENGINEERING TO ACQUIRE LAND OR INTERESTS THEREIN FOR THE PURPOSE OF FURTHERING CERTAIN FLOOD CONTROL AND DRAINAGE IMPROVEMENTS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately expedite planning and construction of certain flood control and drainage improvements, 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. For the purpose of securing the maximum public benefit from the flood control and drainage improvements, including a pumping station at Belle Isle inlet, for which funds were made available in item 2270-8772 of section two of chapter four hundred and eighty-one of the acts of nineteen hundred and seventy-six, the department of environmental quality engineering, acting in the name of the commonwealth, is hereby authorized to acquire and hold, by gift, purchase, or eminent domain, subject to chapter seventy-nine of the general laws, such land, or easements or other interests in land, as said department may deem necessary to carry out said purpose.

SECTION 2. Item 2270-8772 of said section two of said chapter four hundred and eighty-one is hereby amended by inserting after the word "inlet" the following words:- , including acquisition, by eminent domain, gift or purchase, of certain land, or easements or other interests in land.

Approved August 16, 1979.

Chap. 501. AN ACT AUTHORIZING THE COUNTY COMMISSIONERS OF BRISTOL COUNTY TO PAY A SUM OF MONEY TO GARY P. CARLSON, COURT OFFICER IN THE FOURTH DISTRICT COURT OF BRISTOL COUNTY.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any law to the contrary, the county commissioners of Bristol county are hereby authorized to pay out of any available funds the sum of one thousand five hundred and one dollars and forty-nine cents to Gary P. Carlson a court officer in the fourth district court of Bristol county, said sum being for a salary adjustment due him.

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

Approved August 16, 1979.

EMERGENCY LETTER August 21, 1979 @ 3:23 P.M.

Chap. 502. AN ACT AMENDING THE LIMITATION ON CERTAIN CLAIMS BY MINORS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately grant to the representatives of minors upon their appointment the same period of time

to assert claims on behalf of said minors as presently is given to others, 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 60D of chapter 231 of the General Laws, as amended by section 1 of chapter 634 of the acts of 1975, is hereby further amended by inserting after the word "commenced", in lines 8 and 9, the words:- ; and provided, further, that any such claim by a minor shall be commenced within three years after the appointment of his administrator, executor, guardian or other representative by which the action may be commenced.

Approved August 16, 1979.

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Chap. 503.      AN ACT INCREASING THE INTEREST PENALTY  
ON OVERDUE PROPERTY TAXES.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately increase the interest penalty on overdue property taxes, 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 57 of chapter 59 of the General Laws is hereby amended by striking out the second sentence, as most recently amended by section 1 of chapter 250 of the acts of 1976, and inserting in place thereof the following sentence:- If any betterment assessment or apportionment thereof, water rate or annual sewer use charge added to such tax, or more than one-half of the balance of any such tax as reduced by any abatement, remains unpaid either after November first of the fiscal year in which it is payable, or after the thirtieth day after the date on which the bill for such tax was mailed after October first, interest at the rate of fourteen per cent per annum, computed from October first, or from the date the bill for such tax was mailed if mailed after October first, shall be paid on so much of the unpaid amount as is in excess of said one-half of such balance.

SECTION 2. The first paragraph of section 62 of chapter 60 of the General Laws is hereby amended by striking out the first sentence, as most recently amended by section 3 of said chapter 250, and inserting in place thereof the following sentence:- Any person having an interest in land taken or sold for nonpayment of taxes, including those assessed under sections twelve, thirteen and fourteen of chapter fifty-nine, or his heirs or assigns, at any time prior to the filing of a petition for foreclosure under section sixty-five, if the land has been taken or purchased by the town and has not been assigned, may redeem the same by paying or tendering to the treasurer the amount of the tax title account of the land being redeemed, and interest at sixteen per cent upon the original sum for which the land was taken or sold, from the date of sale, and upon each sum certified in accordance with section sixty-one, from the date of certification, together with all charges lawfully added to the tax title account of such

land subsequently to such taking or sale, or may redeem the same by paying or tendering to said treasurer installments on account of the tax title account, each or which except the last, shall be in amount of not less than twenty-five per cent of the sum for which the land was originally sold, together with the full amount of interest, as aforesaid, to the date of payment of the amount of the tax title account or balance thereof remaining due at the time of such payment, and all charges lawfully added as aforesaid until the full amount of the tax title account, with interest as aforesaid and all such charges, is paid.

SECTION 3. Section 63 of said chapter 60 is hereby amended by striking out the third sentence, as most recently amended by section 4 of said chapter 250, and inserting in place thereof the following sentence:- If the amount so paid is less than the purchaser or assignee was entitled to the balance with interest at sixteen per cent per annum may after demand therefor be recovered in contract by the purchaser or assignee against the person paying such amount, if the action is commenced within three months after such payment to the treasurer.

SECTION 4. The first paragraph of section 68 of said chapter 60 is hereby amended by striking out the second sentence, as most recently amended by section 5 of said chapter 250, and inserting in place thereof the following sentence:- Thereupon the court shall hear the parties, and may in any case in its discretion make a finding allowing the party to redeem, within a time fixed by the court, upon payment to the petitioner of an amount sufficient to cover the original sum, costs, interest at the time rate of sixteen per cent per annum and all subsequent taxes, cost and interest to which the petitioner may be entitled under sections sixty-one and sixty-two, together with the costs of the proceeding and such counsel fee as the court deems reasonable.

SECTION 5. Section one shall take effect for fiscal years beginning July first, nineteen hundred and seventy-nine and thereafter. Sections two, three and four shall apply only in the case of land purchased or taken under a tax title on or after the effective date of this act.

Approved August 16, 1979.

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Chap. 504. AN ACT AUTHORIZING THE TOWN OF WILMINGTON TO TRANSFER TO ITS SURPLUS REVENUE ACCOUNT THE BALANCES IN CERTAIN BOND ISSUE ACCOUNTS.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section twenty of chapter forty-four of the General Laws or any other provision of law to the contrary, the town of Wilmington is hereby authorized to transfer to its surplus revenue account number 198 the balances in certain bond issue accounts as follows: account number 1110 Woburn Street School three thousand three hundred and thirty-nine dollars and nineteen cents, account number 1111 Woburn Street Addition nine thousand one hundred and fifty-six dollars and sixty-one cents, account number 1115 Shawsheen



Avenue School forty-three thousand nine hundred and thirty-eight dollars and fourteen cents, account number 1130 West Intermediate School nine thousand seven hundred and forty-seven dollars and twenty-two cents and account number 1140 Wilmington Memorial Library forty thousand four hundred and ten dollars and forty-one cents, not exceeding a total of one hundred six thousand five hundred ninety-one dollars and fifty-seven cents.

SECTION 2. Any action taken pursuant to section one is hereby validated, confirmed and is effective as though this act was in effect at the time of the posting of the warrant for the special town meeting of the town of Wilmington held on May nineteenth, nineteen hundred and seventy-nine.

SECTION 3. This act shall take effect upon its passage.  
Approved August 16, 1979.

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Chap. 505.      AN ACT INCREASING THE COMPENSATION OF  
THE COMMISSIONER OF CORRECTION.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide immediately for the more effective management and operation of the department of correction, 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 of chapter 27 of the General Laws is hereby amended by striking out the third sentence, as most recently amended by section 114 of chapter 872 of the acts of 1977, and inserting in place thereof the following sentence:- He shall receive a salary of forty-seven thousand five hundred dollars and shall devote his full time during business hours to the duties of his office.

Approved August 16, 1979.

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Chap. 506.      AN ACT INCREASING THE AMOUNT OF MONEY  
THAT THE COUNTY COMMISSIONERS OF HAMPDEN  
COUNTY MAY BORROW FOR CONSTRUCTING  
AND EQUIPPING A COURT HOUSE FOR THE  
DISTRICT COURT OF EASTERN HAMPDEN.

Be it enacted, etc., as follows:

SECTION 1. Section 1 of chapter 509 of the acts of 1976 is hereby amended by striking out, in line 6, the words "one million five hundred thousand" and inserting in place thereof the following words:- three million.

SECTION 2. Section 2 of said chapter 509 is hereby amended by striking out, in lines 4 and 5, the words "one million five hundred thousand" and inserting in place thereof the words:- three million.

SECTION 3. This act shall take effect upon its passage.  
Approved August 16, 1979.

Chap. 507. AN ACT AUTHORIZING THE DEPARTMENT OF CORRECTIONS TO CONVEY A CERTAIN PARCEL OF LAND AT THE MASSACHUSETTS CORRECTIONAL INSTITUTION AT BRIDGEWATER TO PLYMOUTH COUNTY.

Be it enacted, etc., as follows:

SECTION 1. The department of correction in the name of and behalf of the commonwealth, is hereby authorized and directed to transfer to Plymouth county a certain parcel of vacant land at the Massachusetts Correctional Institution, Bridgewater, Plymouth County, Massachusetts, containing eleven and eighty-six hundredths (11.86) acres  $\pm$ , being shown on a Plan entitled "Plan of Proposed Acquisition in Bridgewater, Massachusetts, Scale: 100 feet to an inch, June 18, 1979, Joseph F. Monahan, Consulting Engineer", and bounded and described as follows:

Beginning at a point on the westerly side of Conant Street three hundred fifty (350) feet north of the intersection of Titicut Street, Conant Street and the Road to Bedford Street as shown on said Plan, thence,

Northerly; by the westerly line of Conant Street a distance of five hundred thirty (530) feet to a point, thence,

Westerly; by other land of the Commonwealth of Massachusetts a distance of nine hundred seventy-five and forty-three hundredths (975.43) feet to a point, thence,

Southerly; by other land of the Commonwealth of Massachusetts a distance of five hundred thirty (530) feet to a point, thence,

Easterly; by other land of the Commonwealth of Massachusetts a distance of nine hundred seventy-five and forty-three hundredths (975.43) feet to the point of beginning, containing eleven and eighty-six hundredths (11.86) acres  $\pm$ .

Said department is also hereby authorized and directed to grant to the county of Plymouth the right to make any and all necessary connections to the waste disposal and water systems of the Massachusetts Correctional Institution, Bridgewater which are or may be necessary to service any future buildings constructed on the land herein conveyed; and also the right to pass and repass, together with all others lawfully entitled thereto, on or over the following two ways shown on said Plan; the Road to Bedford Street and the Road to Titicut Street.

The deed conveying said property shall retain to the commonwealth the following easements over the property herein conveyed:

FIRST: an easement of twenty (20) feet in width for sewerage purposes over the easterly portion of the granted premises and parallel to the Westerly line of Conant Street as shown on said Plan, and

SECOND: an easement for drainage purposes over the westerly portion of the granted premises fifteen (15) feet in width as shown in said Plan, together with the right to go upon said easements for the purposes of installing, servicing, maintaining and repairing any and all structures located thereon.

Said department is further authorized and directed to allow Plymouth county and its political subdivisions to use for fire fighting training purposes and related activities, a certain parcel of land at the Massachusetts Correctional Institution, Bridgewater, consisting of 109 acres  $\pm$ , and being all of Lot 41A containing 10

acres and 17.6 rods; Lot 52 containing 10 acres and 14.0 rods in the former state forestry area; Lot 3 containing 25 acres and 123 rods known as the Ice Pond Lot; Lot 2 containing 18 acres and 43 rods; the wooded section of Lot 1 containing 16 acres; and of Lots 53 and 54 containing 29 acres; all of said premises being shown on the State Atlas, Farm Atlas and the Revised Land Use Map, Place No. 93, of the Plymouth Soil Conservation District, and to pump water for said fire fighting training purposes from the pond located on Lot 3, known as the Ice Pond Lot, and to temporarily park and place any on said land, vehicles used in conjunction with said training activities. Pursuant to the authority granted herein, the Commissioner of Correction, or his representative, may make an agreement with the County of Plymouth governing the hours of use by said County, possible use by the inmates of the institution, possible use by the general public, adequate policing of the area by the Town when open to use by the general public, and any other reasonable provisions for the use of said land consistent with the purposes of this act. Nothing contained herein shall prohibit the use of such area at any time by the department of correction for water supply purposes.

SECTION 2. Upon the conveyance of the land as hereinbefore provided, the county commissioners of Plymouth county are hereby authorized and directed to establish a fire and police training facility as authorized by chapter five hundred twenty-nine of the acts of nineteen hundred and seventy-eight, and to prepare such preliminary plans, site plans, environmental studies and any other requirements as are necessary to secure Federal funding for constructon and training purposes.

SECTION 3. For the purposes aforesaid, the treasurer of said county may, with the approval of the county commissioners, borrow upon the credit of the county such sums as may be necessary, not to exceed twenty-five thousand dollars, and may issue notes of the county therefor, which shall bear on their face the words Public Safety Training Academy, Act of 1979. Each authorized issue shall constitute a separate loan, and such loans shall be payable not more than one year from their dates. The notes shall be signed by the Treasurer, and shall be 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 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 4. This act shall take effect upon its passage.  
Approved August 16, 1979.

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Chap. 508. AN ACT AUTHORIZING THE CITY OF PEABODY  
TO DIVIDE TWO PRECINCTS IN SAID CITY.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section two of chapter fifty-four of the General Laws or any other provision of law to the contrary, the city of Peabody is hereby authorized in the year nineteen hundred and seventy-nine to divide precincts II and III of ward III in said city so as to include Wilson terrace,

an elderly housing project, within said precinct III. Said precinct division shall take effect when established by said city and shall be used for all elections in said city.

SECTION 2. This act shall take effect upon its passage.  
Approved August 16, 1979.

Chap. 509. AN ACT RELATIVE TO THE FRANKLIN COUNTY REGIONAL HOUSING AUTHORITY.

Be it enacted, etc., as follows:

SECTION 1. The fourth paragraph of section 2 of chapter 956 of the acts of 1973 is hereby amended by adding the following sentence:- The Franklin County Regional Housing Authority, in addition to the powers conferred upon it by chapter one hundred and twenty-one B of the General Laws shall have the power to make grants or loans, including loans secured by real estate mortgages, to private property owners for rehabilitation or creation of housing units for low and moderate income persons.

SECTION 2. This act shall take effect upon passage.  
Approved August 16, 1979.

Chap. 510. AN ACT PROVIDING CERTAIN CREDITS FOR POLICE CADETS IN THE CITY OF MALDEN FOR APPOINTMENT 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 and for the purpose of establishing eligible lists for appointment to the police department of the city of Malden, the personnel administrator of the state division of personnel administration is hereby authorized and directed to credit any person who has completed not less than two years of service as a police cadet in the police department of the city of Malden under the provisions of section twenty-one A of chapter one hundred and forty-seven of the General Laws, who passes, or has passed but has not been appointed on the effective date of this act, a civil service examination for the position of police officer with two additional points on his passing grade for the first two years of service as such a police cadet and one point for each additional year of such service, not to exceed a total of four points.

SECTION 2. This act shall take effect upon its passage.  
Approved August 16, 1979.

Chap. 511. AN ACT RELATIVE TO THE MASSACHUSETTS NATIONAL GUARD EDUCATIONAL ASSISTANCE PROGRAM.

Be it enacted, etc., as follows:

The first paragraph of section 137 of chapter 33 of the General

Laws, as appearing in section 1 of chapter 972 of the acts of 1977, is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:- Said program shall be administered by the board of higher education which shall have the authority to issue a certificate of exemption from the matriculation fee and tuition to any member of the Massachusetts army or air national guard who is enrolled at any state institution in a program the cost of which is borne by the commonwealth and who is qualified as hereinafter provided.

Approved August 16, 1979.

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Chap. 512. AN ACT AMENDING ARTICLE 9 AND RELATED PROVISIONS OF THE UNIFORM COMMERCIAL CODE.

Be it enacted, etc., as follows:

SECTION 1. Section 1-105 of chapter 106 of the General Laws, as appearing in section 1 of chapter 765 of the acts of 1957, is hereby amended by striking out subsection (2) and inserting in place thereof the following subsection:-

(2) Where one of the following provisions of this chapter specifies the applicable law, that provision governs and a contrary agreement is effective only to the extent permitted by the law (including the conflict of laws rules) so specified:

Rights of creditors against sold goods. Section 2-402.

Applicability of the Article on Bank Deposits and Collections. Section 4-102.

Bulk transfers subject to the Article on Bulk Transfers. Section 6-102.

Applicability of the Article on Investment Securities. Section 8-106.

Perfection provisions of the Article on Secured Transactions. Section 9-103.

SECTION 2. Section 1-201 of said chapter 106 is hereby amended by striking out subsection (9), as so appearing, and inserting in place thereof the following subsection:-

(9) "Buyer in ordinary course of business" means a person who in good faith and without knowledge that the sale to him is in violation of the ownership rights or security interest of a third party in the goods buys in ordinary course from a person in the business of selling goods of that kind but does not include a pawnbroker. All persons who sell minerals or the like, including oil and gas, at wellhead or minehead shall be deemed to be persons in the business of selling goods of that kind. "Buying" may be for cash or by exchange of other property or on secured or unsecured credit and includes receiving goods or documents of title under a pre-existing contract for sale but does not include a transfer in bulk or as security for or in total or partial satisfaction of a money debt.

SECTION 3. Said section 1-201 of said chapter 106 is hereby further amended by striking out subsection (37), as so appearing, and inserting in place thereof the following subsection:-

(37) "Security interest" means an interest in personal property or fixtures which secures payment or performance of an obligation. The retention or reservation of title by a seller of goods notwithstanding shipment or delivery to the buyer under the provisions of section 2-401 is limited in effect to a reservation of a "security interest". The term also includes any interest of a buyer of accounts or chattel paper which is subject to Article 9. The special property interest of a buyer of goods on identification of such goods to a contract for sale under section 2-401 is not a "security interest", but a buyer may also acquire a "security interest" by complying with Article 9. Unless a lease or consignment is intended as security, reservation of title thereunder is not a "security interest" but a consignment is in any event subject to the provisions on consignment sales of section 2-326. Whether a lease is intended as security is to be determined by the facts of each case; however, (a) the inclusion of an option to purchase does not of itself make the lease one intended for security, and (b) an agreement that upon compliance with the terms of the lease the lessee shall become or has the option to become the owner of the property for no additional consideration or for a nominal consideration does make the lease one intended for security.

SECTION 4. Section 2-107 of said chapter 106 is hereby amended by striking out subsections (1) and (2), as appearing in section 1 of chapter 765 of the acts of 1957, and inserting in place thereof the following two subsections:-

(1) A contract for the sale of minerals or the like, including oil and gas, or a structure or its materials to be removed from realty is a contract for the sale of goods within this Article if they are to be severed by the seller but until severance a purported present sale thereof which is not effective as a transfer of an interest in land is effective only as a contract to sell.

(2) A contract for the sale apart from the land of growing crops or other things attached to realty and capable of severance without material harm thereto but not described in subsection (1) or of timber to be cut is a contract for the sale of goods within this Article whether the subject matter is to be severed by the buyer or by the seller even though it forms part of the realty at the time of contracting, and the parties can by identification effect a present sale before severance.

SECTION 5. Said chapter 106 is hereby further amended by inserting after section 1-208 the following section:-

Section 1-209. Subordinated Obligations. An obligation may be issued as subordinated to payment of another obligation of the person obligated, or a creditor may subordinate his right to payment of an obligation by agreement with either the person obligated or another creditor of the person obligated. Such a subordination does not create a security interest as against either the common debtor or a subordinated creditor. This section shall be construed as declaring the law as it existed prior to the enactment of this section and not as modifying it.

SECTION 6. Section 5-116 of said chapter 106, as so appearing, is hereby amended by striking out subsection (2) and inserting

in place thereof the following subsection:-

(2) Even though the credit specifically states that it is non-transferable or nonassignable the beneficiary may before performance of the conditions of the credit assign his right to proceeds. Such an assignment is an assignment of an account under Article 9 on Secured Transactions and is governed by that Article except that

(a) the assignment is ineffective until the letter of credit or advice of credit is delivered to the assignee which delivery constitutes perfection of the security interest under Article 9;

(b) the issuer may honor drafts or demands for payment drawn under the credit until it receives a notification of the assignment signed by the beneficiary which reasonably identifies the credit involved in the assignment and contains a request to pay the assignee; and

(c) after what reasonably appears to be such a notification has been received the issuer may without dishonor refuse to accept or pay even to a person otherwise entitled to honor until the letter of credit or advice of credit is exhibited to the issuer.

SECTION 7. Said chapter 106 is hereby further amended by striking out Article 9 and inserting in place thereof the following article:

#### ARTICLE 9.

SECURED TRANSACTIONS; SALES OF ACCOUNTS AND CHATTEL PAPER.

##### PART 1. SHORT TITLE, APPLICABILITY AND DEFINITIONS.

Section 9-101. Short Title. This Article shall be known and may be cited as the Uniform Commercial Code - Secured Transactions.

Section 9-102. Policy and Subject Matter of Article. (1) Except as otherwise provided in section 9-104 on excluded transactions, this Article applies

(a) to any transaction (regardless of its form) which is intended to create a security interest in personal property or fixtures including goods, documents, instruments, general intangibles, chattel paper or accounts; and also

(b) to any sale of accounts or chattel paper.

(2) This Article applies to security interests created by contract including pledge, assignment, chattel mortgage, chattel trust, trust deed, factor's lien, equipment trust, conditional sale, trust receipt, other lien or title retention contract and lease or consignment intended as security. This Article does not apply to statutory liens except as provided in section 9-310.

(3) The application of this Article to a security interest in a secured obligation is not affected by the fact that the obligation is itself secured by a transaction or interest to which this Article does not apply.

Section 9-103. Perfection of Security Interests in Multiple State Transactions. (1) Documents, instruments and ordinary goods.

(a) This subsection applies to documents and instruments and to goods other than those covered by a certificate of title described

in subsection (2), mobile goods described in subsection (3), and minerals described in subsection (5).

(b) Except as otherwise provided in this subsection, perfection and the effect of perfection or nonperfection of a security interest in collateral are governed by the law of the jurisdiction where the collateral is when the last event occurs on which is based the assertion that the security interest is perfected or unperfected.

(c) If the parties to a transaction creating a purchase money security interest in goods in one jurisdiction understand at the time that the security interest attaches that the goods will be kept in another jurisdiction, then the law of the other jurisdiction governs the perfection and the effect of perfection or nonperfection of the security interest from the time it attaches until thirty days after the debtor receives possession of the goods and thereafter if the goods are taken to the other jurisdiction before the end of the thirty-day period.

(d) When collateral is brought into and kept in the commonwealth while subject to a security interest perfected under the law of the jurisdiction from which the collateral was removed, the security interest remains perfected, but if action is required by Part 3 of this Article to perfect the security interest,

(i) if the action is not taken before the expiration of the period of perfection in the other jurisdiction or the end of four months after the collateral is brought into the commonwealth, whichever period first expires, the security interest becomes unperfected at the end of that period and is thereafter deemed to have been unperfected as against a person who became a purchaser after removal;

(ii) if the action is taken before the expiration of the period specified in subparagraph (i), the security interest continues perfected thereafter; (iii) for the purpose of priority over a buyer of consumer goods (subsection (2) of section 9-307) the period of the effectiveness of a filing in the jurisdiction from which the collateral is removed is governed by the rules with respect to perfection in subparagraphs (i) and (ii).

## (2) Certificate of title.

(a) This subsection applies to goods covered by a certificate of title issued under a statute of the commonwealth or of another jurisdiction under the law of which indication of a security interest on the certificate is required as a condition of perfection.

(b) Except as otherwise provided in this subsection, perfection and the effect of perfection or nonperfection of the security interest are governed by the law, including the conflict of laws rules, of the jurisdiction issuing the certificate until four months after the goods are removed from that jurisdiction and thereafter until the goods are registered in another jurisdiction, but in any event not beyond surrender of the certificate. After the expiration of that period, the goods are not covered by the certificate of title within the meaning of this section.

(c) Except with respect to the rights of a buyer described in paragraph (d), a security interest, perfected in another jurisdiction otherwise than by notation on a certificate of title, in goods brought into the commonwealth and thereafter covered by a



certificate of title issued by this state is subject to the rules stated in paragraph (d) of subsection (1).

(d) If goods are brought into this state while a security interest therein is perfected in any manner under the law of the jurisdiction from which the goods are removed and a certificate of title is issued by the commonwealth and the certificate does not show that the goods are subject to the security interest or that they may be subject to security interests not shown on the certificate, the security interest is subordinate to the rights of a buyer of the goods who is not in the business of selling goods of that kind to the extent that he gives value and receives delivery of the goods after issuance of the certificate and without knowledge of the security interest.

(3) Accounts, general intangibles and mobile goods.

(a) This subsection applies to accounts (other than an account described in subsection (5) on minerals) and general intangibles and to goods which are mobile and which are of a type normally used in more than one jurisdiction, such as motor vehicles, trailers, rolling stock, airplanes, shipping containers, road building and construction machinery and commercial harvesting machinery and the like, if the goods are equipment or are inventory leased or held for lease by the debtor to others, and are not covered by a certificate of title described in subsection (2).

(b) The law, including the conflict of laws rules, of the jurisdiction in which the debtor is located governs the perfection and the effect of perfection or nonperfection of the security interest.

(c) If, however, the debtor is located in a jurisdiction which is not a part of the United States, and which does not provide for perfection of the security interest by filing or recording in that jurisdiction, the law of the jurisdiction in the United States in which the debtor has its major executive office in the United States governs the perfection and the effect of perfection or nonperfection of the security interest through filing. In the alternative, if the debtor is located in a jurisdiction which is not a part of the United States or Canada and the collateral is accounts or general intangibles for money due or to become due the security interest may be perfected by notification to the account debtor. As used in this paragraph, "United States" includes its territories and possessions and the commonwealth of Puerto Rico.

(d) A debtor shall be deemed located at his place of business if he has one, at his chief executive office if he has more than one place of business, otherwise at his residence. If, however, the debtor is a foreign air carrier under the Federal Aviation Act of 1958, as amended, it shall be deemed located at the designated office of the agent upon whom service of process may be made on behalf of the foreign air carrier.

(e) A security interest perfected under the law of the jurisdiction of the location of the debtor is perfected until the expiration of four months after a change of the debtor's location to another jurisdiction, or until perfection would have ceased by the law of the first jurisdiction, whichever period first expires. Unless perfected in the new jurisdiction before the end of that

period, it becomes unperfected thereafter and is deemed to have been unperfected as against a person who became a purchaser after the change.

(4) Chattel paper.

The rules stated for goods in subsection (1) apply to a possessory security interest in chattel paper. The rules stated for accounts in subsection (3) apply to a nonpossessory security interest in chattel paper, but the security interest may not be perfected by notification to the account debtor.

(5) Minerals.

Perfection and the effect of perfection or nonperfection of a security interest which is created by a debtor who has an interest in minerals or the like, including oil and gas, before extraction and which attaches thereto as extracted, or which attaches to an account resulting from the sale thereof at the wellhead or minehead are governed by the law, including the conflict of laws rules, of the jurisdiction wherein the wellhead or minehead is located.

Section 9-104. Transactions Excluded From Article. This Article does not apply

(a) to a security interest subject to any statute of the United States to the extent that such statute governs the rights of parties to and third parties affected by transactions in particular types of property; or

(b) to a landlord's lien; or

(c) to a lien given by statute or other rule of law for services or materials except as provided in section 9-310 on priority of such liens; or

(d) to a transfer of a claim for wages, salary or other compensation of an employee; or

(e) to a security interest created or granted by a government or governmental subdivision or agency to the extent that the creation, validity, enforceability, perfection or priority of such security interest is expressly otherwise governed by of the General Laws; or

(f) to a sale of accounts or chattel paper as part of a sale of the business out of which they arose, or an assignment of accounts or chattel paper which is for the purpose of collection only, or a transfer of a right to payment under a contract to an assignee who is also to do the performance under the contract or a transfer of a single account to an assignee in whole or partial satisfaction of a preexisting indebtedness; or

(g) to a transfer of an interest in or claim in or under any policy of insurance, except as provided with respect to proceeds (section 9-306) and priorities in proceeds (section 9-312); or

(h) to a right represented by a judgment, other than a judgment taken on a right to payment which was collateral; or

(i) to any right of setoff; or

(j) except to the extent that provision is made for fixtures in section 9-313, to the creation or transfer of an interest in or lien on real estate, including a lease or rents thereunder; or

(k) to a transfer in whole or in part of any claim arising out of tort; or

(l) to a transfer of an interest in any deposit account (subsec-

tion (1) of section 9-105) except as provided with respect to proceeds (section 9-306) and priorities in proceeds (section 9-312).

Section 9-105. Definitions and Index of Definitions. (1) In this Article unless the context otherwise requires, the following words and terms shall have the following meanings:

(a) "Account debtor", the person who is obligated on an account, chattel paper or general intangible;

(b) "Chattel paper", a writing or writings which evidence both a monetary obligation and a security interest in or a lease of specific goods, but a charter or other contract involving the use or hire of a vessel is not chattel paper. When a transaction is evidenced both by such a security agreement or a lease and by an instrument or a series of instruments, the group of writings taken together constitutes chattel paper;

(c) "Collateral", the property subject to a security interest, and includes accounts and chattel paper which have been sold;

(d) "Debtor", the person who owes payment or other performance of the obligation secured, whether or not he owns or has rights in the collateral, and includes the seller of accounts or chattel paper. Where the debtor and the owner of the collateral are not the same person, the term "debtor" means the owner of the collateral in any provision of the Article dealing with the collateral, the obligor in any provision dealing with the obligation, and may include both where the context so requires;

(e) "Deposit account", a demand, time, savings, passbook or like account maintained with a bank, savings and loan association, credit union or like organization, other than an account evidenced by a certificate of deposit;

(f) "Document", document of title as defined in the general definitions of Article 1 (section 1-201), and a receipt of the kind described in subsection (2) of section 7-201;

(g) "Encumbrance", real estate mortgages and other liens on real estate and all other rights in real estate that are not ownership interests;

(h) "Goods", all things which are movable at the time the security interest attaches or which are fixtures, (section 9-313), but does not include money, documents, instruments, accounts, chattel paper, general intangibles, or minerals or the like, including oil and gas before extraction. "Goods" also includes standing timber which is to be cut and removed under a conveyance or contract for sale, the unborn young of animals, and growing crops;

(i) "Instrument", a negotiable instrument (defined in section 3-104) or a security (defined in section 8-102) or any other writing which evidences a right to the payment of money and is not itself a security agreement or lease and is of a type which is in ordinary course of business transferred by delivery with any necessary indorsement or assignment;

(j) "Mortgage", a consensual interest created by a real estate mortgage, a trust deed on real estate, or the like;

(k) An advance is made "pursuant to commitment" if the secured party has bound himself to make it, whether or not a subsequent event of default or other event not within his control

has relieved or may relieve him from his obligation;

(l) "Security agreement", an agreement which creates or provides for a security interest;

(m) "Secured party", a lender, seller or other person in whose favor there is a security interest, including a person to whom accounts or chattel paper have been sold. When the holders of obligations issued under an indenture of trust, equipment trust agreement or the like are represented by a trustee or other person, the representative is the secured party;

(n) "Transmitting utility", any person primarily engaged in the railroad, street railway or trolley bus business, the electric or electronics communications transmission business, the transmission of goods by pipeline, or the transmission or the production and transmission of electricity, steam, gas or water, or the provision of sewer service.

(2) Other definitions applying to this Article and the sections in which they appear are:

"Account". Section 9-106.

"Attach". Section 9-203.

"Construction mortgage". Subsection (1) of section 9-313.

"Consumer goods". Subsection (1) of section 9-109.

"Equipment". Subsection (2) of section 9-109.

"Farm products". Subsection (3) of section 9-109.

"Fixture". Subsection (1) of section 9-313.

"Fixture filing". Subsection (1) of section 9-313.

"General intangibles". Section 9-106.

"Inventory". Subsection (4) of section 9-109.

"Lien creditor". Subsection (3) of section 9-301.

"Proceeds". Subsection (1) of section 9-306.

"Purchase money security interest". Section 9-107.

"United States". Section 9-103.

(3) The following definitions in other Articles apply to this Article:

"Check". Section 3-104.

"Contract for sale". Section 2-106.

"Holder in due course". Section 3-302.

"Note". Section 3-104.

"Sale". Section 2-106.

(4) In addition Article 1 contains general definitions and principles of construction and interpretation applicable throughout this Article.

Section 9-106. Definitions: "Account"; "General Intangibles".  
 "Account", any right to payment for goods sold or leased or for services rendered which is not evidenced by an instrument or chattel paper, whether or not it has been earned by performance.

"General intangibles", any personal property, including things in action, other than goods, accounts, chattel paper, documents, instruments, and money. All rights to payment earned or unearned under a charter or other contract involving the use or hire of a vessel and all rights incident to the charter or contract are accounts.

Section 9-107. Definitions: "Purchase Money Security Interest".  
 A security interest is a "purchase money security interest" to

the extent that it is:

(a) taken or retained by the seller of the collateral to secure all or part of its price; or

(b) taken by a person who by making advances or incurring an obligation gives value to enable the debtor to acquire rights in or the use of collateral if such value is in fact so used.

Section 9-108. When After-Acquired Collateral Not Security for Antecedent Debt. Where a secured party makes an advance, incurs an obligation, releases a perfected security interest, or otherwise gives new value which is to be secured in whole or in part by after-acquired property his security interest in the after-acquired collateral shall be deemed to be taken for new value and not as security for an antecedent debt if the debtor acquires his rights in such collateral either in the ordinary course of his business or under a contract of purchase made pursuant to the security agreement within a reasonable time after new value is given.

Section 9-109. Classification of Goods; "Consumer Goods"; "Equipment"; "Farm Products"; "Inventory". Goods are

(1) "consumer goods", if they are used or bought for use primarily for personal, family or household purposes;

(2) "equipment", if they are used or bought for use primarily in business, including farming or a profession, or by a debtor who is a nonprofit organization or a governmental subdivision or agency or if the goods are not included in the definitions of inventory, farm products or consumer goods;

(3) "farm products", if they are crops or livestock or supplies products they are neither equipment nor inventory;

(4) "inventory", if they are held by a person who holds them for sale or lease or to be furnished under contracts of service or if he has so furnished them, or if they are raw materials, work in process or materials used or consumed in a business. Inventory of a person is not to be classified as his equipment.

Section 9-110. Sufficiency of Description. For the purposes of this Article any description of personal property or real estate is sufficient whether or not it is specific if it reasonably identifies what is described.

Section 9-111. Applicability of Bulk Transfer Laws. The creation of a security interest is not a bulk transfer under Article 6 (see section 6-103).

Section 9-112. Where Collateral Is Not Owned by Debtor. Unless otherwise agreed, when a secured party knows that collateral is owned by a person who is not the debtor, the owner of the collateral is entitled to receive from the secured party any surplus under subsection (2) of section 9-502 or under subsection (1) of section 9-504, and is not liable for the debt or for any deficiency after resale, and he has the same right as the debtor

(a) to receive statements under section 9-208;

(b) to receive notice of and to object to a secured party's proposal to retain the collateral in satisfaction of the indebtedness under section 9-505;

- (c) to redeem the collateral under section 9-506;
- (d) to obtain injunctive or other relief under subsection (1) of section 9-507; and
- (e) to recover losses caused to him under subsection (2) of section 9-208.

Section 9-113. Security Interests Arising Under Article on Sales.

A security interest arising solely under the Article on Sales (Article 2) is subject to the provisions of this Article except that to the extent that and so long as the debtor does not have or does not lawfully obtain possession of the goods,

- (a) no security agreement is necessary to make the security interest enforceable; and
- (b) no filing is required to perfect the security interests; and
- (c) the rights of the secured party on default by the debtor are governed by the Article on Sales (Article 2).

Section 9-114. Consignment. (1) A person who delivers goods under a consignment which is not a security interest and who would be required to file under this Article by subsection (3) (c) of section 2-326 has priority over a secured party who is or becomes a creditor of the consignee and who would have a perfected security interest in the goods if they were the property of the consignee, and also has priority with respect to identifiable cash proceeds received on or before delivery of the goods to a buyer, if

- (a) the consignor complies with the filing provisions of the Article on Sales with respect to consignments in said subsection (3) (c) of said section 2-326 before the consignee receives possession of the goods; and
  - (b) the consignor gives notification in writing to the holder of the security interest if the holder has filed a financing statement covering the same types of goods before the date of the filing made by the consignor; and
  - (c) the holder of the security interest receives the notification within five years before the consignee receives possession of the goods; and
  - (d) the notification states that the consignor expects to deliver goods on consignment to the consignee, describing the goods by item or type.
- (2) In the case of a consignment which is not a security interest and in which the requirements of the preceding subsection have not been met, a person who delivers goods to another is subordinate to a person who would have a perfected security interest in the goods if they were the property of the debtor.

**PART 2. VALIDITY OF SECURITY AGREEMENT AND RIGHTS OR PARTIES THERETO.**

Section 9-201. General Validity of Security Agreement. Except as otherwise provided a security agreement is effective according to its terms between the parties, against purchasers of the collateral and against creditors. Nothing in the Article validates any charge or practice illegal under any statute or regulation thereunder governing usury, small loans, retail installment sales, or the like, or extends the application of any such statute or

regulation to any transaction not otherwise subject thereto.

Section 9-202. Title to Collateral Immaterial. Each provision of this Article with regard to rights, obligations and remedies applies whether title to collateral is in the secured party or in the debtor.

Section 9-203. Attachment and Enforceability of Security Interest; Proceeds; Formal Requisites. (1) Subject to the provisions of section 4-208 on the security interest of a collecting bank and section 9-113 on a security interest arising under the Article on Sales, a security interest is not enforceable against the debtor or third parties with respect to the collateral and does not attach unless

(a) the collateral is in the possession of the secured party pursuant to agreement, or the debtor has signed a security agreement which contains a description of the collateral and in addition, when the security interest covers crops growing or to be grown or timber to be cut, a description of the land concerned; and

(b) value has been given; and

(c) the debtor has rights in the collateral.

(2) A security interest attaches when it becomes enforceable against the debtor with respect to the collateral. Attachment occurs as soon as all of the events specified in subsection (1) have taken place unless explicit agreement postpones the time of attaching.

(3) Unless otherwise agreed a security agreement gives the secured party the rights to proceeds provided by section 9-306.

(4) A transaction, although subject to this Article, is also subject to the provisions of section forty-nine of chapter ninety-three, chapters ninety-three A and ninety-three C, sections ninety to one hundred fourteen B, inclusive, of chapter one hundred forty, chapter one hundred forty C, sections twelve C, twelve E, twelve F, thirteen I and thirteen J of chapter two hundred fifty-five and chapters two hundred fifty-five B, two hundred fifty-five C, and two hundred fifty-five D, and in the case of conflict between the provisions of this Article and any such statute, the provisions of such statute control. Failure to comply with any applicable statute has only the effect which is specified therein.

Section 9-204. After-Acquired Property; Future Advances.

(1) Except as provided in subsection 2, a security agreement may provide that any or all obligations covered by the security agreement are to be secured by after-acquired collateral.

(2) No security interest attaches under an after-acquired property clause to consumer goods other than accessions (section 9-314) when given as additional security unless the debtor acquires rights in them within ten days after the secured party gives value.

(3) Obligations covered by a security agreement may include future advances or other value whether or not the advances or value are given pursuant to commitment as defined in subsection (1) of section 9-105.

Section 9-205. Use or Disposition of Collateral Without Accounting

Permissible. A security interest is not invalid or fraudulent against creditors by reason of liberty in the debtor to use, commingle or dispose of all or part of the collateral, including returned or repossessed goods, or to collect or compromise accounts or chattel paper, or to accept the return of goods or make repossessions, or to use, commingle or dispose of proceeds, or by reason of the failure of the secured party to require the debtor to account for proceeds or replace collateral. This section does not relax the requirements of possession where perfection of a security interest depends upon possession of the collateral by the secured party or by a bailee.

Section 9-206. Agreement Not to Assert Defenses Against Assignee; Modification of Sales Warranties Where Security Agreement Exists.

(1) Subject to any statute or decision which establishes a different rule for buyers or lessees of consumer goods, an agreement by a buyer or lessee that he will not assert against an assignee any claim or defense which he may have against the seller or lessor is enforceable by an assignee who takes his assignment for value, in good faith and without notice of a claim or defense, except as to defenses of a type which may be asserted against a holder in due course of a negotiable instrument under the Article on Commercial Paper (Article 3). A buyer who as part of one transaction signs both a negotiable instrument and a security agreement makes such an agreement.

(2) When a seller retains a purchase money security interest in goods the Article on Sales (Article 2) governs the sale and any disclaimer, limitation or modification of the seller's warranties.

Section 9-207. Rights and Duties When Collateral is in Secured Party's Possession.

(1) A secured party must use reasonable care in the custody and preservation of collateral in his possession. In the case of an instrument or chattel paper reasonable care includes taking necessary steps to preserve rights against prior parties unless otherwise agreed.

(2) Unless otherwise agreed, when collateral is in the secured party's possession

(a) reasonable expenses, including the cost of any insurance and payment of taxes or other charges, incurred in the custody, preservation, use or operation of the collateral are chargeable to the debtor and are secured by the collateral;

(b) the risk of accidental loss or damage is on the debtor to the extent of any deficiency in any effective insurance coverage;

(c) the secured party may hold as additional security any increase or profits, except money, received from the collateral, but money so received, unless remitted to the debtor, shall be applied in reduction of the secured obligation;

(d) the secured party must keep the collateral identifiable but fungible collateral may be commingled;

(e) the secured party may repledge the collateral upon terms which do not impair the debtor's right to redeem it.

(3) A secured party is liable for any loss caused by his failure to meet any obligation imposed by the preceding subsections but does not lose his security interest.

(4) A secured party may use or operate the collateral for the purpose of preserving the collateral or its value or pursuant to



the order of a court of appropriate jurisdiction or, except in the case of consumer goods, in the manner and to the extent provided in the security agreement.

Section 9-208. Request for Statement of Account or List of Collateral.

(1) A debtor may sign a statement indicating what he believes to be the aggregate amount of unpaid indebtedness as of a specified date and may send it to the secured party with a request that the statement be approved or corrected and returned to the debtor. When the security agreement or any other record kept by the secured party identifies the collateral a debtor may similarly request the secured party to approve or correct a list of the collateral.

(2) The secured party must comply with such a request within two weeks after receipt by sending a written correction or approval. If the secured party claims a security interest in all of a particular type of collateral owned by the debtor he may indicate that fact in his reply and need not approve or correct an itemized list of such collateral. If the secured party without reasonable excuse fails to comply he is liable for any loss caused to the debtor thereby; and if the debtor has properly included in his request a good faith statement of the obligation or a list of the collateral or both the secured party may claim a security interest only as shown in the statement against persons misled by his failure to comply. If he no longer has an interest in the obligation or collateral at the time the request is received he must disclose the name and address of any successor in interest known to him and he is liable for any loss caused to the debtor as a result of failure to disclose. A successor in interest is not subject to this section until a request is received by him.

(3) A debtor is entitled to such a statement once every six months without charge. The secured party may require payment of a charge not exceeding ten dollars for each additional statement furnished.

PART 3. RIGHTS OF THIRD PARTIES; PERFECTED AND UNPERFECTED SECURITY INTEREST;

RULES OF PRIORITY.

Section 9-301. Persons Who Take Priority Over Unperfected Security Interest; Rights of "Lien Creditor". (1) Except as otherwise provided in subsection (2), an unperfected security interest is subordinate to the rights of

(a) persons entitled to priority under section 9-312;

(b) a person who becomes a lien creditor before the security interest is perfected;

(c) in the case of goods, instruments, documents, and chattel paper, a person who is not a secured party and who is a transferee in bulk or other buyer not in ordinary course of business or is a buyer of farm products in ordinary course of business, to the extent that he gives value and receives delivery of the collateral without knowledge of the security interest and before it is perfected;

(d) in the case of accounts and general intangibles, a person who is not a secured party and who is a transferee to the extent

that he gives value without knowledge of the security interest and before it is perfected.

(2) If the secured party files with respect to a purchase money security interest before or within ten days after the debtor receives possession of the collateral, he takes priority over the rights of a transferee in bulk or of a lien creditor which arise between the time and security interest attaches and the time of filing.

(3) A "lien creditor", a creditor who has acquired a lien on the property involved by attachment, levy or the like and includes an assignee for benefit of creditors from the time of assignment, and a trustee in bankruptcy from the date of the filing of the petition or a receiver in equity from the time of appointment.

(4) A person who becomes a lien creditor while a security interest is perfected takes subject to the security interest only to the extent that it secures advances made before he becomes a lien creditor or within forty-five days thereafter or made without knowledge of the lien or pursuant to a commitment entered into without knowledge of the lien.

Section 9-302. When Filing Is Required to Perfect Security Interest. Security Interests to Which Filing Provisions of This Article Do Not Apply. (1) A financing statement must be filed to perfect all security interests except the following:

(a) a security interest in collateral in possession of the secured party under section 9-305;

(b) a security interest temporarily perfected in instruments or documents without delivery under section 9-304 or in proceeds for a ten day period under section 9-306;

(c) a security interest created by an assignment of a beneficial interest in a trust or a decedent's estate;

(d) a purchase money security interest in consumer goods; but filing is required for a motor vehicle required to be registered; and fixture filing is required for priority over conflicting interests in fixtures to the extent provided in section 9-313;

(e) an assignment of accounts which does not alone or in conjunction with other assignments to the same assignee transfer a significant part of the outstanding accounts of the assignor;

(f) a security interest of a collecting bank provided in section 4-208 or arising under the Article on Sales (see section 9-113) or covered in subsection (3) of this section;

(g) an assignment for the benefit of all the creditors of the transferor, and subsequent transfers by the assignee thereunder.

(2) If a secured party assigns a perfected security interest, no filing under this Article is required in order to continue the perfected status of the security interest against creditors of and transferees from the original debtor.

(3) The filing of a financing statement otherwise required by this Article is not necessary or effective to perfect a security interest in property subject to

(a) a statute or treaty of the United States which provides for a national or international registration of a national or international certificate of title or which specifies a place of filing different from that specified in this Article for filing of the security interest; or

(b) chapter ninety D; but during any period in which collateral is inventory held for sale by a person who is in the business of selling goods of that kind, the filing provisions of Part 4 of this Article apply to a security interest in that collateral created by him as debtor; or

(c) a certificate of title statute of another jurisdiction under the law of which indication of a security interest on the certificate is required as a condition of perfection (subsection (2) of section 9-103).

(4) Compliance with a statute or treaty described in subsection (3) is equivalent to the filing of a financing statement under this Article, and a security interest in property subject to the statute or treaty can be perfected only by compliance therewith except as provided in section 9-103 on multiple state transactions. Duration and renewal of perfection of a security interest perfected by compliance with the statute or treaty are governed by the provisions of the statute or treaty; in other respects the security interest in subject to this Article.

Section 9-303. When Security Interest Is Perfected; Continuity of Perfection.

(1) A security interest is perfected when it has attached and when all of the applicable steps required for perfection have been taken. Such steps are specified in sections 9-302, 9-304, 9-305, and 9-306. If such steps are taken before the security interest attaches, it is perfected at the time when it attaches.

(2) If a security interest is originally perfected in any way permitted under this Article and is subsequently perfected in some other way under this Article, without an intermediate period when it was unperfected, the security interest shall be deemed to be perfected continuously for the purposes of this Article.

Section 9-304. Perfection of Security Interests in Instruments, Documents, and Goods Covered by Documents; Perfection by Permissive Filing; Temporary Perfection Without Filing or Transfer of Possession.

(1) A security interest in chattel paper or negotiable documents may be perfected by filing. A security interest in money or instruments, other than instruments which constitute part of chattel paper, can be perfected only by the secured party's taking possession, except as provided in subsections (4) and (5) and subsections (2) and (3) of section 9-306 on proceeds.

(2) During the period that goods are in the possession of the issuer of a negotiable document therefor, a security interest in the goods is perfected by perfecting a security interest in the document, and any security interest in the goods otherwise perfected during such period is subject thereto.

(3) A security interest in goods in the possession of a bailee other than one who has issued a negotiable document therefor is perfected by issuance of a document in the name of the secured party or by the bailee's receipt of notification of the secured party's interest or by filing as to the goods.

(4) A security interest in instruments or negotiable documents is perfected without filing or the taking of possession for a

period of twenty-one days from the time it attaches to the extent that it arises for new value given under a written security agreement.

(5) A security interest remains perfected for a period of twenty-one days without filing where a secured party having a perfected security interest in an instrument, a negotiable document or goods in possession of the bailee other than one who has issued a negotiable document therefor

(a) makes available to the debtor the goods or documents representing the goods for the purpose of ultimate sale or exchange or for the purpose of loading, unloading, storing, shipping, transshipping, manufacturing, processing or otherwise dealing with them in a manner preliminary to their sale or exchange, but priority between conflicting security interests in the goods is subject to subsection (3) of section 9-312; or

(b) delivers the instrument to the debtor for the purpose of ultimate sale or exchange or of presentation, collection, renewal or registration of transfer.

(6) After the twenty-one day period in subsections (4) and (5) perfection depends upon compliance with applicable provisions of this Article.

Section 9-305. When Possession by Secured Party Perfects Security Interest Without Filing. A security interest in letters of credit and advices of credit, (subsection (2) (a) of section 5-116) goods, instruments, money, negotiable documents or chattel paper may be perfected by the secured party's taking possession of the collateral. If such collateral other than goods covered by a negotiable document is held by a bailee, the secured party is deemed to have possession from the time the bailee receives notification of the secured party's interest. A security interest is perfected by possession from the time possession is taken without relation back and continues only so long as possession is retained, unless otherwise specified in this Article. The security interests may be otherwise perfected as provided in this Article before or after the period of possession by the secured party.

Section 9-306. "Proceeds"; Secured Party's Rights on Disposition of Collateral.

(1) "Proceeds" includes whatever is received upon the sale, exchange, collection or other disposition of collateral or proceeds. Insurance payable by reason of loss or damage to the collateral is proceeds, except to the extent that it is payable to a person other than a party to the security agreement. Money, checks, deposit accounts, and the like are "cash proceeds". All other proceeds are "noncash proceeds".

(2) Except where this Article otherwise provides, a security interest continues in collateral notwithstanding sale, exchange or other disposition thereof unless the disposition was authorized by the secured party in the security agreement or otherwise, and also continues in any identifiable proceeds including collections received by the debtor.

(3) The security interest in proceeds is a continuously perfected security interest if the interest in the original collateral was perfected but it ceases to be a perfected security interest and becomes unperfected ten days after receipt of the proceeds by

the debtor unless

(a) a filed financing statement covers the original collateral and the proceeds are collateral in which a security interest may be perfected by filing in the office or offices where the financing statement has been filed and, if the proceeds are acquired with cash proceeds, the description of collateral in the financing statement indicates the types of property constituting the proceeds; or

(b) a filed financing statement covers the original collateral and the proceeds are identifiable cash proceeds; or

(c) the security interest in the proceeds is perfected before the expiration of the ten day period.

Except as provided in this section, a security interest in proceeds can be perfected only by the methods or under the circumstances permitted in this Article for original collateral of the same type.

(4) In the event of insolvency proceedings instituted by or against a debtor, a secured party with a perfected security interest in proceeds has a perfected security interest only in the following proceeds:

(a) in identifiable noncash proceeds and in separate deposit accounts containing only proceeds;

(b) in identifiable cash proceeds in the form of money which is neither commingled with other money nor deposited in a deposit account prior to the insolvency proceedings;

(c) in identifiable cash proceeds in the form of checks and the like which are not deposited in a deposit account prior to the insolvency proceedings; and

(d) in all cash and deposit accounts of the debtor in which proceeds have been commingled with other funds, but the perfected security interest under this paragraph is

(i) subject to any right of set-off; and

(ii) limited to an amount not greater than the amount of any cash proceeds received by the debtor within ten days before the institution of the insolvency proceedings less the sum of (1) the payments to the secured party on account of cash proceeds received by the debtor during such period and (11) the cash proceeds received by the debtor during such period to which the secured party is entitled under paragraphs (a) through (c) of this subsection.

(5) If a sale of goods results in an account or chattel paper which is transferred by the seller to a secured party, and if the goods are returned to or are repossessed by the seller or the secured party, the following rules determine priorities:

(a) If the goods were collateral at the time of sale, for an indebtedness of the seller which is still unpaid, the original security interest attaches again to the goods and continues as a perfected security interest if it was perfected at the time when the goods were sold. If the security interest was originally perfected by a filing which is still effective, nothing further is required to continue the perfected status; in any other case, the secured party must take possession of the returned or repossessed goods or must file.

(b) An unpaid transferee of the chattel paper has a security interest in the goods against the transferor. Such security

interest is prior to a security interest asserted under paragraph (a) to the extent that the transferee of chattel paper was entitled to priority under section 9-308.

(c) An unpaid transferee of the account has a security interest in the goods against the transferor. Such security interest is subordinate to a security interest asserted under paragraph (a).

(d) A security interest of an unpaid transferee asserted under paragraph (b) or (c) must be perfected for protection against creditors of the transferor and purchasers of the returned or repossessed goods.

Section 9-307. Protection of Buyers of Goods. (1) A buyer in ordinary course of business (subsection (9) of section 1-201) other than a person buying farm products from a person engaged in farming operations

(a) takes free of a security interest created by his seller even though the security interest is perfected and even though the buyer knows of its existence; and

(b) takes free of a security interest created by a predecessor in interest of his seller if the buyer buys without knowledge of the security interest and for his own personal, family or household purposes.

(2) In the case of consumer goods, a buyer takes free of a security interest even though perfected if he buys without knowledge of the security interest, for value and for his own personal, family or household purposes unless prior to the purchase the secured party has filed a financing statement covering such goods.

(3) A buyer other than a buyer in ordinary course of business under subsection (1) takes free of a security interest to the extent that it secures future advances made after the secured party acquires knowledge of the purchase, or more than forty-five days after the purchase, whichever first occurs, unless made pursuant to a commitment entered into without knowledge of the purchase and before the expiration of the forty-five day period.

Section 9-308. Purchase of Chattel Paper and Instruments. A purchaser of chattel paper or an instrument who gives new value and takes possession of it in the ordinary course of his business has priority over a security interest in the chattel paper or instrument

(a) which is perfected under the section 9-304 provisions on permissive filing and temporary perfection or under section 9-306 provisions perfection as to proceeds if he acts without knowledge that the specific paper or instrument is subject to a security interest; or

(b) which is claimed merely as proceeds of inventory subject to a security interest (section 9-306) even though he knows that the specific paper or instrument is subject to the security interest.

Section 9-309. Protection of Purchasers of Instruments and Documents. Nothing in this Article limits the rights of a holder in due course of a negotiable instrument (section 3-302) or a holder to whom a negotiable document of title has been duly negotiated (section 7-501) or a bona fide purchaser of a security

(section 8-301) and such holders or purchasers take priority over an earlier security interest even though perfected. Filing under this Article does not constitute notice of the security interest to such holders or purchasers.

Section 9-310. Priority of Certain Liens Arising by Operation of Law. When a person in the ordinary course of his business furnishes services or materials with respect to goods subject to a security interest, a lien upon goods in the possession of such person given by statute or rule of law for such materials or services takes priority over a perfected security interest unless the lien is statutory and the statute expressly provides otherwise.

Section 9-311. Alienability of Debtor's Rights; Judicial Process. The debtor's rights in collateral may be voluntarily or involuntarily transferred by way of sale, creation of a security interest, attachment, levy, garnishment or other judicial process, notwithstanding a provision in the security agreement prohibiting any transfer or making the transfer constitute a default.

Section 9-312. Priorities Among Conflicting Security Interests in the Same Collateral.

(1) The rules of priority stated in other sections of this Part and in the following sections shall govern when applicable: section 4-208 with respect to the security interests of collecting banks in items being collected, accompanying documents and proceeds; section 9-103 on security interests related to other jurisdictions; section 9-114 on consignments.

(2) A perfected security interest in crops for new value given to enable the debtor to produce the crops during the production season and given not more than three months before the crops become growing crops by planting or otherwise takes priority over an earlier perfected security interest to the extent that such earlier interest secures obligations due more than six months before the crops become growing crops by planting or otherwise, even though the person giving new value had knowledge of the earlier security interest.

(3) A perfected purchase money security interest in inventory has priority in identifiable cash proceeds received on or before the delivery of the inventory to a buyer if

(a) the purchase money security interest is perfected at the time the debtor receives possession of the inventory; and

(b) the purchase money secured party gives notification in writing to the holder of the conflicting security interest if the holder had filed a financing statement covering the same types of inventory (i) before the date of the filing made by the purchase money secured party, or (ii) before the beginning of the twenty-first day period where the purchase money security interest is temporarily perfected without filing or possession (subsection (5) of section 9-304); and

(c) the holder of the conflicting security interest receives the notification within five years before the debtor receives possession of the inventory; and

(d) the notification states that the person giving the notice has or expects to acquire a purchase money security interest in inventory of the debtor, describing such inventory by item or

type.

(4) A purchase money security interest in collateral other than inventory has priority over a conflicting security interest in the same collateral or its proceeds if the purchase money security interest is perfected at the time the debtor receives possession of the collateral or within ten days thereafter.

(5) In all cases not governed by other rules stated in this section, including cases of purchase money security interests which do not qualify for the special priorities set forth in subsections (3) and (4) of this section, priority between conflicting security interests in the same collateral shall be determined according to the following rules:

(a) Conflicting security interests rank according to priority in time of filing or perfection. Priority dates from the time a filing is first made covering the collateral or the time the security interest is first perfected, whichever is earlier, provided that there is no period thereafter when there is neither filing nor perfection.

(b) So long as conflicting security interests are unperfected, the first to attach has priority.

(6) For the purposes of subsection (5) a date of filing or perfection as to collateral is also a date of filing or perfection as to proceeds.

(7) If future advances are made while a security interest is perfected by filing or the taking of possession, the security interest has the same priority for the purposes of subsection (5) with respect to the future advances as it does with respect to the first advance. If a commitment is made before or while the security interest is so perfected, the security interest has the same priority with respect to advances made pursuant thereto. In other cases a perfected security interest has priority from the date the advance is made.

#### Section 9-313. Priority of Security Interests in Fixtures.

(1) In this section and in the provisions of Part 4 of this Article referring to fixture filing, unless the context otherwise requires

(a) Goods are "fixtures" when they become so related to particular real estate that an interest in them arises under real estate law.

(b) A "fixture filing" is the filing in the office where a mortgage on the real estate would be filed or recorded of a financing statement covering goods which are or are to become fixtures and conforming to the requirements of subsection (5) of section 9-402.

(c) A mortgage is a "construction mortgage" to the extent that it secures an obligation incurred for the construction of an improvement on land including the acquisition cost of the land, if the recorded writing so indicates.

(2) A security interest under this Article may be created in goods which are fixtures or may continue in goods which become fixtures, but no security interest exists under this Article in ordinary building materials incorporated into an improvement on land.

(3) This Article does not prevent creation of an encumbrance upon fixtures pursuant to real estate law.



(4) A perfected security interest in fixtures has priority over the conflicting interest of an encumbrancer or owner of the real estate where

(a) the security interest is a purchase money security interest, the interest of the encumbrancer or owner arises before the goods become fixtures, the security interest is perfected by a fixture filing before the goods become fixtures or within ten days thereafter, and the debtor has an interest of record in the real estate or is in possession of the real estate; or

(b) the security interest is perfected by a fixture filing before the interest of the encumbrancer or owner is of record, the security interest has priority over any conflicting interest of a predecessor in title of the encumbrancer or owner, and the debtor has an interest of record in the real estate or is in possession of the real estate; or

(c) the fixtures are readily removable factory or office machines or readily removable replacements of domestic appliances which are consumer goods, and before the goods become fixtures the security interest is perfected by any method permitted by this Article; or

(d) the conflicting interest is a lien on the real estate obtained by legal or equitable proceedings after the security interest was perfected by any method permitted by this Article.

(5) A security interest in fixtures, whether or not perfected, has priority over the conflicting interest of an encumbrancer or owner of the real estate where

(a) the encumbrancer or owner has consented in writing to the security interest or has disclaimed an interest in the goods as fixtures; or

(b) the debtor has a right to remove the goods as against the encumbrancer or owner. If the debtor's right terminates, the priority of the security interest continues for a reasonable time.

(6) Notwithstanding paragraph (a) of subsection (4) but otherwise subject to subsections (4) and (5), a security interest in fixtures is subordinate to a construction mortgage recorded before the goods become fixtures if the goods become fixtures before the completion of the construction. To the extent that it is given to refinance a construction mortgage, a mortgage has this priority to the same extent as the construction mortgage.

(7) In cases not within the preceding subsections, a security interest in fixtures is subordinate to the conflicting interest of an encumbrancer or owner of the related real estate who is not the debtor.

(8) When the secured party has priority over all owners and encumbrances of the real estate, he may, on default, subject to the provisions of Part 5, remove his collateral from the real estate but he must reimburse any encumbrancer or owner of the real estate who is not the debtor and who has not otherwise agreed for the cost of repair of any physical injury, but not for any diminution in value of the real estate caused by the absence of the goods removed or by any necessity of replacing them. A person entitled to reimbursement may refuse permission to remove until the secured party gives adequate security for the performance of this obligation.

Section 9-314. Accessions. (1) A security interest in goods which attaches before they are installed in or affixed to other goods takes priority as to the goods installed or affixed, called in this section "accessions", over the claims of all persons to the whole except as stated in subsection (3) and subject to subsection (1) of section 9-315.

(2) A security interest which attaches to goods after they become part of a whole is valid against all persons subsequently acquiring interests in the whole except as stated in subsection (3) but is invalid against any person with an interest in the whole at the time the security interest attaches to the goods who has not in writing consented to the security interest or disclaimed an interest in the goods as part of the whole.

(3) The security interests described in subsections (1) and (2) do not take priority over

(a) a subsequent purchaser for value of any interest in the whole; or

(b) a creditor with a lien on the whole subsequently obtained by judicial proceedings; or

(c) a creditor with a prior perfected security interest in the whole to the extent that he makes subsequent advances if the subsequent purchase is made, the lien by judicial proceedings obtained or the subsequent advance under the prior perfected security interest is made or contracted for without knowledge of the security interest and before it is perfected. A purchaser of the whole at a foreclosure sale other than the holder of a perfected security interest purchasing at his own foreclosure sale is a subsequent purchaser within this section.

(4) When under subsections (1) or (2) and (3) a secured party has an interest in accessions which has priority over the claims of all persons who have interests in the whole, he may on default subject to the provisions of Part 5 remove his collateral from the whole but he must reimburse any encumbrancer or owner of the whole who is not the debtor and who has not otherwise agreed for the cost of repair of any physical injury but not for any diminution in value of the whole caused by the absence of the goods removed or by a necessity for replacing them. A person entitled to reimbursement may refuse permission to remove until the secured party gives adequate security for the performance of this obligation.

Section 9-315. Priority When Goods are Commingled or Processed. (1) If a security interest in goods was perfected and subsequently the goods or a part thereof have become part of a product or mass, the security interest continues in the product or mass if

(a) the goods are so manufactured, processed, assembled or commingled that their identity is lost in the product or mass; or

(b) a financing statement covering the original goods also covers the product into which the goods have been manufactured, processed or assembled.

In a case to which paragraph (b) applies, no separate security interest in that part of the original goods which has been manufactured, processed or assembled into the product may be claimed under section 9-314.

(2) When under subsection (1) more than one security interest attaches to the product or mass, they rank equally according to the ratio that the cost of the goods to which each interest originally attached bears to the cost of the total product or mass.

Section 9-316. Priority Subject to Subordination. Nothing in this Article prevents subordination by agreement by any person entitled to priority.

Section 9-317. Secured Party Not Obligated on Contract of Debtor. The mere existence of a security interest or authority given to the debtor to dispose of or use collateral does not impose contract or tort liability upon the secured party for the debtor's acts or omissions.

Section 9-318. Defenses Against Assignee; Modification of Contract After Notification of Assignment; Term Prohibiting Assignment Ineffective; Identification and Proof of Assignment. (1) Unless an account debtor has made an enforceable agreement not to assert defenses or claims arising out of a sale as provided in section 9-206 the rights of an assignee are subject to

(a) all the terms of the contract between the account debtor and assignor and any defense or claim arising therefrom; and

(b) any other defense or claim of the account debtor against the assignor which accrues before the account debtor receives notification of the assignment.

(2) So far as the right to payment or a part thereof under an assigned contract has not been fully earned by performance, and notwithstanding notification of the assignment, any modification of or substitution for the contract made in good faith and in accordance with reasonable commercial standards is effective against an assignee unless the account debtor has otherwise agreed but the assignee acquires corresponding rights under the modified or substituted contract. The assignment may provide that such modification or substitution is a breach by the assignor.

(3) The account debtor is authorized to pay the assignor until the account debtor receives notification that the amount due or to become due has been assigned and that payment is to be made to the assignee. A notification which does not reasonably identify the rights assigned is ineffective. If requested by the account debtor, the assignee must seasonably furnish reasonable proof that the assignment has been made and unless he does so the account debtor may pay the assignor.

(4) A term in any contract between an account debtor and an assignor is ineffective if it prohibits assignment of an account or prohibits creation of a security interest in a general intangible for money due or to become due or requires the account debtor's consent to such assignment or security interest.

#### PART 4. FILING.

Section 9-401. Place of Filing; Erroneous Filing, Removal of Collateral.

(1) The proper place to file in order to perfect a security interest is as follows:

(a) when the collateral is equipment used in farming operations, or farm products, or accounts or general intangibles arising from

or relating to the sale of farm products by a farmer, or consumer goods, then in the office of the clerk of the town where the debtor resides or if the debtor is not a resident of the commonwealth then in the office of the clerk of the town in which the goods are kept;

(b) when the collateral is timber to be cut or is minerals or the like, including oil and gas, or accounts subject to subsection (5) of section 9-103, or when the financing statement is filed as a fixture filing (section 9-313) and the collateral is goods which are or are to become fixtures, then in the office where a mortgage on the real estate would be filed or recorded;

(c) in all other cases, in the office of the state secretary and in addition, if the debtor has a place of business in only one town of the commonwealth, also in the office of the clerk of such town, or, if the debtor has no place of business in the commonwealth, but resides in the commonwealth, also in the office of the clerk of the town in which he resides.

(2) A filing which is made in good faith in an improper place or not in all of the places required by this section is nevertheless effective with regard to any collateral as to which the filing complied with the requirements of this Article and is also effective with regard to collateral covered by the financing statement against any person who has knowledge of the contents of such financing statement.

(3) A filing which is made in the proper place in the commonwealth continues effective even though the debtor's residence or place of business or the location of the collateral or its use, whichever controlled the original filing, is thereafter changed.

(4) The rules stated in section 9-103 determine whether filing is necessary in the commonwealth.

(5) Notwithstanding the preceding subsections, and subject to subsection (3) of section 9-302, the proper place to file in order to perfect a security interest in collateral, including fixtures, of a transmitting utility is the office of the state secretary. This filing constitutes a fixture filing (section 9-313) as to the collateral described therein which is or is to become fixtures.

(6) For the purposes of this section, the residence of an organization is its place of business if it has one or its chief executive office if it has more than one place of business.

#### Section 9-402. Formal Requisites of Financing Statement Amendments; Mortgage as Financing Statement.

(1) A financing statement is sufficient if it gives the names of the debtor and the secured party, is signed by the debtor, gives an address of the secured party from which information concerning the security interest may be obtained, gives a mailing address of the debtor and contains a statement indicating the types, or describing the items, of collateral. A financing statement may be filed before a security agreement is made or a security interest otherwise attaches. When the financing statement covers crops growing or to be grown, the statement must also contain a description of the real estate concerned. When the financing statement covers timber to be cut or covers minerals or the like, including oil and gas, or accounts subject to subsection (5) of section 9-103, or

when the financing statement is filed as a fixture filing (section 9-313) and the collateral is goods which are or are to become fixtures, the statement must also comply with subsection (5). A copy of the security agreement is sufficient as a financing statement if it contains the above information and is signed by the debtor. A carbon, photographic or other reproduction of a security agreement or a financing statement is sufficient as a financing statement if the security agreement so provides or if the original has been filed in the commonwealth.

(2) A financing statement which otherwise complies with subsection (1) is sufficient when it is signed by the secured party instead of the debtor if it is filed to perfect a security interest in

(a) collateral already subject to a security interest in another jurisdiction when it is brought into the commonwealth, or when the debtor's location is changed to the commonwealth. Such a financing statement must state that the collateral was brought into the commonwealth or that the debtor's location was changed to the commonwealth under such circumstances; or

(b) proceeds under section 9-306 if the security interest in the original collateral was perfected. Such a financing statement must describe the original collateral; or

(c) collateral as to which the filing has lapsed; or

(d) collateral acquired after a change of name, identity or corporate structure of the debtor (subsection (7)).

(3) A form substantially as follows is sufficient to comply with subsection (1):

Name of debtor (or assignor) \_\_\_\_\_

Address \_\_\_\_\_

Name of secured party (or assignee) \_\_\_\_\_

Address \_\_\_\_\_

1. This financing statement covers the following types (or items) of property:

(Describe) \_\_\_\_\_

2. (If collateral is crops) The above described crops are growing or are to be grown on:

(Describe Real Estate) \_\_\_\_\_

3. (If applicable) The above goods are to become fixtures on\*

(Describe Real Estate) \_\_\_\_\_

and this financing statement is to be filed for record in the real estate records. (If the debtor does not have an interest of record)

The name of a record owner is

4. (If products of collateral are claimed) Products of the collateral are also covered.

(use

whichever

is

applicable)

\_\_\_\_\_  
Signature of Debtor (or Assignor)

\_\_\_\_\_  
Signature of Secured Party (or Assignee)

\*Where appropriate substitute either "The above timber is standing on ....." or "The above mineral or the like, including oil and gas, or accounts will be financed at the wellhead or minehead of the well or mine located on ....."

(4) A financing statement may be amended by filing a writing

signed by both the debtor and the secured party. An amendment does not extend the period of effectiveness of a financing statement. If any amendment adds collateral, it is effective as to the added collateral only from the filing date of the amendment. In this Article, unless the context otherwise requires, the term "financing statement" means the original financing statement and any amendments.

(5) A financing statement covering timber to be cut or covering minerals or the like, including oil and gas, or accounts subject to subsection (5) of section 9-103, or a financing statement filed as a fixture filing (section 9-313) where the debtor is not a transmitting utility, shall show that it covers this type of collateral, must recite that it is to be filed for record in the real estate records, and the financing statement must contain a description of the real estate. If the debtor does not have an interest of record in the real estate, the financing statement shall show the name of a record owner.

(6) A mortgage is effective as a financing statement filed as a fixture filing from the date of its recording if

(a) the goods are described in the mortgage by item or type; and

(b) the goods are or are to become fixtures related to the real estate described in the mortgage; and

(c) the mortgage complies with the requirements for a financing statement in this section other than a recital that it is to be filed in the real estate records; and

(d) the mortgage is duly recorded.

No fee with reference to the financing statement is required other than the regular recording and satisfaction fees with respect to the mortgage.

(7) A financing statement sufficiently shows the name of the debtor if it gives the individual, partnership or corporate name of the debtor, whether or not it adds other trade names or names of partners. Where the debtor changes his name or in the case of an organization its name, identity or corporate structure that a filed financing statement becomes seriously misleading, the filing is not effective to perfect a security interest in collateral acquired by the debtor more than four months after the change, unless a new appropriate financing statement is filed before the expiration of that time. A filed financing statement remains effective with respect to collateral transferred by the debtor even though the secured party knows of or consents to the transfer.

(8) A financing statement substantially complying with the requirements of this section is effective even though it contains minor errors which are not seriously misleading.

#### Section 9-403. What Constitutes Filing; Duration of Filing; Effect of Lapsed Filing; Duties of Filing officer.

(1) Presentation for filing of a financing statement and tender of the filing fee or acceptance of the statement by the filing officer constitutes filing under this Article:

(2) Except as provided in subsection (6) a filed financing statement is effective for a period of five years from the date of filing. The effectiveness of a filed financing statement lapses on

the expiration of the five year period unless a continuation statement is filed prior to the lapse. If a security interest perfected by filing exists at the time insolvency proceedings are commenced by or against the debtor, the security interest remains perfected until termination of the insolvency proceedings and thereafter for a period of sixty days or until expiration of the five year period, whichever occurs later. Upon lapse the security interest become unperfected, unless it is perfected without filing. If the security interest becomes unperfected upon lapse, it is deemed to have been unperfected as against a person who became a purchaser or lien creditor before lapse.

(3) A continuation statement may be filed by the secured party within six months prior to the expiration of the five year period specified in subsection (2). Any such continuation statement must be signed by the secured party, identify the original statement by file number and state that the original statement is still effective. A continuation statement signed by a person other than the secured party of record must be accompanied by a separate written statement of assignment signed by the secured party of record and complying with subsection (2) of section 9-405, including payment of the required fee. Upon timely filing of the continuation statement, the effectiveness of the original statement is continued for five years after the last date to which the filing was effective whereupon it lapses in the same manner as provided in subsection (2) unless another continuation statement is filed prior to such lapse. Succeeding continuation statements may be filed in the same manner to continue the effectiveness of the original statement. Unless a statute on disposition of public records provides otherwise, the filing officer may remove a lapsed statement from the files and destroy it immediately if he has retained a microfilm or other photographic record, or in other cases after one year after the lapse. The filing officer shall so arrange matters by physical annexation of financing statements to continuation statements or other related filings, or by other means, that if he physically destroys the financing statements of a period more than five years past, those which have been continued by a continuation statement or which are still effective under subsection (6) shall be retained.

(4) Except as provided in section 9-410 a filing officer shall mark each statement with a file number and with the date and hour of filing and shall hold the statement or a microfilm or other photographic copy thereof for public inspection. In addition the filing officer shall index the statement according to the name of the debtor and shall note in the index the file number and the address of the debtor given in the statement.

(5) The fee for filing, indexing and furnishing filing data for an original or a continuation statement or any amendment of either shall be five dollars, but if an original financing statement or any amendment thereof which is filed in a registry of deeds consists of more than one page the fee for filing and indexing the same and furnishing filing data with respect thereto shall be as set forth in sections thirty-eight and thirty-nine of chapter two hundred and sixty-two.

(6) If the debtor is a transmitting utility (subsection (5) of section 9-401) and a filed financing statement so states, it is

effective until a termination statement is filed. A real estate mortgage which is effective as a fixture filing under subsection (6) of section 9-402 remains effective as a fixture filing until the mortgage is released or satisfied of record or its effectiveness otherwise terminates as to the real estate.

Section 9-404. Termination Statement.

(1) If a financing statement covering consumer goods is filed on or after July first, nineteen hundred and seventy-nine, then within one month or within ten days following written demand by the debtor after there is no outstanding secured obligation and no commitment to make advances, incur obligations or otherwise give value, the secured party must file with each filing officer with whom the financing statement was filed, a termination statement to the effect that he no longer claims a security interest under the financing statement, which shall be identified by file number. In other cases whenever there is no outstanding secured obligation and no commitment to make advances, incur obligations or otherwise give value, the secured party must on written demand by the debtor send the debtor, for each filing officer with whom the financing statement was filed, a termination statement to the effect that he no longer claims a security interest under the financing statement, which shall be identified by file number. A termination statement signed by a person other than the secured party of record must be accompanied by a separate written statement of assignment signed by the secured party of record and complying with subsection (2) of section 9-405, including payment of the required fee. If the affected secured party fails to file such a termination statement as required by this subsection, or to send such a termination statement within ten days after proper demand therefor he shall be liable to the debtor for twenty-five dollars, and in addition for any loss caused to the debtor by such failure.

(2) On presentation to the filing officer of such a termination statement he must note it in the index. If he has received the termination statement in duplicate, he shall return one copy of the termination statement to the secured party stamped to show the time of receipt thereof. If the filing officer has a microfilm or other photographic record of the financing statement, and of any related continuation statement, statement of assignment and statement of release, he may remove the originals from the files at any time after receipt of the termination statement, or if he has no such record, he may remove them from the files at any time after one year after receipt of the termination statement.

(3) The fee for filing and indexing a termination statement including sending or delivering the financing statement shall be two dollars except in registries of deeds where it shall be four dollars.

Section 9-405. Assignment of Security Interest; Duties of Filing Officer; Fees.

(1) A financing statement may disclose an assignment of a security interest in the collateral described in the financing statement by indication in the financing statement of the name and address of the assignee or by an assignment itself or a copy thereof on the face or back of the statement. On presen-



tation to the filing officer of such a financing statement the filing officer shall mark the same as provided in subsection (4) of section 9-403. The uniform fee for filing, indexing and furnishing filing data for a financing statement so indicating an assignment shall be five dollars, except in registries of deeds where it shall be four dollars.

(2) A secured party may assign of record all or part of his rights under a financing statement by the filing in the place where the original financing statement was filed of a separate written statement of assignment signed by the secured party of record and setting forth the name of the secured party of record and the debtor, the file number and the date of filing of the financing statement and the name and address of the assignee and containing a description of the collateral assigned. A copy of the assignment is sufficient as a separate statement if it complies with the preceding sentence. On presentation to the filing officer of such a separate statement, the filing officer shall mark such separate statement with the date and hour of the filing. He shall note the assignment on the index of the financing statement, or in the case of a fixture filing, or a filing covering timber to be cut, or covering minerals or the like, including oil and gas, or accounts subject to subsection (5) of section 9-103, he shall index the assignment under the name of the assignor as grantor and, to the extent that the law of this state provides for indexing the assignment of a mortgage under the name of the assignee, he shall index the assignment of the financing statement under the name of the assignee. The uniform fee for filing, indexing and furnishing filing data about such a separate statement of assignment shall be five dollars, except in registries of deeds where it shall be four dollars. Notwithstanding the provisions of this subsection, an assignment of record of a security interest in a fixture contained in a mortgage effective as a fixture filing (subsection (6) of section 9-402) may be made only by an assignment of the mortgage in the manner provided otherwise by special or general law.

(3) After the disclosure or filing of an assignment under this section, the assignee is the secured party of record.

Section 9-406. Release of Collateral; Duties of Filing Officer; Fees. A secured party of record may by his signed statement release all or a part of any collateral described in a filed financing statement. The statement of release is sufficient if it contains a description of the collateral being released, the name and address of the debtor, the name and address of the secured party, and the file number of the financing statement. A statement of release signed by a person other than the secured party of record must be accompanied by a separate written statement of assignment signed by the secured party of record and complying with subsection (2) of section 9-405, including payment of the required fee. Upon presentation of such a statement of release to the filing officer he shall mark the statement with the hour and date of filing and shall note the same upon the margin of the index of the filing of the financing statement. The uniform fee for filing and noting such a statement of release shall be five dollars, except in registries of deeds where it shall be four

dollars.

Section 9-407. Information From Filing Officer. (1) If the person filing any financing statement, termination statement, statement of assignment or statement of release, furnishes the filing officer a copy thereof, the filing officer shall upon request note upon the copy the file number and date and hour of the filing of the original and deliver or send the copy to such person.

(2) Upon request of any person, the filing officer, except the registers of deeds and assistant recorders of the land court, shall issue his certificate showing whether there is on file on the date and hour stated therein, any presently effective financing statement naming a particular debtor and any statement of assignment thereof and, if there is, giving the date and hour of filing of each such statement and the names and address of each secured party named therein. The fee for such a certificate shall be five dollars. Upon request the filing officer shall furnish a copy of any filed financing statement, continuation statement, termination statement, statement of assignment or statement of release for a fee of two dollars and, if such statement consists of more than three pages, an additional fee of one dollar for the fourth and each succeeding page.

Section 9-408. Financing Statements Covering Consigned or Leased Goods. A consignor or lessor of goods may file a financing statement using the terms "consignor", "consignee", "lessor", "lessee" or the like instead of the terms specified in section 9-402. The provisions of this part shall apply as appropriate to such a financing statement but its filing shall not of itself be a factor in determining whether or not the consignment or lease is intended as security (subsection (37) of section 1-201). However, if it is determined for other reasons that the consignment or lease is so intended, a security interest of the consignor or lessor which attaches to the consigned or leased goods is perfected by such filing.

Section 9-409. Destruction of Old Records. Unless a filing officer has notice of an action pending relative thereto, he may remove from the files and destroy.

(a) a lapsed financing statement, a lapsed continuation statement, a statement of assignment or release relating to either, and any index of any of them, one year or more after lapse; and

(b) a termination statement and the index on which it is noted, one year or more after the filing of the termination statement.

Section 9-410. Special Provisions for Filings as to Fixtures in Registries of Deeds; Duties of Registers of Deeds.

(1) Financing statements, security agreements, continuation statements, amendments, termination statements, statements of assignment and statements of release which are filed in registries of deeds and which comply with the requirements of this Part shall be recorded and indexed in the manner provided in chapter thirty-six if they relate to unregistered land, and shall be registered in the manner provided in chapter one hundred and eighty-five if they relate to registered land. Each statement and amendment shall be indexed according to the name of the debtor and, if the state-

ment shows the name of a record owner of the real estate which is other than that of the debtor, the statement shall also be indexed according to the name of such record owner. Except as provided in subsection (3), the fees for recording, indexing and registering shall be as provided in this Part.

(2) In addition to other requirements of this Part, a continuation statement, amendment, termination statement, statement of assignment or statement of release which is filed in a registry of deeds must refer to the record of the original financing statement by book and page if it related to unregistered land and by document number if it relates to registered land. The register of deeds shall enter upon the margin of the record of the original financing statement a notation of the record of the subsequent statement or amendment.

(3) If a person filing any financing statement, continuation statement, amendment, termination statement, statement of assignment or statement of release, furnishes the register of deeds a copy thereof, the register of deeds shall upon request note upon the copy the file number and date and hour of the filing of the original and deliver or send the copy to such person.

#### PART 5. DEFAULT.

##### Section 9-501. Default; Procedure When Security Agreement Covers Both Real and Personal Property.

(1) When a debtor is in default under a security agreement, a secured party has the rights and remedies provided in this Part and except as limited by subsection (3) those provided in the security agreement. He may reduce his claim to judgment, foreclose or otherwise enforce the security interest by any available judicial procedure. If the collateral is documents the secured party may proceed either as to the documents or as to the goods covered thereby. A secured party in possession has the rights, remedies and duties provided in section 9-207. The rights and remedies referred to in this subsection are cumulative.

(2) After default, the debtor has the rights and remedies provided in this Part, those provided in the security agreement and those provided in section 9-207.

(3) To the extent that they give rights to the debtor and impose duties on the secured party, the rules stated in the subsections referred to below may not be waived or varied except as provided with respect to compulsory disposition of collateral (subsection (3) of sections 9-504 and 9-505) and with respect to redemption of collateral (section 9-506) but the parties may by agreement determine the standards by which the fulfillment of these rights and duties is to be measured if such standards are not manifestly unreasonable:

(a) subsection (2) of section 9-502 and subsection (2) of section 9-504 insofar as they require accounting for surplus proceeds of collateral;

(b) subsection (3) of section 9-504 and subsection (1) of section 9-505 which deal with disposition of collateral;

(c) subsection (2) of section 9-505 which deals with acceptance of collateral as discharge of obligation;

(d) section 9-505 which deals with redemption of collateral; and

(e) subsection (1) of section 9-507 which deals with the secured party's liability for failure to comply with this Part.

(4) If the security agreement covers both real and personal property, the secured party may proceed under this Part as to the personal property in accordance with his rights and remedies in respect of the real property in which case the provisions of this Part do not apply.

(5) When a secured party has reduced his claim to judgment the lien of any levy which may be made upon his collateral by virtue of any execution based upon the judgment shall relate back to the date of the perfection of the security interest in such collateral. A judicial sale, pursuant to such execution, is a foreclosure of the security interest by judicial procedure within the meaning of the section, and the secured party may purchase at the sale and thereafter hold the collateral free of any other requirements of this Article.

#### Section 9-502. Collection Rights of Secured Party.

(1) When so agreed and in any event on default the secured party is entitled to notify an account debtor or the obligor or an instrument to make payment to him whether or not the assignor was theretofore making collections on the collateral, and also to take control of any proceeds to which he is entitled under section 9-306.

(2) A secured party who by agreement is entitled to charge back uncollected collateral or otherwise to full or limited recourse against the debtor and who undertakes to collect from the account debtors or obligors must proceed in a commercially reasonable manner and may deduct his reasonable expenses of realization from the collections. If the security agreement secures an indebtedness, the secured party must account to the debtor for any surplus, and unless otherwise agreed, the debtor is liable for any deficiency. But, if the underlying transaction was a sale of accounts or chattel paper, the debtor is entitled to any surplus or is liable for any deficiency only if the security agreement so provides.

Section 9-503. Secured Party's Right to Take Possession After Default. Unless otherwise agreed a secured party has on default the right to take possession of the collateral. In taking possession a secured party may proceed without judicial process if this can be done without breach of the peace or may proceed by action. If the security agreement so provides the secured party may require the debtor to assemble the collateral and make it available to the secured party at a place to be designated by the secured party which is reasonably convenient to both parties. Without removal a secured party may render equipment unusable, and may dispose of collateral on the debtor's premises under section 9-504.

#### Section 9-504. Secured Party's Right to Dispose of Collateral After Default; Effect of Disposition.

(1) A secured party after default may sell, lease or otherwise dispose of any or all of the collateral in its then condition or following any commercially reasonable preparation or processing. Any sale of goods is subject to the Article on Sales (Article 2).

The proceeds of disposition shall be applied in the order following to

(a) the reasonable expenses of retaking, holding, preparing for sale or lease, selling, leasing and the like and, to the extent provided for in the agreement and not prohibited by law, the reasonable attorneys' fees and legal expenses incurred by the secured party;

(b) the satisfaction of indebtedness secured by the security interest under which the disposition is made;

(c) the satisfaction of indebtedness secured by any subordinate security interest in the collateral if written notification of demand therefor is received before distribution of the proceeds is completed. If requested by the secured party, the holder of a subordinate security interest must seasonably furnish reasonable proof of his interest, and unless he does so, the secured party need not comply with his demand.

(2) If the security interest secures an indebtedness, the secured party must account to the debtor for any surplus and, unless otherwise agreed, the debtor is liable for any deficiency. But if the underlying transaction was a sale of accounts or chattel paper, the debtor is entitled to any surplus or is liable for any deficiency only if the security agreement so provides.

(3) Disposition of the collateral may be by public or private proceedings and may be made by way of one or more contracts. Sale or other disposition may be as a unit or in parcels and at any time and place and on any terms but every aspect of the disposition including the method, manner, time, place and terms must be commercially reasonable. Unless collateral is perishable or threatens to decline speedily in value or is of a type customarily sold on a recognized market, reasonable notification of the time and place of any public sale or reasonable notification of the time after which any private sale or other intended disposition is to be made shall be sent by the secured party to the debtor, if he has not signed after default a statement renouncing or modifying his right to notification of sale. In the case of consumer goods no other notification need be sent. In other cases notification shall be sent to any other secured party from whom the secured party has received, before sending his notification to the debtor or before the debtor's renunciation of his rights, written notice of a claim of an interest in the collateral. The secured party may buy at any public sale and if the collateral is of a type customarily sold in a recognized market or is of a type which is the subject of widely distributed stand price quotations he may buy at private sale.

(4) When collateral is disposed of by a secured party after default, the disposition transfers to a purchaser for value all of the debtor's rights therein, discharges the security interest under which it is made and any security interest or lien subordinate thereto. The purchaser takes free of all such rights and interests even though the secured party fails to comply with the requirements of this Part or of any judicial proceedings

(a) in the case of a public sale, if the purchaser has no knowledge of any defects in the sale and if he does not buy in collusion with the secured party, other bidders or the person conducting the sale; or

(b) in any other case, if the purchaser acts in good faith.

(5) A person who is liable to a secured party under a guaranty, indorsement, repurchase agreement or the like and who receives a transfer of collateral from the secured party or is subrogated to his rights has thereafter the rights and duties of the secured party. Such a transfer of collateral is not a sale or disposition of the collateral under this Article.

Section 9-505. Compulsory Disposition of Collateral Acceptance of the Collateral as Discharge of Obligation.

(1) If the debtor has paid sixty per cent of the cash price in the case of a purchase money security interest in consumer goods or sixty per cent of the loan in the case of another security interest in consumer goods, and has not signed after default a statement renouncing or modifying his rights under this Part a secured party who has taken possession of collateral must dispose of it under section 9-504 and if he fails to do so within ninety days after he takes possession the debtor at his option may recover in conversion or under subsection (1) of section 9-507 on secured party's liability.

(2) In any other case involving consumer goods or any other collateral a secured party in possession may, after default, propose to retain the collateral in satisfaction of the obligation. Written notice of such proposal shall be sent to the debtor if he has not signed after default a statement renouncing or modifying his rights under this subsection. In the case of consumer goods no other notice need be given. In other cases notice shall be sent to any other secured party from whom the secured party has received, before sending his notice to the debtor or before the debtor's renunciation of his rights, written notice of a claim of an interest in the collateral. If the secured party receives objection in writing from a person entitled to receive notification within twenty-one days after the notice was sent, the secured party must dispose of the collateral under section 9-504. In the absence of such written objection the secured party may retain the collateral in satisfaction of the debtor's obligation.

Section 9-506. Debtor's Right to Redeem Collateral. At any time before the secured party has disposed of collateral or entered into a contract for its disposition under section 9-504 or before the obligation has been discharged under subsection (2) of section 9-505 the debtor or any other secured party may unless otherwise agreed in writing after default redeem the collateral by tendering fulfillment of all obligations secured by the collateral as well as the expenses reasonably incurred by the secured party in retaking, holding and preparing the collateral for disposition, in arranging for the sale, and to the extent provided in the agreement and not prohibited by law, his reasonable attorneys' fees and legal expenses.

Section 9-507. Secured Party's Liability for Failure to Comply with This Part.

(1) If it is established that the secured party is not proceeding in accordance with the provisions of this Part disposition may be ordered or restrained on appropriate terms and conditions. If the disposition has occurred the debtor or any person entitled to no-

tification or whose security interest has been made known to the secured party prior to the disposition has a right to recover from the secured party any loss caused by a failure to comply with the provisions of this Part. If the collateral is consumer goods, the debtor has a right to recover in any event an amount not less than the credit service charge plus ten per cent of the principal amount of the debt or the time price differential plus ten per cent of the cash price.

(2) The fact that a better price could have been obtained by a sale at a different time or in a different method from that selected by the secured party is not of itself sufficient to establish that the sale was not made in a commercially reasonable manner. If the secured party either sells the collateral in the usual manner in any recognized market therefor or if he sells at the price current in such market at the time of his sale or if he has otherwise sold in conformity with reasonable commercial practices amount dealers in the type of property sold he has sold in a commercially reasonable manner. The principles stated in the two preceding sentences with respect to sales also apply as may be appropriate to other types of disposition. A disposition which has been approved in any judicial proceeding or by any bona fide creditors' committee or representative of creditors shall conclusively be deemed to be commercially reasonable, but this sentence does not indicate that any such approval must be obtained in any case nor does it indicate that any disposition not so approved is not commercially reasonable.

SECTION 8. For the purpose of sections nine to fifteen, inclusive, the term the "old U.C.C." shall mean chapter one hundred and six of the General Laws in effect subsequent to October first, nineteen hundred and fifty-eight and prior to the effective date of this act, and the term "new U.C.C." shall mean said chapter one hundred and six, as amended by sections one to seven, inclusive, of this act.

SECTION 9. The provisions of section nineteen of chapter seven hundred and sixty-five of the acts of nineteen hundred and fifty-seven shall continue to apply to the new U.C.C. and for this purpose the old U.C.C. and the new U.C.C. shall be considered one statute.

SECTION 10. Transactions validly entered into after October first, nineteen hundred and fifty-eight and before the effective date of this act, and which were subject to the provisions of the old U.C.C. and which would be subject to the provisions of the new U.C.C. if they had been entered into after the effective date of this act and the rights, duties and interests flowing from such transactions remain valid after the effective date of this act and may be terminated, completed, consummated or enforced as required or permitted by the new U.C.C. Security interests arising out of such transactions which are perfected when this act becomes effective shall remain perfected until they lapse as provided in the new U.C.C., and may be continued as permitted by the new U.C.C., except as stated in section thirteen.

SECTION 11. A security interest for the perfection of which filing or the taking of possession was required under the old

U.C.C. and which attached prior to the effective date of this act but was not perfected shall be deemed perfected on the effective date of this act if the new U.C.C. permits perfection without filing or authorizes filing in the office or offices where a prior ineffective filing was made.

SECTION 12. A financing statement or continuation statement filed prior to the effective date of this act which shall not have lapsed prior to the effective date of this act shall remain effective for the period provided in the old U.C.C., but not less than five years after filing.

With respect to any collateral acquired by the debtor subsequent to the effective date of this act, any effective financing statement or continuation statement described in this section shall apply only if the filing or filings are in the office or offices that would be appropriate to perfect the security interests in the new collateral under the new U.C.C.

The effectiveness of any financing statement or continuation statement filed prior to the effective date of this act may be continued by a continuation statement as permitted by the new U.C.C., except that if the new U.C.C. requires a filing in an office where there was no previous financing statement, a new financing statement conforming to section thirteen of this act shall be filed in that office.

If the record of a mortgage of real estate would have been effective as a fixture filing of goods described therein if the new U.C.C. had been in effect on the date of recording the mortgage, the mortgage shall be deemed effective as a fixture filing as to such goods under subsection (6) of section 9-402 of the new U.C.C. on the effective date of this act.

SECTION 13. If a security interest is perfected or has priority when this act takes effect as to all persons or as to certain persons without any filing or recording, and if the filing of a financing statement would be required for the perfection or priority of the security interest against those persons under the new U.C.C., the perfection and priority rights of the security interest continue until three years after the effective date of this act. The perfection shall then lapse unless a financing statement is filed as provided hereinafter or unless the security interest is perfected otherwise than by filing.

If a security interest is perfected when the new U.C.C. takes effect under a law other than the old U.C.C. which requires no further filing, refiling or recording to continue its perfection, perfection continues until and shall lapse three years after the effective date of this act, unless a financing statement is filed as hereinafter provided or unless the security interest is perfected otherwise than by filing, or unless under subsection (3) of section 9-302 of the new U.C.C. the other law continues to govern filing.

(3) If a security interest is perfected by a filing, refiling or recording under a law repealed by this act which required further filing, refiling or recording to continue its perfection, perfection continues and shall lapse on the date provided by the law so repealed for such further filing, refiling or recording unless a financing statement is filed as hereinafter provided or



unless the security interest is perfected otherwise than by filing.

A financing statement may be filed within six months before the perfection of a security interest would otherwise lapse. Any such financing statement may be signed by either the debtor or the secured party. It must identify the security agreement, statement or notice, however denominated in any statute or other law repealed or modified by this act, state the office where and the date when the last filing, refiling or recording, if any, was made with respect thereto, and the filing number, if any, or book and page, if any, of recording and further state that the security agreement, statement or notice, however denominated, in another filing office under the old U.C.C. or under any statute or other law repealed or modified by this act is still effective. Sections 9-103 and 9-401 of the new U.C.C. determine the proper place to file such a financing statement. Except as specified in this subsection, the provisions of subsection (3) of section 9-403 of the new U.C.C. for continuation statements apply to such a financing statement.

SECTION 14. Except as otherwise provided in sections eight to thirteen, inclusive, of this act, the old U.C.C. shall apply to any questions of priority if the positions of the parties were fixed prior to the effective date of the new U.C.C. In other cases questions of priority shall be determined by the new U.C.C.

SECTION 15. Unless a change in law has clearly been made, the provisions of the new U.C.C. shall be deemed declaratory of the meaning of the old U.C.C.

SECTION 16. This act shall take effect on January first, nineteen hundred and eighty.

Approved August 16, 1979.

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Chap. 513. AN ACT PROVIDING FOR THE APPOINTMENT OF DELEGATES TO THE ANNUAL CONVENTIONS OF THE ENLISTED ASSOCIATION OF THE NATIONAL GUARD OF THE UNITED STATES.

Be it enacted, etc., as follows:

Chapter 33 of the General Laws is hereby amended by striking out section 135, as appearing in section 1 of chapter 590 of the acts of 1954, and inserting in place thereof the following section:-

Section 135. The commander-in-chief may appoint delegates from the National Guard Association of Massachusetts, Inc. to represent the national guard, army and air, of the commonwealth at the annual conventions of the National Guard Association of the United States. Said commander-in-chief may also appoint delegates from the Massachusetts National Guard Enlisted Association to attend the annual conventions of the Enlisted Association of the National Guard of the United States. The necessary expenses of the delegates so appointed from the active national guard, army or air, may be paid out of military appropriations; provided, however, that no more than a total of thirty

delegates shall be appointed annually to attend said conventions; and provided, further, that at no time shall the total amount of expenses paid to any delegate so appointed exceed the rate of fifteen dollars per day.

Approved August 16, 1979.

Chap. 514. AN ACT AUTHORIZING THE TOWN OF ARLINGTON TO SELL AND CONVEY A CERTAIN PARCEL OF PARK LAND IN SAID TOWN TO THE ARLINGTON BOYS' CLUB, INC.

Be it enacted, etc., as follows:

Notwithstanding any general or special law to the contrary, the board of selectmen of the town of Arlington is hereby authorized to sell and convey a certain parcel of land previously devoted to park purposes in the town of Arlington upon such terms as it may determine, to the Arlington Boys' Club, Inc., said land being bounded and described as follows:

Beginning at a point of curvature, on the westerly sideline of Pond Lane at the intersection of Pond Lane Extension; thence proceeding southwesterly a distance of 108.50 feet to an angle point; thence still proceeding southwesterly a distance of 120 feet to the westerly lot corner of the Arlington Boys' Club property; thence turning and proceeding northwesterly a distance of 18 feet to a point on the southerly sideline of Pond Lane Extension; thence turning and proceeding northeasterly along the southerly sideline of Pond Lane Extension, a distance of 216.35 feet to a point of curvature at the intersection of Pond Lane Extension and Pond Lane; thence proceeding around a curve with a radius of 12 feet a distance of 18.96 feet to the point of beginning. Said parcel to contain an area of 3769 square feet and shown as lot "N" on a plan of land in Arlington, Ma. Scale 1"=20' and dated Jan. 1979, by John J. Sullivan, Civil Engineer and Land Surveyor."

Approved August 16, 1979.

Chap. 515. AN ACT EXTENDING THE MEDICAL MALPRACTICE INSURANCE JOINT UNDERWRITING ASSOCIATION.

Be it enacted, etc., as follows:

Section 13 of chapter 362 of the acts of 1975 is hereby amended by striking out the word "seventy-nine", inserted by chapter 474 of the acts of 1977, and inserting in place thereof the word: eighty-one.

Approved August 16, 1979.

Chap. 516. AN ACT RELATIVE TO DEBRIS STORED IN BUILDINGS.

Be it enacted, etc., as follows:

Chapter 148 of the General Laws is hereby amended by striking out section 5, as most recently amended by chapter 456 of

the acts of 1962, and inserting in place thereof the following section:-

Section 5. The marshal, the head of the fire department or any person to whom the marshal or the head of the fire department may delegate his authority in writing may, and upon complaint of a person having an interest in any building or premises or property adjacent thereto, shall, at any reasonable hour, enter into buildings and upon premises, which term for the purposes of the remainder of this section shall include alleys adjacent thereto, within their jurisdiction and make an investigation as to the existence of conditions likely to cause fire. They shall, in writing, order such conditions to be remedied, and whenever such officers or persons find in any building or upon any premises any accumulation of combustible rubbish including, but not limited to, waste paper, rags, cardboard, string, packing material, sawdust, shavings, sticks, waste leather or rubber, broken boxes or barrels or any other refuse or useable materials that is or may become dangerous as a fire menace or as an obstacle to easy ingress into or egress from such buildings or premises, they shall, in writing, order the same to be removed or such conditions to be remedied. Notice of such order shall be served upon the owner, occupant or his authorized agent by a member of the fire or police department. If said order is not complied with within twenty-four hours, the person making such order, or any person designated by him, may enter into such building or upon such premises and remove such refuse or any useable materials or abate such conditions at the expense of such owner or occupant. Any expense so incurred by or on behalf of the commonwealth or of any city or town, shall be a lien upon such building or premises, effective upon the filing in the proper registry of deeds of a claim thereof signed by such person and setting forth the amount for which the lien is claimed; and the lien shall be enforced within the time and in the manner provided for the collection of taxes upon real estate. Any such owner or occupant who fails or refuses to comply with said order shall be punished by a fine of not more than fifty dollars for each consecutive forty-eight hours during which such failure or refusal to comply continues.

Approved August 16, 1979.

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Chap. 517. AN ACT AUTHORIZING THE BOARD OF TRUSTEES OF STATE COLLEGES TO CONVEY A CERTAIN PARCEL OF LAND IN THE CITY OF NORTH ADAMS TO SAID CITY FOR HIGHWAY PURPOSES.

Be it enacted, etc., as follows:

Notwithstanding the provisions of any general or special law to the contrary, the board of trustees of state colleges, may, in the name and on behalf of the commonwealth, convey to the city of North Adams for highway purposes, by deed approved as to form by the attorney general, all the right, title and interest of the commonwealth in and to certain parcels of land located in the

city of North Adams. Said land is situated on the westerly side of Church street in said city being bounded and described as follows:-

Beginning at a brass disk set in the concrete sidewalk, which disk is the point of intersection of the south line of Blackinton Street and the existing west line of Church Street;

Thence along the west line of Church Street the following five courses:

S25°-58'-29"E, two hundred seventy-five and four hundredths (275.04) feet to a point;

S22°-59'-23"E, fifty-one and three-tenths (51.30) feet to a stone monument;

S27°-58'-59"E, three hundred seventy-eight and fourteen hundredths (378.14) feet to a point;

S40°-12'-17"E, two hundred fourteen and forty-four hundredths (214.44) feet to a stone monument;

S36°-51"E, sixty-four and eighty-four hundredths (64.84) feet to the corner of a masonry wall at the northeast corner of land now or formerly of Alfred and Helen Bourdon;

Thence N40°-58'-14"W, two hundred forty and thirty-two hundredths (240.32) feet through land of the Commonwealth of Massachusetts to the P.C. of a curve;

Thence on a curve to the right, Radius of 250 feet, a length of fifty-six and sixty-seven hundredths (56.67) feet to the P.T. of the curve;

Thence N27°-58'-59"W, three hundred sixty-one and fifty-four hundredths (361.54) feet to a point;

Thence N25°-30'-20"W, three hundred eight and seventy-two hundredths (308.72) feet to the P.C. of a curve;

Thence on a curve to the left, Radius of 25 feet, a length of thirty-two and fifty-seven hundredths (32.57) feet to the P.T. of the curve, which point is also on the south street line of Blackinton Street;

Thence N79°-51'-30"E, twenty-four and twenty-five hundredths (24.25) feet along the south line of Blackinton Street to the brass disk at the place of beginning.

The above described parcel contains about 5375 square feet and is a portion of that land owned by the commonwealth and is more particularly shown upon a plan entitled "City of North Adams, Mass., Church Street, Plan Showing Street Line Relocation, Scale 1"=40', Feb. 6, 1978, Genesio A. Breda, City Engineer".

Approved August 16, 1979.

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Chap. 518. AN ACT ESTABLISHING A PROCEDURE FOR THE RESCISSION OF STATUTES PREVIOUSLY ACCEPTED BY CITIES AND TOWNS.

Be it enacted, etc., as follows:

SECTION 1. Chapter 4 of the General Laws is hereby amended by inserting after section 4A the following section:-

Section 4B. At any time after the expiration of three years from the date on which a statute to take effect upon its accep-

tance by a city or town or a municipality as defined in section four, or is to be effective in such cities, towns or municipalities accepting its provisions, has been accepted in any such city, town or municipality such statute may be revoked in the same manner as it was accepted by such city, town or municipality, but such revocation shall be subject to the following restrictions:

(a) This section shall not apply if such statute provides for an another manner of revocation.

(b) This section shall not apply to any such statute which authorizes, but does not require, the city, town or municipality to act.

(c) This section shall not apply to any action taken under chapter thirty-one, thirty-two, or thirty-two B.

(d) This section shall not apply to any action taken to establish a regional district, authority or other entity which involves another city, town, municipality, district or other governmental entity.

(e) This section shall not affect any contractual rights which have come into existence between the city town or municipality and any officer or employee thereof as a result of the original acceptance of any such statute or the provisions thereof, provided, however, such revocation shall apply to the successor to the incumbent officer or employee, which application shall prevent the same contractual right from automatically continuing with respect to such successor officer or employee.

(f) If, within sixty days following the date the vote to revoke the acceptance of any such statute or the provisions thereof is taken, other than a vote which has been submitted to the voters on official ballots, a petition signed by five per cent or more of the registered voters of said city, town or municipality requesting that the question of revoking the acceptance by submitting to the voters of such city, town or municipality is filed in the office of the clerk in any such city, town or municipality, such vote shall be suspended from taking effect until the question is determined by vote of the registered voters voting thereon at the next regular city, town or municipal election, or if the city council or board of selectmen or other authority charged with calling elections shall so direct, at a special election called for that purpose. In response to the following question:- "Shall the acceptance by the \_\_\_\_\_ (City, Town) of section(s)

\_\_\_\_\_ of chapter \_\_\_\_\_ of the General Laws be revoked?" A brief summary of the relevant section or sections of the General Laws shall also appear on the official ballot. If such revocation is favored by a majority of the voters voting thereon, the acceptance of said statute or the provisions thereof shall be revoked and it shall become null and void beginning with the first day of the month next following said revocation.

(g) Petitions filed requesting the placement of the question of revocation on the ballot for determination by the voters shall be substantially in conformity with the provisions of the law governing the signing of nomination papers for city, town or municipal officers, to the identification and certification of names thereon, and submission to the registrars thereof.

(h) If, on the sixty-first day following the date a vote has

been taken to revoke the acceptance of such statute or the provisions thereof, and no petition as aforesaid has been filed, the vote to revoke shall become effective forthwith.

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

Approved August 16, 1979.

Chap. 519. AN ACT INCREASING THE SALE OF MINIBONDS BY THE STATE TREASURER.

Be it enacted, etc., as follows:

Section 49A of chapter 29 of the General Laws, as inserted by section 17 of chapter 513 of the acts of 1978, is hereby amended by striking out clause (1) and inserting in place thereof the following clause:- (1) not more than ten million dollars principal amount of minibonds shall be sold by the state treasurer in any one fiscal year.

Approved August 16, 1979.

EMERGENCY LETTER August 21, 1979 @ 3:23 P.M.

Chap. 520. AN ACT PROVIDING FOR RECALL AND REMOVAL ELECTIONS IN THE TOWN OF BARRE.

Be it enacted, etc., as follows:

SECTION 1. Any holder of an elective office in the town of Barre may be recalled and removed therefrom by the qualified voters of the town as herein provided.

SECTION 2. Any qualified voter of the town may make and file with the town clerk an affidavit containing the name of the officer sought to be removed and a statement of the grounds of removal. The town clerk shall thereupon deliver to the voter making such affidavit a sufficient number of copies of petition blanks for such recall and removal. Said blanks shall be issued by the town clerk with his signature and official seal attached thereto; and shall be dated and addressed to the selectmen. Said blanks shall contain the name of the person to whom issued, the number of blanks so issued, the name of the person sought to be removed, the office from which removal is sought, the grounds of removal as stated in said affidavit, and shall demand the election of a successor to such office. A copy of the petition shall be entered in a record book to be kept in the office of the town clerk. Said recall petition shall be returned and filed with the town clerk within fourteen days after the filing of the affidavit. Said petition before being returned and filed shall be signed by qualified voters of the town, equal in number to at least fifteen per cent of the qualified voters of the town as of the date such affidavit was filed with the town clerk.

SECTION 3. If the petition shall be found and certified by the town clerk to be sufficient, he shall submit the same with his certificate to the selectmen without delay, and the selectmen shall forthwith give written notice to said officer of the receipt

of said certificate and shall, if the officer sought to be removed does not resign within five days thereafter, thereupon order a removal election to be held on a day fixed by them not less than twenty-five nor more than thirty-five days after the date of the town clerk's certificate that a sufficient petition is filed; provided, however, that if any other town election is to occur within sixty days after the date of said certificate, the selectmen may, in their discretion, postpone the holding of the removal election to the date of such other election. If a vacancy occurs in said office after a removal election has been so ordered, the election shall nevertheless proceed as provided in this section.

SECTION 4. Any officer who has been removed by a vote at the removal election may be a candidate to succeed himself in an election to be held to fill such vacancy. The nomination of all candidates, the publication of the warrant for the removal election and any election to fill a vacancy caused by a removal election, and the conduct of the same, shall all be in accordance with the provisions of law relating to elections, unless otherwise provided in this act. A majority of those voting at the removal election shall be sufficient to recall such elected officer.

SECTION 5. The incumbent shall continue to perform the duties of his office until the removal election. If said incumbent is not removed, he shall continue in office for the remainder of his unexpired term, subject to recall as before. If said incumbent is removed in the removal election, he shall be deemed removed and an election shall be held to elect a qualified successor, who shall hold office during the unexpired term.

SECTION 6. This act shall be submitted for acceptance to the voters of the town of Barre at the next annual town meeting in the form of the following question, which shall be placed on the official ballot to be used for the election of town officers at said meeting:- "Shall an act passed by the General Court in the year nineteen hundred and seventy-nine, entitled 'An Act providing for recall and removal elections in the town of Barre', be accepted?" If a majority of the votes cast in answer to said question is in the affirmative, this act shall take full effect, but not otherwise.

Approved August 16, 1979.

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Chap. 521.      AN ACT FACILITATING THE USE OF ALTERNATIVE ENERGY HOME HEATING EQUIPMENT.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any general or special law to the contrary a building permit shall be required for the installation of any solid fuel burning appliance provided, however, the provisions of the Massachusetts state building code and the one and two family dwelling code, so far as they require labeling of solid fuel burning appliances and factory built chimneys as a prerequisite for the issuance of such a building permit, shall not be effective prior to January first, nineteen hundred and eighty.

SECTION 2. This act shall take effect in every city and town

in the commonwealth unless the mayor, the board of selectmen or town council shall vote to impose those provisions of the state building code and the one and two family dwelling code, concerning labeling, prior to January first, nineteen hundred and eighty.

Approved August 16, 1979.

EMERGENCY LETTER September 5, 1979 @ 10:44 A.M.

Chap. 522.      AN ACT FURTHER REGULATING PROCEDURES  
FOR THE MAKING AND ENFORCEMENT OF ORDERS  
FOR SUPPORT.

Be it enacted, etc., as follows:

SECTION 1. Section 36 of chapter 208 of the General Laws is hereby amended by adding the following paragraph:-

If the court finds after a hearing that the obligor is in the aggregate more than four weeks in arrears in support payments, the court may as a condition of disposition order the obligor to assign a portion of his periodic earnings to the person entitled to receive said support or the person designated by the court to receive such payments, including, but not limited to, the person entitled to receive such support under the order, the family service office of the court or where the person entitled to receive such support is a recipient of public assistance, the department of public welfare or the division of social services and to notify the employer of the obligor to forward such portion periodically to the supported person. Such assignment shall take effect on the next payment of earnings after the employer of the obligor receives notice thereof. The employer may deduct from said earnings a sum not exceeding one dollar as reimbursement for costs incurred. The order of assignment shall specify the amount of earnings to be paid to the person supported and the amount of earnings exempted from such payment, which the court shall fix at an amount not less than the minimum sum which the obligor requires for the necessities of life, including food, shelter, utilities, clothing and reasonable expenses necessary to travel to or obtain employment. The obligor may move to terminate or modify the amount of such assignment at any time for good cause. If the employment of the obligor is terminated, the obligor shall promptly notify the court and the court may, on its own motion or upon motion of the complainant, order an assignment of earnings from any subsequent employer.

SECTION 2. Chapter 209 of the General Laws is hereby amended by striking out section 32E, inserted by section 2 of chapter 984 of the acts of 1977, and inserting in place thereof the following section:-

Section 32E. If the court finds after a hearing that the obligor is in the aggregate more than four weeks in arrears in support payments, the court may as a condition of disposition order the obligor to assign a portion of his periodic earnings to the person entitled to receive said support or the person designated by the court to receive such payments, including, but not limited to, the person entitled to receive such support under the order, the



family service office of the court where the person entitled to receive such support is a recipient of public assistance, the department of public welfare or the division of social services and to notify the employer of the obligor to forward such portion periodically to the supported person. Such assignment shall take effect on the next payment of earnings after the employer of the obligor receives notice thereof. The employer may deduct from said earnings a sum not exceeding one dollar as reimbursement for costs incurred. The order of assignment shall specify the amount of earnings to be paid to the person supported and the amount of earnings exempted from such payment, which the court shall fix at an amount not less than the minimum sum which the obligor requires for the necessities of life, including food, shelter, utilities, clothing and reasonable expenses necessary to travel to or obtain employment. The obligor may move to terminate or modify the amount of such assignment at any time for good cause. If the employment of the obligor is terminated, the obligor shall promptly notify the court and the court may, on its own motion or upon motion of the complainant, order an assignment of earnings from any subsequent employer.

SECTION 3. Section 34 of chapter 215 of the General Laws, as most recently amended by section 67 of chapter 400 of the acts of 1975, is hereby further amended by adding the following sentence:- The failure of a defendant to comply with an order of the court for the support of spouse or minor children at a time when the defendant possessed the ability to make the support payment as ordered by the court may be punished as a criminal contempt.

SECTION 4. Section 5 of chapter 273 of the General Laws, as amended by section 3 of chapter 848 of the acts of 1977, is hereby further amended by adding the following paragraph:-

If the court finds after a hearing that the obligor is in the aggregate more than four weeks in arrears in support payments, the court may as a condition of disposition order the obligor to assign a portion of his periodic earnings to the person entitled to receive said support or the person designated by the court to receive such payments, including, but not limited to, the person entitled to receive such support under the order, the family service office of the court where the person entitled to receive such support is a recipient of public assistance, the department of public welfare or the division of social services and to, notify the employer of the obligor to forward such portion periodically to the supported person. Such assignment shall take effect on the next payment of earnings after the employer of the obligor receives notice thereof. The employer may deduct from said earnings a sum not exceeding one dollar as reimbursement for costs incurred. The order of assignment shall specify the amount of earnings to be paid to the person supported and the amount of earnings exempted from such payment, which the court shall fix at an amount not less than the minimum sum which the obligor requires for the necessities of life, including food, shelter, utilities, clothing and reasonable expenses necessary to travel to or obtain employment. The obligor may move to terminate or modify the amount of such assignment at any time

for good cause. If the employment of the obligor is terminated, the obligor shall promptly notify the court and the court may, on its own motion or upon motion of the complainant, order an assignment of earnings from any subsequent employer.

SECTION 5. This act shall apply to orders or judgments in effect on the effective date of this act.

Approved August 16, 1979.

EMERGENCY LETTER August 17, 1979 @ 11:27 A.M.

Chap. 523. AN ACT PROVIDING FOR REMOVAL ELECTIONS  
IN THE TOWN OF SPENCER.

Be it enacted, etc., as follows:

SECTION 1. Any holder of an elective office in the town of Spencer may be recalled and removed therefrom by the qualified voters of the town as herein provided.

SECTION 2. Any qualified voter of the town may make and file with the town clerk an affidavit containing the name of the officer sought to be removed and a statement of the grounds of removal. The town clerk shall thereupon deliver to the voter making such affidavit a sufficient number of copies of petition blanks for such recall and removal. Said blanks shall be issued by the town clerk with his signature and official seal attached thereto; and shall be dated and addressed to the selectmen. Said blanks shall contain the name of the person to whom issued, the number of blanks so issued, the name of the person sought to be removed, the office from which removal is sought, the grounds of removal as stated in said affidavit, and shall demand the election of a successor to such office. A copy of the petition shall be entered in a record book to be kept in the office of the town clerk. Said recall petition shall be returned and filed with the town clerk within twenty days after the filing of the affidavit. Said petition before being returned and filed shall be signed by two hundred qualified voters, and to every such signature shall be added the place of residence of the signer, giving the street and number. The recall petition shall be submitted, at or before five o'clock in the afternoon of the Saturday preceding the day on which it must be filed, to the registrars of voters in the town, and the registrars shall forthwith certify thereon the number of signatures which are names of voters of the town.

SECTION 3. If the petition shall be found and certified by the town clerk to be sufficient, he shall submit the same with his certificate to the selectmen without delay, and the selectmen shall forthwith give written notice to said officer of the receipt of said certificate and shall, if the officer sought to be removed does not resign within five days thereafter, thereupon order a removal election to be held on a Tuesday fixed by them not less than twenty-five nor more than thirty-five days after the date of the town clerk's certificate that a sufficient petition is filed; provided, however, that if any other town election is to occur within sixty days after the date of said certificate, the selectmen may, in their discretion, postpone the holding of the removal

election to the date of such other election. If a vacancy occurs in said office after a removal election has been so ordered, the election shall nevertheless proceed as provided in this section.

SECTION 4. Any officer who has been removed by a vote at the removal election may be a candidate to succeed himself in an election to be held to fill such vacancy, and, unless he requests otherwise in writing, the town clerk shall place his name on the official ballot without nomination. The nomination of other candidates, the publication of the warrant for the removal election and any election to fill a vacancy caused by a removal election, and the conduct of the same, shall all be in accordance with the provisions of law relating to elections, unless otherwise provided in this act.

SECTION 5. The incumbent shall continue to perform the duties of his office until the removal election. If said incumbent is not removed, he shall continue in office for the remainder of his unexpired term, subject to removal as before, except as provided in section seven. If said incumbent is removed in the removal election, he shall be deemed removed and an election shall be held to elect a qualified successor, who shall hold office during the unexpired term.

SECTION 6. Ballots used in a removal election shall submit the following propositions in the order indicated:

For the removal of (name of officer)

Against the recall of (name of officer)

Immediately at the right of each proposition there shall be a square in which the voter, by making a cross mark (X) may vote for either of such propositions.

SECTION 7. No removal petition shall be filed against an officer within three months after he takes office, nor in the case of an officer subjected to a removal election and not removed thereby, until at least three months after that election.

SECTION 8. No person who has been removed from an office by a removal election, or who has resigned from office while removal proceedings were pending against him, shall be appointed to any town office within two years after such removal by a removal election or such resignation.

SECTION 9. This act shall be submitted for acceptance to the voters of the town of Spencer at the next annual town election or a special town election, whichever occurs first, in the form of the following question which shall be placed on the official ballot at such election:- "Shall an act passed by the General Court in the year nineteen hundred and seventy-nine, entitled 'An act providing for removal elections in the town of Spencer', 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 August 16, 1979.

SPECTOR AND SUBSTITUTE INSPECTOR OF  
PLUMBING AND GAS IN THE TOWN OF NEED-  
HAM FROM THE PROVISION OF THE CIVIL  
SERVICE LAW.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any provision of Law to the contrary, the positions of sealer of weights and measures, plumbing inspector, and substitute inspector of plumbing and gas in the town of Needham 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 incumbent holding permanent civil service status in the position of sealer of weights and measures or plumbing inspector in the town of Needham on the effective date of this act.

Approved August 17, 1979.

Chap. 525. AN ACT REDUCING THE TERM FOR MEMBERS  
OF THE SCHOOL COMMITTEE OF THE CITY OF  
PITTSFIELD FROM FOUR YEARS TO TWO YEARS.

Be it enacted, etc., as follows:

SECTION 1. Section 15 of chapter 280 of the acts of 1932 is hereby amended by striking out the second paragraph, as most recently amended by chapter 231 of the acts of 1966, and inserting in place thereof the following subparagraph:-

Six members of the school committee, to be elected at large by and from the voters of the city, for the term of two years each.

SECTION 2. This act shall be submitted for acceptance to the voters of the city of Pittsfield at the city election in the year nineteen hundred and seventy-nine in the form of the following question, which shall be placed upon the official ballot to be used for the election of city officers at said election:

"Shall the term of the members of the school committee of the city of Pittsfield be reduced from four years to two years?" If a majority of the votes in answer to this question are in the affirmative, section one of this act shall take full effect on January first, nineteen hundred and eighty, but not otherwise.

Approved August 16, 1979.

Chap. 526. AN ACT MAKING A CORRECTIVE CHANGE IN  
THE LAW RELATIVE TO MEDICAL SERVICE  
CORPORATIONS.

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

Be it enacted, etc., as follows:

Chapter 176B of the General Laws is hereby amended by striking out section 4A, as amended by section 1 of chapter 504 of the acts of 1977, and inserting in place thereof the following section:-

Section 4A $\frac{1}{2}$ . Any subscription certificate under an individual or group medical service agreement, except certificates which provide supplemental coverage to Medicare or other governmental programs, which shall be delivered or issued or renewed in this commonwealth shall provide as benefits to all individual subscribers and members within the commonwealth and to all group members having a principal place of employment within the commonwealth, for expense for the treatment of alcoholism as hereinafter set forth:

(a) In the case of benefits based upon confinement as an inpatient in an accredited or licensed hospital or in any other public or private facility thereof providing services especially for the detoxification or rehabilitation of intoxicated persons or alcoholics and which is licensed by the department of public health for those services, such benefits shall be at least thirty days in any calendar year.

(b) In the case of outpatient benefits these shall cover, to the extent of five hundred dollars over a twelve month period, services furnished by an accredited or licensed hospital, or by any public or private facility or portion thereof providing services especially for the rehabilitation of intoxicated persons or alcoholics and which is licensed by the department of public health for those purposes. Consultations or treatment sessions furnished by a facility in this clause shall be rendered by a physician or psychotherapist fully licensed under the provisions of chapter one hundred and twelve who devotes a substantial portion of his time treating intoxicated persons or alcoholics. For purposes of this clause "psychotherapist" shall mean a person fully licensed to practice medicine under the provisions of said chapter one hundred and twelve and who devotes a substantial portion of his time to the practice of psychiatry.

Approved August 20, 1979.

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Chap. 527. AN ACT PROVIDING FOR FINDINGS OF FACT  
AND REPORT BY THE APPELLATE TAX  
BOARD.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately provide certain procedures for the appellate tax board, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. The second paragraph of section 1 of chapter 58A of the General Laws is hereby amended by striking out the third sentence, as most recently amended by section 9 of chapter 580 of the acts of 1978, 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 value of the property involved in the appeal does not exceed fifty thousand dollars, and also in cases where the assessed value exceeds fifty thousand dollars but does not exceed one hundred thousand dollars when the appellant gives written consent to a decision by a single member.

SECTION 2. Section 13 of said chapter 58A is hereby amended by striking out the first sentence, as most recently amended by section 15 of said chapter 580, and inserting in place thereof the following sentence:- 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.

Approved August 20, 1979.

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Chap. 528. AN ACT AUTHORIZING AND DIRECTING THE MASSACHUSETTS HISTORICAL COMMISSION TO CONVEY TITLE TO CERTAIN PROPERTY LOCATED IN THE CITY OF BOSTON TO THE SHIRLEY-EUSTIS HOUSE ASSOCIATION.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately facilitate the restoration of the historic and colonial governor's mansion known as the Shirley-Eustis house, so that this historic landmark may be visited and enjoyed by citizens of the commonwealth and the nation; therefore, it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

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Be it enacted, etc., as follows:

The Massachusetts Historical Commission, acting on behalf of the commonwealth, is hereby authorized and directed to execute and deliver a deed to the Shirley-Eustis House Association, a corporation duly established by the laws of the commonwealth, conveying all its rights, title and interest in and to the Shirley-Eustis house located in the Roxbury district of the city of Boston. Said property acquired by the commonwealth by a deed from the said Shirley-Eustis House Association, dated December fourth, nineteen hundred and sixty-eight and recorded with the Suffolk county registry of deeds in Book 8251, Page 174, is more particularly bounded and described as follows:

NORTHWESTERLY by Shirley Street, ninety-seven and 24/100 (97.24) feet;

NORTHEASTERLY by lot numbered eleven (11) on a plan of the Governor Eustis Estate drawn by A. M. Hoyt, dated 1867 and recorded with Norfolk Deeds, being land supposed to belong now or formerly to Ward in part and Hanley in part, one hundred forty-two (142) feet;

SOUTHEASTERLY by Rockford Street, about one hundred three (103) feet; and

SOUTHWESTERLY by land conveyed by Hannah F. Osgood to George Curtis et al, Trustees by deed recorded with Suffolk Deeds, Book 2200, Page 325, one hundred and six and 5/10 (106.5) feet.

Containing by estimation, 12,237 square feet of land, be all of said measurements, more or less.

Approved August 20, 1979.

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Chap. 529.     AN ACT REQUIRING CERTAIN PRECAUTIONS  
                  BEFORE ADMINISTERING RADIATION TREAT-  
                  MENT.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately provide for safeguards from radiation treatments, 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:

Chapter 111 of the General Laws is hereby amended by inserting after section 5I the following section:-

Section 5J. Any person who administers radiation treatment of any kind to another person shall use lead shields to protect such other person when clinically appropriate. If such other person is a female, any person who so administers such radiation treatment shall inform her that radiation can be hazardous to an unborn child, shall inquire whether such female believes she is pregnant, and if the answers is affirmative, take clinically appropriate precautions before administering such treatment.

Approved August 20, 1979.

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Chap. 530.     AN ACT AUTHORIZING THE PAYMENT OF CER-  
                  TAIN WAGES TO GARY GOMES A FIREFIGHTER  
                  IN THE FIRE DEPARTMENT 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 Gary Gomes, a firefighter in the fire department of said city in accordance with the provisions of chapter seven hundred and eight of the acts of nineteen hundred and forty-one for the period from September fourteenth, nineteen hundred and seventy-five through June thirtieth, nineteen hundred and seventy-seven; provided, however, that the total amount so paid shall not exceed six thousand eight hundred eighty-two dollars and forty-seven cents.

SECTION 2. Any action taken by the city of New Bedford pursuant to section one of this act prior to the effective date of this act is hereby validated and confirmed to the same extent as

though this act had been in full force and effect at the time such action was taken by said city.

Approved August 20, 1979.

Chap. 531. AN ACT RELATIVE TO THE CERTIFICATE OF TITLE IN MORTGAGE TRANSACTIONS.

Be it enacted, etc., as follows:

Chapter 93 of the General Laws is hereby amended by striking out section 70, inserted by section 1 of chapter 547 of the acts of 1972, and inserting in place thereof the following section:-

Section 70. Whenever, in connection with the granting of any loan or credit to be secured by a purchase money mortgage on real estate improved with a dwelling designed to be occupied by not more than four families and occupied or to be occupied in whole or in part by the mortgagor, the mortgagor is required or agrees to pay or be responsible for any fee or expense charged or incurred by any attorney acting for or on behalf of the mortgagee in connection with the rendering of a certification of title to the mortgaged premises such certification shall be rendered to the mortgagor and to the mortgagee.

The liability of any attorney rendering such certification to the mortgagor shall be limited to the amount of the consideration shown on the deed and shall be limited to the amount of the mortgage when rendering such certification to the mortgagee. Said certification shall state that at the time of recording the mortgage the mortgagor holds good, clear marketable title of record to the property, free from all encumbrances which would materially affect the title, and excepting only matters which are expressly enumerated therein. Said certification shall be effective for the benefit of the mortgagor only as long as said mortgagor owns the said premises, and for the benefit of the mortgagee only as long as the mortgage is in existence. Failure to comply with the provisions of this section shall constitute an unfair or deceptive act or practice under the provisions of chapter ninety-three A.

Approved August 20, 1979.

Chap. 532. AN ACT AUTHORIZING ADDITIONAL VACATION TIME WHICH IS DUE CERTAIN STATE EMPLOYEES.

Be it enacted, etc., as follows:

For the purpose of promoting the public good, notwithstanding the provisions of any general or special law to the contrary, the dean of administration of the Mount Wachusett Community College is hereby authorized and directed to credit to the following employees of Mount Wachusett Community College in the city of Gardner vacation time which is past due: Edith M. Sbrega for eight weeks and one day; Mary A. Norton for one week and three days; and Percy M. Blanchard for thirteen weeks and one day.

Approved August 20, 1979.



Chap. 533. AN ACT AUTHORIZING THE DEPARTMENT OF PUBLIC WORKS TO ACQUIRE CERTAIN PUBLIC LANDS IN THE TOWN OF MILLVILLE 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, the department of public works, acting for and on behalf of the commonwealth is hereby authorized to acquire by eminent domain under the provisions of 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 "Planned Public Lands in the Town of Millville to be taken for highway purposes, July 1978" which said department is hereby directed to file with the office of the chief engineer of said department, and are bounded and described as follows:

Beginning at a point on the existing (1902) State Highway Layout twenty-four and seventy-five hundredths (24.75) feet left of Station 75+00, and proceeding easterly along the property line for a distance of approximately eighteen and five tenths (18.5) feet to a point on the Proposed State Highway Layout; thence in a southeasterly direction for a distance of approximately fifty-four (54) feet to a point of curvature on the Proposed State Highway Layout; thence along a one thousand nine hundred and sixty (1,960) feet radius curve for a distance of approximately two hundred forty-five (245) feet to a point of tangency; thence southeasterly along a tangent for a distance of approximately three hundred three (303) feet to an existing Massachusetts Highway Bound (MHA); thence northwesterly along existing State Highway Layout for a distance of approximately four hundred six (406) feet to an existing MHB; thence northwesterly along the existing State Highway Layout for a distance of approximately two hundred seven (207) feet to the point of beginning, enclosing an area of approximately thirteen hundredths (0.13) acres of land more or less.

Said parcel of land being owned by the town of Millville and being used as a landfill area. Said land is vacant and is to be diverted by the department of public works for highway purposes.

Approved August 20, 1979.

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Chap. 534. AN ACT DEFINING THE WORD "DRAINAGE" AS USED IN THE SUBDIVISION CONTROL LAW.

Be it enacted, etc., as follows:

Section 81L of chapter 41 of the General Laws is hereby amended by inserting after the definition of "Certified by a planning board" the following definition:-

"Drainage", shall mean the control of surface water within the tract of land to be subdivided.

Approved August 20, 1979.

Chap. 535. AN ACT AUTHORIZING THE METROPOLITAN DISTRICT COMMISSION TO CONSTRUCT AND MAINTAIN A PEDESTRIAN CONTROL TRAFFIC LIGHTS ON THE FELLSWAY AT THE INTERSECTION OF FOURTH STREET IN THE CITY OF MEDFORD.

Be it enacted, etc., as follows:

The metropolitan district commission is hereby authorized and directed to construct and maintain pedestrian control traffic lights in the city of Medford on the Fellsway at the intersection of Fourth street.

Approved August 20, 1979.

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Chap. 536. AN ACT AUTHORIZING THE COMMONWEALTH TO REIMBURSE THE TOWN OF TYNGSBOROUGH FOR CERTAIN MONIES EXPENDED FOR VETERANS' BENEFITS.

Be it enacted, etc., as follows:

There shall be allowed and paid out of the state treasury to the town of Tyngsborough, subject to appropriation and subject to the approval of the commissioner of veteran's services, such sum, not exceeding twenty-one thousand three hundred and seventy-six dollars and thirty cents, as said town would have been entitled to receive in reimbursement for veterans' benefits paid by it from July first, nineteen hundred and seventy-four to August twenty-second, nineteen hundred and seventy-seven, under the provisions of section six of chapter one hundred and fifteen of the General Laws, had said town made a proper and reasonable report thereof to said commissioner.

Approved August 20, 1979.

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Chap. 537. AN ACT PROVIDING A PENALTY FOR THE FAILURE OF CERTAIN EMPLOYERS TO MAKE PAYMENTS INTO RETIREMENT OR HEALTH AND WELFARE FUNDS.

Be it enacted, etc., as follows:

Chapter 149 of the General Laws is hereby amended by adding the following section:-

Section 181. It shall be unlawful for any employer who has entered into a collective bargaining agreement with a labor organization or association of employees providing for payments to a health or welfare fund or pension fund or other such plan for the benefit of employees to fail to make the payments required by the terms of any such agreement. Any employer who willfully fails to make such payments within sixty days after they become due and payable, shall be guilty of a misdemeanor and shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars for each offense. The term health or welfare fund or pension fund or other such plan for the benefit of employees includes any plan, trust or fund estab-

lished by an employer organization, or by an employer and a labor organization or by an employer and an employee organization, the funds for which are derived in whole or in part from contributions by employers, and which exists for the purpose of paying or providing for employees or their families or dependents medical or hospital care, recreation facilities, pensions, annuities, benefits on retirement or death or unemployment of beneficiaries, severance pay, compensation for injuries or illness, insurance to provide any of the foregoing vacation or holiday benefits, apprenticeship training, or life insurance, disability or sickness or accident insurance.

Approved August 20, 1979.

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Chap. 538. AN ACT AUTHORIZING THE COMMISSIONER OF MENTAL HEALTH TO GRANT AND CONVEY CERTAIN LAND IN THE TOWN OF BELMONT TO SAID TOWN.

Be it enacted, etc., as follows:

The commissioner of mental health, in the name and on behalf of the commonwealth is hereby authorized to grant and convey, by a deed approved as to form by the attorney general, to the town of Belmont, the following described parcel of land:

A certain parcel of land situated in the town of Belmont, bounded and described as follows:-

Beginning at the intersection point on the southerly side of the 1970 County Layout of Concord Avenue and the Belmont and Lexington Town Line, thence s36-45-00E distance 1685.00 feet by said southerly sideline of Concord Avenue to a point, thence s46-04-00W distance 810.41' to a point, thence N22-26-23W distance 1837.17 feet to a point on the Belmont and Lexington Town Line, thence N52-14-25E distance 350.00 feet by said Belmont and Lexington Town Line to the point of beginning. Containing 22.67 acres more or less. All As shown on a plan entitled "Plan of Land in Belmont, Massachusetts, Scale 1" equals 200' dated July 8, 1977, Richard B. Betts, Town Engineer" on file in the town clerk's office in the town of Belmont and to be recorded with the southern district registry of deeds in the county of Middlesex.

Said land shall be used solely for conservation purposes, and shall be administered, controlled, and managed by the conservation commission of the town of Belmont and in the event it is not so used, title shall revert to the commonwealth.

Approved August 20, 1979.

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Chap. 539. AN ACT DIRECTING THE SECRETARY OF PUBLIC SAFETY, TO ESTABLISH AND CONDUCT A LAW ENFORCEMENT TRAINING ACADEMY AT THE FEEDING HILLS SCHOOL IN THE TOWN OF AGAWAM.

Be it enacted, etc., as follows:

The secretary of public safety, acting through the Massachu-

setts criminal justice training council and subject to appropriation, is hereby authorized and directed to establish and conduct a law enforcement training academy at the Feeding Hills school in the town of Agawam.

Approved August 20, 1979.

Chap. 540. AN ACT AUTHORIZING THE METROPOLITAN DISTRICT COMMISSION TO CONVEY A CERTAIN PARCEL OF LAND TO THE TOWN OF HULL.

Be it enacted, etc., as follows:

SECTION 1. The metropolitan district commission is hereby authorized to convey to the town of Hull the following parcel of land, at the intersection of Nantasket Avenue and Hull Shore drive, presently used as a parking lot, and bounded and described as follows:-

Beginning at a point on the easterly line of Nantasket Avenue, Hull, Massachusetts and marking the southwest corner of land now or formerly of Louis I. and Ida A. Rosenbaum as filed in the Plymouth County Registry of Deeds in Book 2841 page 225, April 5, 1961 and also marking the northwest corner of land now or formerly of the Commonwealth of Massachusetts Metropolitan District Commission;

thence running southerly along said easterly line of Nantasket Avenue a distance of 121.27 feet to a point;

thence deflecting right and running 10 feet more or less to a point;

thence deflecting left and continuing southerly along said easterly line of Nantasket Avenue a distance of 394.22 feet marking the southerly intersection of Nantasket Avenue and Hull Shore Drive;

thence running northerly and near parallel to the westerly line of said Hull Shore Drive a distance of 520 feet more or less to a point in the southerly property line of land of aforementioned Rosenbaum;

thence deflecting left and running westerly along said line of Rosenbaum a distance of about 45.5 feet to a point being the place of beginning; said parcel containing 14,500 S.F. more or less.

Said conveyance shall take place upon such terms as are acceptable to the metropolitan district commission.

SECTION 2. This act shall take effect upon its acceptance at the next annual or special town meeting in the town of Hull.

Approved August 20, 1979.

Chap. 541. AN ACT MAKING APPROPRIATIONS FOR THE FISCAL YEAR NINETEEN HUNDRED AND EIGHTY 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 ending June thirtieth, nineteen hundred and eighty.

## HAMPSHIRE COUNTY.

Item	<u>Subtotal</u>	<u>Total</u>
1. For interest on county debt.....		\$307,950 00
3. For county commissioners, salaries and expenses.....		86,040 64
1. Personal services	\$75,415 64	
2. Contractual services	8,065 00	
3. Supplies and materials	\$1,450 00	
4. Current charges and obligations	1,110 00	
4. For transportation and expenses of county and acting commissioners.....		1,400 00
6. For county treasurer, salaries and expenses.....		85,010 58
1. Personal services	74,580 58	
2. Contractual services	4,200 00	
3. Supplies and materials	1,850 00	
4. Current charges and obligations	4,080 00	
5. Equipment	300 00	
7. For sheriff, salary and expenses.....		26,160 46
1. Personal services	25,365 46	
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.....		157,273 42
1. Personal services	128,682 82	
2. Contractual services	19,965 00	
3. Supplies and materials	4,850 00	
4. Current charges and obligations	3,071 60	
5. Equipment	704 00	
10. For highways, including state highways, bridges and land damages.....		38,950 00
2. Contractual services	26,450 00	
6. All other	12,500 00	
15. For medical examiners.....		29,530 00
16. For jail and house of correction, maintenance and operation.....		867,586 72
1. Personal services	608,686 72	
2. Contractual services	47,500 00	
3. Supplies and materials	190,900 00	
4. Current charges and obligations	6,252 00	
5. Equipment	14,248 00	
16a. For correctional services.....		146,275 67
1. Personal services	91,465 17	
2. Contractual services	39,600 00	
3. Supplies and materials	8,045 00	
4. Current charges and obligations	7,165 50	
18. For court houses and registry buildings, maintenance and operation.....		260,292 43
1. Personal services	91,626 43	
2. Contractual services	144,548 00	
3. Supplies and materials	11,144 00	
4. Current charges and obligations	11,074 00	
5. Equipment	1,900 00	
20. For agricultural school or county cooperative extension service.....		165,577 95

Item	Subtotal	Total
1. Personal services	\$141,982 95	
2. Contractual services	17,760 00	
3. Supplies and materials	4,945 00	
4. Current charges and obligations	890 00	
21. For state reservation, maintenance and operation (Mount Tom).....		\$35,013 89
24. For noncontributory pensions.....		39,282 24
26. For miscellaneous and contingent expenses.....		35,660 00
27. For unpaid bills of previous years.....		3,000 00
28. For reserve fund.....		50,000 00
29. For advertising recreational, industrial and agricultural advantages of the county.....		37,500 00
31. For radio system for fire protection.....		8,998 00
32. For forest development.....		4,864 69
35. For county planning.....		46,900 29
37. For human services.....		97,710 10
39. For group insurance provided that no funds appropriated for this item shall be expended for the payment of abortions not necessary to prevent the death of the mother.....		100,000 00
41. For fire fighting training and equipment.....		25,982 00
45. For central purchasing department.....		26,264 48
Total amount of appropriations.....		\$2,683,223 56
Less estimated amount available for reduction of county tax .....		184,350 00

And the county commissioners of Hampshire county are hereby authorized to levy as the county tax of said county for the current year, in the manner provided by law, the sum of..... \$2,498,873 56

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.

2. For reduction of county debt.....	\$212,625 00
25. For contributory retirement systems and supervisory expenses.....	133,925 86
Total.....	\$346,550 86

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

Approved August 20, 1979.

Chap. 542 AN ACT PROVIDING FOR PILOT STUDIES OF STATEWIDE PROGRAMS.

Be it enacted, etc. as follows:

Chapter 7 of the General Laws is hereby amended by striking out section 9, as amended by section 13 of chapter 757 of the acts of 1962, and inserting in place thereof the following section:-

Section 9. On request of either branch of the general court or of the ways and means committee of either branch, or of the governor, or of the finance committee, the secretary of administration and finance shall make a special examination of, and give to them any information in his possession relative to, any matter affecting the management or finances of any department, officer, commission

or undertaking which receives an annual appropriation of money from the commonwealth, including annual appropriations to be met by assessments.

On request of either branch of the general court or of the ways and means committee of either branch, the secretary may assist in the undertaking of a pilot study of any proposed statewide program with an estimated cost of one million dollars of state appropriated funds or revenues of the commonwealth, to determine the cost and impact on the tax structure of the commonwealth or its political subdivisions. Said secretary shall notify the appropriate legislative body if he is unable to make such pilot study.

Approved August 20, 1979.

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Chap. 543.     AN ACT DIRECTING THE DIRECTOR OF CIVIL SERVICE TO FORWARD ANNUALLY IN THE MONTH OF MAY TO EVERY PUBLIC HIGH SCHOOL A LIST OF JOB OPENINGS IN STATE AGENCIES.

Be it enacted, etc., as follows:

The second paragraph of section 18 of chapter 31 of the General Laws, as appearing in section 11 of chapter 393 of the acts of 1978, is hereby amended by inserting after the first sentence the following sentence:- The administrator shall distribute to high schools in the commonwealth notices of examinations for original appointment to entry level positions in state service and service in political subdivisions of the commonwealth for which persons in their senior year of high school are eligible.

Approved August 20, 1979.

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Chap. 544.     AN ACT AUTHORIZING THE COMMONWEALTH TO REIMBURSE THE TOWN OF MENDON FOR CERTAIN MONIES EXPENDED FOR VETERANS BENEFITS.

Be it enacted, etc., as follows:

There shall be allowed and paid out of the state treasury to the town of Mendon, subject to appropriation and subject to the approval of the commissioner of veterans' services, such sum, not exceeding one thousand three hundred and sixty-nine dollars and four cents, as said town would have been entitled to receive in reimbursement for veterans' benefits paid by it from July first, nineteen hundred and seventy-seven to June thirtieth, nineteen hundred and seventy-eight, under the provisions of section six of chapter one hundred and fifteen of the General Laws, had said town made a proper and reasonable report thereof to said commissioner.

Approved August 20, 1979.

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Chap. 545.     AN ACT RELATIVE TO THE SALE OF ALCOHOLIC BEVERAGES ON THE PROPERTY OF THE MASSACHUSETTS BAY TRANSPORTATION AUTHORITY.

Be it enacted, etc., as follows:

SECTION 1. Chapter eight hundred and eight of the acts of nineteen hundred and fifty-one is hereby repealed.

SECTION 2. Section 5 of chapter 161A of the General Laws is hereby amended by adding after subsection (n), added by chapter 345 of the acts of 1979, the following subsection:-

(o) No alcoholic beverages shall be sold on any of the properties under the supervision and control of the authority, its tenants or lessees; provided, however, that this subsection shall not apply to properties used for railroad purposes, as defined in chapter one hundred and sixty, including all properties used for railroad-related purposes, including but not limited to railroad stations and terminals.

Approved August 20, 1979.

Chap. 546. AN ACT FURTHER REGULATING CERTAIN PROBATE PROCEDURES.

Be it enacted, etc., as follows:

SECTION 1. Chapter 192 of the General Laws is hereby amended by striking out section 2, as amended by section 9 of chapter 515 of the acts of 1976, and inserting in place thereof the following section:-

Section 2. If it appears to the probate court, by the consent in writing of the heirs, or by other satisfactory evidence, that no person interested in the estate of deceased person intends to object to the probate of an instrument purporting to be the will of such deceased, the court may grant probate thereof; (i) upon the testimony of one of the subscribing witnesses; and the affidavit of such witness taken before the register or an assistant register of probate may be received as evidence; (ii) without testimony if it is self-proved by affidavits of the testator and of the witnesses, each made before an officer authorized to administer oaths under the laws of the state where executed, under official seal, in form and content substantially as follows: State of \_\_\_\_\_, before me, the undersigned authority on this day personally appeared the testator and the witnesses whose names are signed to the attached or foregoing instrument, and, all of these persons being by me duly sworn; the testator declared to me and to the witnesses in my presence that the instrument is his last will and that he had willingly signed or directed another to sign for him, and that he executed it as his free and voluntary act for the purposes therein expressed; and each of the witnesses stated to me, in the presence of the testator, that he signed the will as witness and that to the best of his knowledge the testator was eighteen years of age or over, of sound mind and under no constraint or undue influence.

Testator	Witness	Witness
this _____ day of _____	_____ A.D.(signed)	_____ (SEAL)

official capacity of officer; or (iii) without testimony if the probate of such instrument is assented to in writing by the widow or husband of the deceased, if any, and by all the heirs



at law and next of kin.

SECTION 2. Said chapter 192 is hereby further amended by striking out section 13, as appearing in section 10 of said chapter 515, and inserting in place thereof the following section:-

Section 13. The probate court may appoint the executor or executors named in a will, if suitable, temporary executor or executors upon application contained in the petition for probate or made subsequent to the filing thereof, if the testator has requested such appointment, or if said application is assented to in writing by the widow or husband, if any, of the deceased and by all the heirs at law and next of kin of the deceased of full age and legal capacity. Such appointment may be made without the necessity of any notice if said application is assented to by the widow or husband, if any, of the deceased and by all the heirs at law and next of kin of the deceased of full age and legal capacity; otherwise seven days prior written notice of intent to seek such appointment shall be given to all the heirs at law and next of kin of the decedent. A certificate of counsel that such notice has been given shall be prima facie evidence thereof.

SECTION 3. Chapter 193 of the General Laws is hereby amended by striking out section 7A, inserted by section 11 of said chapter 515, and inserting in place thereof the following section:-

Section 7A. The probate court may, upon application contained in a petition for administration of an estate with the will annexed filed in accordance with the provisions of section seven or made subsequent to the filing thereof, appoint the petitioner or petitioners, if suitable, temporary administrator or administrators with the will annexed, if the testator has requested such appointment or if said application is assented to in writing by the widow or husband, if any, of the deceased and by all the heirs at law and next of kin of the deceased of full age and legal capacity. Such appointment may be made without the necessity of any notice if said application is assented to by the widow or husband, if any, of the deceased and by all the heirs at law and next of kin of the deceased of full age and legal capacity; otherwise seven days prior written notice of intent to seek such appointment shall be given to all the heirs at law and next of kin of the decedent. A certificate of counsel that such notice has been given shall be prima facie evidence thereof.

SECTION 4. Section 5A of chapter 195 of the General Laws, inserted by section 12 of said chapter 515, is hereby amended by striking out clause (1) and inserting in place thereof the following clause:-

(1) power to sell any personal property of the estate, or any interest therein, for cash, credit or for part cash and part credit, and with or without security for unpaid balances.

SECTION 5. Section 9 of chapter 197 of the General Laws, as most recently amended by section 15 of said chapter 515, is hereby further amended by adding the following paragraph:-

By complaint filed in the probate court, a claimant whose claim

has been allowed as provided herein, but not paid, may secure an order directing the executor or administrator to pay the claim to the extent that funds are available for payment.

SECTION 6. Section 2 of chapter 199A of the General Laws, as appearing in section 22 of said chapter 515, is hereby amended by striking out the third paragraph and inserting in place thereof the following paragraph:-

If such nonresident decedent owned tangible personal property located in the commonwealth at the time of his death, or at any time during the twelve months preceding his death had a permanent or temporary place of abode in the commonwealth, a foreign personal representative of the decedent shall not accept payment or delivery pursuant to this section earlier than one month after filing proof of his authority in accordance with section five with a copy to the commissioner of revenue.

SECTION 7. The first paragraph of section 7 of said chapter 199A, as so appearing, is hereby amended by striking out the third sentence and inserting in place thereof the following sentence:- No person, who, before receiving actual notice of a pending local administration, has changed his position in reliance upon the powers of a foreign personal representative shall be prejudiced by reason of the application for, or grant of, local administration.

Approved August 20, 1979.

Chap. 547. AN ACT AUTHORIZING THE APPOINTMENT OF MARK D. LUSSIER AS A FIREFIGHTER IN THE TOWN OF WEST SPRINGFIELD NOTWITHSTANDING CERTAIN AGE REQUIREMENTS.

Be it enacted, etc., as follows:

Notwithstanding any rule or law to the contrary regulating the maximum age of firefighters, the personnel administrator is hereby authorized and directed to certify for appointment for firefighter, Mark D. Lussier and after such certification the town of West Springfield may appoint said Mark D. Lussier as a firefighter in said town, provided he has met all other requirements for certification and appointment as a firefighter in said town.

Approved August 20, 1979.

Chap. 548. AN ACT AUTHORIZING CERTAIN PAYMENTS BY THE TREASURER OF THE TOWN OF WAREHAM.

Be it enacted, etc., as follows:

The town of Wareham is hereby authorized to pay the sum of nine thousand three hundred ninety-two dollars and forty-six cents for cost-of-living pay increases due to seven employees of said town under the Civilian Employees Training Act for the period beginning July first, nineteen hundred and seventy-five and ending June thirtieth, nineteen hundred and seventy-nine, as follows: Joseph D'Avena, four thousand fifty-one dollars and twenty-six cents; Stephen Rossi, three thousand four hundred

eighty-five dollars and sixty cents; Robert Packard, three hundred sixty-six dollars and ninety-eight cents; Sylvester McGinn, three hundred sixty-six dollars and ninety-eight cents; Vincent R. Barrett, four hundred twenty dollars and four cents; Thomas Molloy, five hundred fifty-one dollars and fifty-eight cents; and William Goff, one hundred fifty dollars and two cents and to transfer for this purpose the sum of nine thousand three hundred ninety-two dollars and forty-six cents from funds raised and appropriated at the April, nineteen hundred and seventy-seven town meeting of said town for materials and supplies to be utilized by such employees under said Civilian Employees Training Act and for which a total of forty thousand dollars was made available by town meeting action in April, nineteen hundred and seventy-seven.

Approved August 20, 1979.

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Chap. 549.      AN ACT INCREASING THE AMOUNT A CO-OPERATIVE BANK MAY LOAN ON CERTAIN SECURED TRANSACTIONS.

Be it enacted, etc., as follows:

Chapter 170 of the General Laws is hereby amended by striking section 24B, inserted by chapter 195 of the acts of 1977, and inserting in place thereof the following section:-

Section 24B. Such corporation may make or acquire loans, secured by a mortgage, other than a first lien, on residential real estate for noncommercial or nonbusiness purposes to an aggregate amount not exceeding twenty-five thousand dollars.

Approved August 20, 1979.

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Chap. 550.      AN ACT PROHIBITING THE DISPLAY OF THE WORDS "POLICE" OR "EMERGENCY" ON MOTOR VEHICLES USED BY PERSONS ENGAGED IN THE BUSINESS OF PRIVATE DETECTIVES, AND INVESTIGATORS AND WATCH, GUARD OR PATROL AGENCIES.

Be it enacted, etc., as follows:

Section 29 of chapter 147 of the General Laws, as amended by chapter 42 of the acts of 1970, is hereby further amended by inserting after the first paragraph the following paragraph:-

No motor vehicle used in the business of a license shall have displayed therein or thereon the words "police" or "emergency", and no such motor vehicle shall be deemed to be a special purpose motor vehicle assigned to emergency disaster services under the provisions of section seven I of chapter ninety.

Approved August 20, 1979.

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Chap. 551.      AN ACT FURTHER REGULATING THE OPERATION OF MARINE AND RECREATION VEHICLES.

Be it enacted, etc., as follows:

SECTION 1. Section 8 of chapter 90B of the General Laws is hereby amended by adding the following subsection:-

(e) Whoever upon any waterway to which the public has a right of access, or any waterway to which members of the public have access as invitees or licensees, operates a motorboat recklessly, or operates such a boat negligently or at a speed so that the lives or safety of the public might be endangered, or upon a bet or wager or in a race, or whoever operates a motorboat for the purpose of making a record and thereby violates any provision of this section or any regulation promulgated hereunder which the director is hereby authorized to make or whoever without stopping and making known his name, residence and the registration number of his motorboat goes away after knowingly colliding with or otherwise causing injury to any other motorboat or property or person, shall be punished by a fine of not less than twenty dollars nor more than two hundred dollars or by imprisonment for not less than two weeks nor more than two years, or both. Nothing in this section shall apply to any regatta or race otherwise authorized under the provisions of section eleven of chapter ninety B and the regulations promulgated thereunder.

SECTION 2. Section 11 of said chapter 90B is hereby amended by striking out clause (m), as appearing in section 2 of chapter 275 of the acts of 1960, and inserting in place thereof the following clause:-

(m) Suspend or revoke and cancel and require the surrender of any certificate of number issued by him if, in his opinion, after a hearing, after due notice, by him or by some person designated by him, the operator is guilty of violating any provision of this chapter or of any rule and regulation made under authority hereof. Pending such hearing and any appeal from a decision hereunder, said certificate of number shall be suspended.

SECTION 3. Section 14 of said chapter 90B is hereby amended by striking out subsection (c), as amended by section 3 of chapter 27 of the acts of 1967, and inserting in place thereof the following subsection:-

(c) Whoever violates any provision of section eight or any rules or regulations pertaining thereto shall be punished by a fine of not more than five hundred dollars or by imprisonment for not more than six months, or both, or if such violation results in the death of any person, by a fine of not more than one thousand dollars and by imprisonment for not more than one year.

SECTION 4. Section 20 of said chapter 90B is hereby amended by striking out the definition of "Recreation vehicle", as appearing in section 2 of chapter 589 of the acts of 1970, and inserting in place thereof the following definition:-

"Recreation vehicle", any motor vehicle designed or modified for use over unimproved terrain if used for recreation or pleasure off a public way as defined in chapter ninety, and all legally registered motor vehicles when used off a way, as defined under

chapter ninety; provided, however, that for the purpose of vehicles used for agriculture, forestry, lumbering or construction shall be excluded from this definition when used for such purpose, provided, further, that in any complaint brought under this chapter the burden shall be upon the defendant to prove of such use. Any motor vehicle legally registered under chapter ninety will not be subject to registration under this chapter but registration numbers shall be displayed as required by said chapter ninety.

SECTION 5. Section 25 of said chapter 90B is hereby amended by adding the following paragraph:-

Any vehicle registered under chapter ninety B may be pushed across any way. It may also be pushed adjacent to such way provided at no time shall such vehicle interfere with the normal flow of traffic.

SECTION 6. The second sentence of section 32 of said chapter 90B, as appearing in section 2 of chapter 589 of the acts of 1970, is hereby amended by striking out, in line 3, the word "snow".

Approved August 20, 1979.

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Chap. 552. AN ACT RELATIVE TO THE CONSOLIDATION  
OF CERTAIN PUBLIC HEARINGS PRIOR TO  
THE CUTTING OR REMOVAL OF TREES.

Be it enacted, etc., as follows:

SECTION 1. The second paragraph of section 15C of chapter 40 of the General Laws, as appearing in chapter 67 of the acts of 1973, is hereby amended by inserting after the word "hearing" in line 10, the following words:- ; provided, however, that when a public hearing must be held under the provisions of this section and under section three of chapter eighty-seven prior to the cutting or removal of a tree, such hearings shall be consolidated into a single public hearing before the tree warden and the planning board, or if there is no planning board, the selectmen of a town, or the city council of a city, and notice of such consolidated public hearing shall be given by the tree warden or his deputy as provided in said section three of chapter eighty-seven.

SECTION 2. Section 3 of chapter 87 of the General Laws is hereby amended by striking out the first sentence, as amended by chapter 114 of the acts of 1978, 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; provided, however, that when a public hearing must be held under the provisions of this section and under section fifteen C of chapter forty prior to the cutting or removal of a tree, such hearings shall be consolidated into a single public hearing before the tree warden and the planning board, or if there is no planning board, the selectmen of a town or the city council of a city, and notice of such consolidated public hearing shall be given by the tree warden or his deputy as provided herein.

Approved August 20, 1979.

Chap. 553. AN ACT AUTHORIZING THE COUNTY COMMISSIONERS OF BRISTOL COUNTY TO BORROW ADDITIONAL MONEY FOR CONSTRUCTION AND EQUIPMENT OF A COURT HOUSE FOR THE THIRD DISTRICT COURT OF BRISTOL AND BRISTOL JUVENILE COURT.

Be it enacted, etc., as follows:

SECTION 1. Section 1 of chapter 488 of the acts of 1978 is hereby amended by striking out the last sentence, as amended by section 1 of chapter 441 of the acts of 1979, and inserting in place thereof the following sentence:- 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, five million five hundred thousand dollars.

SECTION 2. Section 2 of said chapter 488 is hereby amended by striking out the first sentence, as amended by section 2 of said chapter 441, and inserting in place thereof the following sentence:- For the purposes authorized by section one, the treasurer of said county, with the approval of the county commissioners, may borrow upon the credit of the county such sums as may be necessary, not exceeding, in the aggregate, five million five 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.

Approved August 20, 1979.

Chap. 554. AN ACT PROVIDING FOR THE APPOINTMENT TO THE FIRE SERVICE OR POLICE SERVICE OF CHILDREN OF FIREFIGHTERS OR POLICE OFFICERS WHO ARE KILLED OR WHO DIE OF INJURIES IN THE PERFORMANCE OF DUTY.

Be it enacted, etc., as follows:

Section 26 of chapter 31 of the General Laws is hereby amended by striking out the paragraph added by Chapter 265 of the Acts of 1979, and inserting in place thereof the following paragraph:

Notwithstanding any other provision of this chapter or of any other law, a son or daughter of a firefighter or police officer who passes the required written and physical examination for entrance to the fire or police service shall, if such firefighter or police officer was killed or died of injuries received in the performance of his duty, have his or her name placed in the first position on the eligible list for appointment to such fire or police service.

Approved August 16, 1979.

EMERGENCY LETTER October 31, 1979 @ 2:26 P.M.

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Chap. 555. AN ACT EXEMPTING CERTAIN PROPERTY FROM THE SALES AND USE TAX.

Be it enacted, etc., as follows:

Section 6 of chapter 64H of the General Laws is hereby amended by adding after paragraph (dd), added by chapter 989 of the acts of 1977, the following paragraph:-

(ee) Sales of patterns, molds, dies, tools, sand-handling equipment and machinery, and replacement parts thereof, used exclusively in the manufacture of cast metal products to be sold in the regular course of business.

Approved August 20, 1979.

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Chap. 556. AN ACT PROVIDING THAT CERTAIN SERVICE AS A JUSTICE BE CREDITABLE SERVICE FOR RETIREMENT PURPOSES.

Be it enacted, etc., as follows:

SECTION 1. Subdivision (1) of section 4 of chapter 32 of the General Laws is hereby amended by adding the following paragraph:-

An active or inactive member of a contributory system who was a member of the judiciary and resigned from office without meeting the requirements for retirement or resignation as set forth in the third or fourth paragraphs of said section sixty-five A may not establish such judicial service as creditable service for retirement purposes except by depositing into the annuity saving fund of the system of which he is a member in one sum, or in installments, upon such terms and conditions as the board may prescribe, an amount equal to seven per cent of the compensation received by him during such period of judicial service plus regular interest to the date of such deposit for such previous period, or most recent portion thereof, as he may elect. Payment shall not be made and no credit shall be allowed for any such judicial service for which the member shall be entitled to receive a retirement allowance, annuity or pension from any other source. Upon completion of such payments, such member shall receive the same credit for such period of his previous

judicial service or portion thereof elected as would have been allowed had such service been rendered by him while an active member of such system.

SECTION 2. Section 65D of said chapter 32, as appearing in section 14 of chapter 478 of the acts of 1978, is hereby amended by striking out paragraph (f) and inserting in place thereof the following paragraph:-

(f) If any such judge resigns from office and does not meet the requirements for retirement or resignation set forth in paragraphs (c) or (d) the amount credited to his individual account plus interest shall be returned to him within thirty days of such resignation; provided, however, that if such judge is an active or inactive member of another contributory retirement system he may request that the amount credited to his individual accounts plus interest be credited to his individual account in such other contributory retirement system.

Approved August 21, 1979.

Chap. 557. AN ACT RELATING TO GRANTS FOR THE CONSTRUCTION OF WATER POLLUTION ABATEMENT FACILITIES.

Be it enacted, etc., as follows:

SECTION 1. Chapter 21 of the General Laws is hereby amended by striking out section 26A, inserted by section 2 of chapter 546 of the acts of 1973, and inserting in place thereof the following section:-

Section 26A. Unless the context otherwise requires, when used in sections twenty-six to fifty-three, inclusive, the following words shall have the following meanings:

"Abatement facilities", facilities for the purpose of treating, neutralizing, or stabilizing sewage and such industrial and other wastes as are disposed of by means of the facilities, including treatment or disposal plants, the necessary intercepting, outfall and outlet sewers, pumping stations integral to such facilities and sewers, equipment and furnishings thereof and their appurtenances.

"Collection system", each and all of the common lateral sewers and appurtenances of publicly owned treatment works which are primarily installed to receive wastewaters from individual structures or from private property, and which include service connection "Y" fittings and service connections within the boundary of the public way or easement.

"Director", the director of the division of water pollution control, or his authorized delegate or representative.

"District", a district created pursuant to section twenty-eight.

"District commission", the governing body of a district.

"Effluent limitation", a requirement, established under state or federal law, specifying the maximum permissible quantity or concentration of any pollutant that may be present in discharges, or their maximum permissible hydraulic flow, over designated periods of time, to waters of the commonwealth or to a public sewerage system.



"FWPCA", the Federal Water Pollution Control Act, 33 U.S.C. §§ 1251 et sequens, as amended.

"Person", any agency or political subdivision of the commonwealth, public or private corporation or authority, individual, partnership or association, or other entity, including any officer of a public or private agency or organization, upon whom a duty may be imposed by or pursuant to any provision of sections twenty-six to fifty-three, inclusive.

"Pollutant", any element or property of sewage, agricultural, industrial or commercial waste, runoff, leachate, heated effluent, or other matter, in whatever form and whether originating at a point or major nonpoint source, which is or may be discharged, drained or otherwise introduced into any sewerage system, treatment works or waters of the commonwealth.

"Priority list", the ranking, in terms of priority, of projects eligible for funding during a given planning period, which has been established pursuant to the priority system.

"Priority system", the methodology for rating and ranking projects eligible for grant assistance under sections thirty A and thirty-three of this chapter and for establishing priority lists for those projects.

"Public entity", any city, town, special district, the metropolitan district commission or other existing governmental unit eligible to receive a grant for the construction of treatment works from the United States Environmental Protection Agency pursuant to Title II of the FWPCA, as amended.

"Treatment works" and "facilities", any and all devices, processes and properties, real or personal, used in the collection, pumping, transmission, storage, treatment, disposal, recycling, reclamation or reuse of waterborne pollutants.

"Waters" and "waters of the commonwealth", all waters within the jurisdiction of the commonwealth, including, without limitation, rivers, streams, lakes, ponds, springs, impoundments, estuaries, coastal waters and groundwaters.

SECTION 2. Section 28 of said chapter 21 is hereby amended by adding the following subsection:-

(e) The provisions of subsections (b) and (c) of this section, of sections twenty-nine, thirty, thirty-two, thirty-five and thirty-six shall apply only to a district or district commission created pursuant to this section, and to any city, town or portion thereof which is a member of such district.

SECTION 3. Section 30 of said chapter 21, as most recently amended by section 2 of chapter 601 of the acts of 1972, is hereby amended by striking out the second sentence.

SECTION 4. Said chapter 21 is hereby further amended by striking out section 30A, as amended by section 4 of chapter 546 of the acts of 1973, and inserting in place thereof the following section:-

Section 30A. The division may make grants to public entities for the costs of constructing collection systems. Subject to appropriation, such grants shall be made in accordance with the priority system and list established for this section by regulation of the director, and, in no event, shall exceed forty per cent of

the construction costs of such projects, as determined by the division. No project shall be eligible for a grant under this section unless the abatement facilities to which the project facilities would be added have been constructed or have received a grant for construction under section thirty-three. No project shall be eligible for a grant under this section if the sewage flows to be added by the use of the project facilities would result in or contribute to a condition in violation of this chapter, or any regulation, permit or order issued or adopted thereunder. No grant made under this section shall exceed one million dollars. Any public entity which receives a grant under this section shall not be eligible to receive another such grant until two years shall have elapsed from the date of the acceptance of any such grant by the public entity.

In determining the amount of financial assistance to be granted to a public entity pursuant to this section, the costs of construction of the collection system shall be the actual costs thereof as determined by the division, or the estimated reasonable costs thereof as determined by the division, whichever is lower. Payments of financial assistance by the commonwealth pursuant to this section shall be made in accordance with a payment schedule established by the division with the approval of the commissioner of administration.

SECTION 5. Section 31 of said chapter 21, as appearing in section 1 of chapter 685 of the acts of 1966, is hereby amended by striking out, in lines 1, 2, 4 and 7 the word "district" and inserting in place thereof, in each instance, the words:- public entity.

SECTION 6. Said chapter 21 is hereby further amended by striking out section 33, as most recently amended by section 6 of chapter 546 of the acts of 1973, and inserting in place thereof the following section:-

Section 33. The division may make a grant to a public entity for the eligible costs of a planning, design or construction project for abatement facilities where the federal government has awarded the public entity a grant pursuant to Title II of the FWPCA, as amended.

Where the federal government has awarded a seventy-five per cent grant for the eligible costs of the project, the division may award a fifteen per cent grant for such eligible project costs. Where the federal government has awarded an eighty-five per cent grant for the eligible costs of the project, the division may award a nine per cent grant for such eligible project costs.

Payments of financial assistance by the commonwealth pursuant to this section shall be made in accordance with a payment schedule established by the division with the approval of the commissioner of administration. The division may require any information from the public entity necessary to ensure that the public entity is complying with the conditions of the grant awarded for the project, and the division may withdraw its approval of the project if such information is not supplied or if the public entity is not complying with the conditions of the grant. Nothing in this section shall be construed to prevent the division from

conditioning the grant of financial assistance under this section, or section thirty A or thirty-one upon the establishment of a district or other intermunicipal arrangement for the purpose of abating water pollution.

SECTION 7. Said chapter twenty-one is hereby further amended by striking out section 34, as appearing in section 1 of chapter 685 of the acts of 1966, and inserting in place thereof the following section:-

Section 34. The division shall supervise the operation and maintenance of treatment works within the commonwealth, and the director may require the person owning and operating such facilities to maintain the facilities in conformance with the provisions of this chapter and any regulations, permits, licenses or orders issued thereunder, and in conformance with applicable federal law and regulations.

SECTION 8. Section 35 of said chapter 21, as so appearing, is hereby amended by striking out the sixth and seventh paragraphs.

SECTION 9. Chapter 747 of the acts of 1970 is hereby amended by adding after section 5, added by chapter 466 of the acts of 1978, the following section:-

Section 6. From funds made available by bonds issued pursuant to this act, the director of the division of water pollution is authorized to expend a sum, not to exceed twelve million dollars in each fiscal year, in each of fiscal years nineteen hundred and eighty through nineteen hundred and eighty-four, inclusive, for the purpose of making the grants authorized by section thirty A of chapter twenty-one of the General Laws; provided, that any funds left unexpended in any fiscal year shall be carried over and shall also be available for expenditure in the subsequent fiscal year.

Of the twelve million dollars available for expenditure in fiscal years nineteen hundred and eighty through nineteen hundred and eighty-four, the director, as to ten per cent of such sums in fiscal year nineteen hundred and eighty and twenty-five per cent of such sums in fiscal years nineteen hundred and eighty-one through nineteen hundred and eighty-four, shall give highest priority in the selection of projects for grants to those projects which he has identified, after consultation with such agencies of the commonwealth as he may deem appropriate, as providing the greatest economic benefit to the commonwealth; provided that for the purposes of this paragraph such project may include the construction costs of interceptor sewers, provided further, that any funds designated for projects with such economic benefit left unexpended in any fiscal year shall be carried over and shall also be available for expenditure in like manner in the subsequent fiscal year.

SECTION 10. Projects for the construction of collection systems, as defined in section twenty-six A of chapter twenty-one of the General Laws, for which a grant application was received by the division of water pollution control prior to July first, nineteen hundred and seventy-seven, and which have not received a

grant for such construction from the federal government or the commonwealth, shall be accorded highest priority in any system of priority established by the division pursuant to section thirty A of said chapter twenty-one, excluding the priority system established pursuant to the second paragraph of section six of chapter seven hundred and forty-seven of the acts of nineteen hundred and seventy, provided that said projects satisfy all other requirements of eligibility established by the division under said section thirty A. The scope of the projects entitled to the priority preference established by this section shall be limited to the scope of the project applications as submitted to the division prior to the date specified above. The limitation in said section thirty A of said chapter twenty-one regarding the maximum amount of a grant which may be made under said section thirty A shall not apply to any project which qualifies for the priority preference established by this section.

SECTION 11. The division of water pollution control may make grants to reimburse public entities for the costs of projects for the design of collection systems for which applications were received by the division prior to July first, nineteen hundred seventy-seven. Said grants shall be made in accordance with such regulations and procedures as may be established by the division, shall not exceed fifteen per cent of the costs of such design, and shall be funded from the proceeds of bond funds available to the division. For the purposes of this section the terms "public entity" and "collection system" shall be as defined in section twenty-six A of chapter twenty-one of the General Laws. The scope of the projects eligible for the design grants authorized by this section shall be limited to the scope of the project as described in the project application as submitted to the division prior to the date specified above.

SECTION 12. No commitment to award, or the award of, any grant by the division, or the payment of financial assistance by the commonwealth pursuant to a grant awarded prior to the effective date of this act shall be abated or impaired by reason of the passage of this act. The director may review projects which, as of the effective date of this act, are receiving financial assistance from the commonwealth under the provisions of any law amended by this act and may make such adjustments in the amount and manner of such assistance consistent with the provisions of this act.

Approved August 21, 1979.

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Chap. 558. AN ACT RELATIVE TO THE RESERVES OF LIFE INSURANCE COMPANIES, AND NONFORFEITURE BENEFITS FOR LIFE INSURANCE POLICIES AND INDIVIDUAL DEFERRED ANNUITIES.

Be it enacted, etc., as follows:

SECTION 1. Subdivision 1 of section 9 of chapter 175 of the General Laws is hereby amended by striking out paragraph Fourth, as amended by section 1 of chapter 1145 of the acts of 1973, and inserting in place thereof the following paragraph:-

Fourth, Except as otherwise provided in paragraph (b) of subdivision 2, the net value of all outstanding annuity contracts and of all contracts issued as pure endowments shall be computed on the basis of "McClintock's Tables of Mortality among Annuitants" or on such higher table as the commissioner may prescribe, with interest at not more than five per cent per annum for group annuity and pure endowment contracts and not more than four per cent per annum for individual annuity and pure endowment contracts; provided, that annuities issued prior to January first, nineteen hundred and seven, and annuities deferred ten or more years and written in connection with life, endowment or term insurance shall be valued on the same mortality table from which the consideration or premiums were computed.

SECTION 2. Paragraph (a) of subdivision 2 of said section 9 of said chapter 175, as amended by section 1 of chapter 1145 of the acts of 1973, is hereby further amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

(a) Except as otherwise provided in paragraph (b), the minimum standard of valuation shall be the Commissioners Reserve Valuation Methods, as defined in subdivisions 3, 3A and 6, interest at five per cent per annum for group annuity and pure endowment contracts and three and one-half per cent per annum for all other policies, and contracts or in the case of policies and contracts, other than annuity and pure endowment contracts, issued on or after March sixth, nineteen hundred and seventy-four, interest at four per cent per annum for such policies issued prior to December first, nineteen hundred and seventy-nine and interest at four and one-half per cent per annum for policies issued on or after December first, nineteen hundred and seventy-nine, and tables of mortality hereinafter specified.

SECTION 3. Said paragraph (a) of said subdivision 2 of said section 9 of said chapter 175 is hereby further amended by striking out clause First, as amended by section 1 of chapter 323 of the acts of 1960, and inserting in place thereof the following clause:-

First, for all ordinary policies of life insurance issued on the standard basis, excluding any total and permanent disability and accidental death benefits in such policies, the "Commissioners 1941 Standard Ordinary Mortality Table" shall be used for such policies issued prior to January first, nineteen hundred and sixty-six and the "Commissioners 1958 Standard Ordinary Mortality Table" shall be used for such policies issued on or after said date; provided, that for any category of such policies issued on female risks all modified net premiums and present values referred to in this section may be computed according to an age not more than six years younger than the actual age of the insured.

SECTION 4. Said subdivision 2 of said section 9 of said chapter 175 is hereby further amended by striking out paragraph (b), added by section 3 of chapter 1145 of the acts of 1973, and inserting in place thereof the following paragraph:-

(b) The minimum standard for the valuation of all individual annuity and pure endowment contracts issued on or after January first, nineteen hundred and seventy-nine, and for all annuities and pure endowments purchased on or after such date under group annuity and pure endowment contracts, shall be the Commissioners Reserve Valuation Methods, as defined in subdivisions 3 and 3A, and the tables of mortality and interest rates hereinafter specified.

First, for individual annuity and pure endowment contracts issued prior to December first, nineteen hundred and seventy-nine, excluding any disability and accidental death benefit in such contracts, the "1971 Individual Annuity Mortality Table", or any modification of this table approved by the commissioner, and six per cent interest per annum for single premium immediate annuity contracts, and four per cent interest per annum for all other individual annuity and pure endowment contracts.

Second, for individual single premium immediate annuity contracts issued on or after December first, nineteen hundred and seventy-nine, excluding any disability and accidental death benefits in such contracts, the "1971 Individual Annuity Mortality Table", or any modification of this table approved by the commissioner, and seven and one-half per cent interest per annum.

Third, for individual annuity and pure endowment contracts issued on or after December first, nineteen hundred and seventy-nine, other than single premium immediate annuity contracts, excluding any disability and accidental death benefits in such contracts, the "1971 Individual Annuity Mortality Table", or any modification of this table approved by the commissioner, and five and one-half per cent interest per annum for single premium deferred annuity and pure endowment contracts and four and one-half per cent interest per annum for all other such individual annuity and pure endowment contracts.

Fourth, for all annuities and pure endowments purchased prior to December first, nineteen hundred and seventy-nine, under group annuity and pure endowment contracts, excluding any disability and accidental death benefits purchased under such contracts, the "1971 Group Annuity Mortality Table", or any modification of this table approved by the commissioner, and six per cent per annum.

Fifth, for all annuities and pure endowments purchased on or after December first, nineteen hundred and seventy-nine, under group annuity and pure endowment contracts, excluding any disability and accidental death benefits purchased under such contracts, the "1971 Group Annuity Mortality Table", or any modification of this table approved by the commissioner, and seven and one-half per cent interest per annum.

SECTION 5. Said section 9 of said chapter 175 is hereby further amended by striking out subdivisions 3 and 4 and inserting in place thereof the following three subdivisions:-

3. Except as otherwise provided in subdivisions 3A and 6, the net value of the life insurance and endowment benefits of policies, referred to in subdivision 2, providing for a uniform amount of insurance and requiring the payment of uniform pre-

miums shall be the excess, if any, of the present value, at the date of valuation, of such future guaranteed benefits provided for by such policies, over the then present value of any future modified net premiums therefor. The modified net premiums for any such policy shall be such uniform percentage of the respective contract premiums for such benefits that the present value, at the date of issue of the policy, of all such modified net premiums shall be equal to the sum of the then present value of such benefits provided for by the policy and the excess of (a) a net level annual premium equal to the present value, at the date of issue, of such benefits provided for after the first policy year, divided by the present value, at the date of issue, of an annuity of one per annum payable on the first and each subsequent anniversary of such policy on which a premium falls due; provided, that such net level annual premium shall not exceed the net level annual premium on the nineteen year premium whole life plan for insurance of the same amount at an age one year higher than the age at issue of such policy, over (b) a net one year term premium for such benefits provided for in the first policy year.

The net value of (a) policies of life insurance providing for a varying amount of insurance or requiring the payment of varying premiums (b) group annuity and pure endowment contracts purchased under a retirement plan or plan of deferred compensation, established or maintained by an employer, including a partnership or sole proprietorship, or by an employee organization, or by both, other than a plan providing individual retirement accounts or individual retirement annuities under Section 408 of the Internal Revenue Code, (c) provisions for total and permanent disability or for accidental death benefits in, or supplementary to, all policies and contracts, and (d) provisions for any other insurance benefits, except life insurance and endowment benefits in life insurance policies and benefits provided by all other annuity and pure endowment contracts, shall be computed by a method consistent with the principles of the first paragraph of this subdivision, except that any extra premiums charged because of impairments or special hazards shall be disregarded in the determination of modified net premiums.

3A. This subdivision shall apply to all annuity and pure endowment contracts other than group annuity and pure endowment contracts purchased under a retirement plan or plan of deferred compensation, established or maintained by an employer, including a partnership or sole proprietorship, or by an employee organization, or by both, other than a plan providing individual retirement accounts or individual retirement annuities under Section 408 of the Internal Revenue Code.

Reserves according to the Commissioners Annuity Reserve Method for benefits under annuity or pure endowment contracts, excluding any disability and accidental death benefits in such contracts, shall be the greatest of the respective excesses of the present values, at the date of valuation, of the future guaranteed benefits, including guaranteed nonforfeiture benefits, provided for by such contracts at the end of each respective contract year, over the present value, at the date of valuation, of any future valuation considerations derived from future gross consid-

erations, required by the terms of such contract, that become payable prior to the end of such respective contract year. The future guaranteed benefits shall be determined by using the mortality table, if any, and the interest rate, or rates, specified in such contracts for determining guaranteed benefits. The valuation considerations are the portions of the respective gross considerations applied under the terms of such contracts to determine nonforfeiture values.

4. The aggregate net value of all life insurance policies, excluding total and permanent disability and accidental death benefits, described in subdivision 2, shall in no case be less than the aggregate net value computed in accordance with the Commissioners Reserve Valuation Methods, as defined in subdivisions 3, 3A and 6 and the mortality table or tables and the rate or rates of interest used in computing the nonforfeiture benefits under such policies.

The net value of any class or classes of policies or contracts described in subdivision 2, established by the commissioner, may be computed, at the option of the company, on any basis which produces aggregate reserves for such class or classes greater than those computed according to the minimum standard prescribed by subdivision 2; provided, that the rate or rates of interest used for policies and contracts, other than annuity and pure endowment contracts, shall not be higher than the corresponding rate or rates used in computing any nonforfeiture benefits thereunder.

SECTION 6. Said section 9 of said chapter 175 is hereby further amended by striking out subdivisions 6 and 7 and inserting in place thereof the following two subdivisions:-

6. If, in the case in any contract year the gross premium charged on any life policy or annuity or pure endowment contract, described in this section, is less than the valuation net premium therefor calculated by the method used in computing the net value thereof but using the minimum valuation standards of mortality and rate of interest, the minimum reserve required for such policy or contract shall be the greater of either the reserve calculated according to the mortality table, rate of interest, and method actually used for such policy or contract, or the reserve calculated by the method actually used for such policy or contract but using the minimum standards of mortality and rate of interest and replacing the valuation net premium by the actual gross premium in each contract year for which the valuation net premium exceeds the actual gross premium.

7. When the commissioner is satisfied that the risks which a company has assumed under policies or contracts referred to in subdivision 1 cannot be properly measured by the mortality tables specified in said subdivision, he may compute such additional reserve as in his judgment is warranted by the extra hazard assumed, and he may further in his discretion prescribe such table or tables of mortality as he may deem necessary properly to measure such additional risks with interest at not greater than four and one-half per cent per annum, for the computation of the net value of any special class or classes of risks.



SECTION 7. Subdivision 6 of section 144 of said chapter 175 is hereby amended by striking out paragraph (b), as amended by section 4 of chapter 1145 of the acts of 1973, and inserting in place thereof the following paragraph:-

(b) In the case of policies of ordinary insurance issued on or after January first, nineteen hundred and sixty-six, all adjusted premiums and present values referred to in this section shall be computed on the basis of the "Commissioners 1958 Standard Ordinary Mortality Table", and the rate of interest specified in the policy for the computation of the cash surrender values and other nonforfeiture benefits provided that such rate of interest shall not exceed three and one-half per cent per annum for policies issued prior to March sixth, nineteen hundred and seventy-four, shall not exceed four per cent per annum for policies issued on or after March sixth, nineteen hundred and seventy-four and prior to December first, nineteen hundred and seventy-nine and shall not exceed five and one-half per cent per annum for policies issued on or after December first, nineteen hundred and seventy-nine, provided that for any category of ordinary insurance issued on female risks, adjusted premiums and present values may be computed according to an age not more than six years younger than the actual age of the insured; and provided further that in computing the present value of any extended term insurance with accompanying pure endowment, if any, the rates of mortality assumed may not be more than those shown in the "Commissioners 1958 Extended Term Insurance Tables"; and provided, further, that in the case of any policy issued on a substandard basis any such adjusted premiums and present values may be computed on such other table of mortality as the company may specify with the approval of the commissioner.

SECTION 8. Said section 144 of said chapter 175 is hereby further amended by striking out subdivision 9, as appearing in section 3 of chapter 227 of the acts of 1943, and inserting in place thereof the following subdivision:-

9. Every deferred annuity contract, other than a single premium contract, issued and delivered in the commonwealth by a domestic life company shall provide that, in the event of the nonpayment of any premium after three full years' premiums have been paid, the annuity shall, without any further act or stipulation, be converted into a paid-up annuity for such proportion of the original annuity as the number of completed years' premiums paid bears to the total number of premiums required under the contract; provided, however, that this subdivision shall not apply to any annuity contract subject to the provisions of section one hundred and forty-four A.

SECTION 9. Said chapter 175 is hereby further amended by inserting after section 144 the following section:-

Section 144A. 1. In the case of contracts issued on or after December first, nineteen hundred and eighty-one, no contract of annuity, except as stated in subdivision 10, shall be delivered or issued for delivery in this state unless it contains in substance the following provisions, or corresponding provisions which in

the opinion of the commission are at least as favorable to the contract holder, upon cessation of payment of considerations under the contract.

(a) That upon cessation of payment of considerations under a contract, the company will grant a paid-up annuity benefit on a plan stipulated in the contract of such value as is specified in subdivisions 3, 4, 5, 6 and 8.

(b) If a contract provides for a lump sum settlement at maturity, or at any other time, that upon surrender of the contract at or prior to the commencement of any annuity payments, the company will pay in lieu of any paid-up annuity benefit a cash surrender benefit of such amount as is specified in subdivisions 3, 4, 6 and 8. The company shall reserve the right to defer the payment of such cash surrender benefit for a period of six months after demand therefor with surrender of the contract.

(c) A statement of the mortality table, if any, and interest rates used in calculating any minimum paid-up annuity, cash surrender or death benefits that are guaranteed under the contract, together with sufficient information to determine the amounts of such benefits.

(d) A statement that any paid-up annuity, cash surrender or death benefits that may be available under the contract are not less than the minimum benefits required by any statute of the state in which the contract is delivered and an explanation of the manner in which such benefits are altered by the existence of any additional amounts credited by the company to the contract, any indebtedness to the company on the contract or any prior withdrawals from or partial surrenders of the contract.

Notwithstanding the requirements of this section, any deferred annuity contract may provide that if no considerations have been received under a contract for a period of two full years and the portion of the paid-up annuity benefit at maturity on the plan stipulated in the contract arising from considerations paid prior to such period would be less than twenty dollars monthly, the company may at its option terminate such contract by payment in cash of the then present value of such portion of the paid-up annuity benefit, calculated on the basis of the mortality table, if any, and interest rate specified in the contract for determining the paid-up annuity benefit, and by such payment shall be relieved of any further obligation under such contract.

2. The minimum values as specified in subdivisions 3, 4, 5, 6 and 8 of any paid-up annuity, cash surrender or death benefits available under an annuity contract shall be based upon the following nonforfeiture amounts:

(a) With respect to contracts providing for flexible considerations, the minimum nonforfeiture amount at any time at or prior to the commencement of any annuity payments shall be equal to an accumulation up to such time at a rate of interest of three per cent per annum of percentages of the net considerations, as hereinafter defined, paid prior to such time, decreased by the sum of

(i) any prior withdrawals from or partial surrenders of the contract accumulated at a rate of interest of three per cent per annum; and

(ii) the amount of any indebtedness to the company on the

contract, including interest due and accrued; and increased by any existing additional amounts credited by the company to the contract.

The net considerations for a given contract year used to define the minimum nonforfeiture amount shall be an amount not less than zero and shall be equal to the corresponding gross considerations credited to the contract during that contract year less an annual contract charge of thirty dollars and less a collection charge of one dollar and twenty-five cents per consideration credited to the contract during that contract year. The percentages of net considerations shall be sixty-five per cent of the net consideration for the first contract year and eighty-seven and one-half per cent of the net considerations for the second and later contract years. Notwithstanding the provisions of the preceding sentence, the percentage shall be sixty-five per cent of the portion of the total net consideration for any renewal contract year which exceeds by not more than two times the sum of those portions of the net considerations in all prior contract years for which the percentage was sixty-five per cent.

(b) With respect to contracts providing for fixed scheduled considerations, minimum nonforfeiture amounts shall be calculated on the assumption that considerations are paid annually in advance and shall be defined as for contracts with flexible considerations which are paid annually with the two following exceptions:

(1) The portion of the net consideration for the first contract year to be accumulated shall be the sum of sixty-five per cent of the net consideration for the first contract year plus twenty-two and one-half per cent of the excess of the net consideration for the first contract year over the lesser of the net considerations for the second and third contract years.

(2) The annual contract charge shall be the lesser of (i) thirty dollars or (ii) ten per cent of the gross annual considerations.

minimum nonforfeiture amounts shall be defined as for contracts with flexible considerations except that the percentage of net consideration used to determine the minimum nonforfeiture amount shall be equal to ninety per cent and the net consideration shall be the gross consideration less a contract charge of seventy-five dollars.

3. Any paid-up annuity benefit available under a contract shall be such that its present value on the date annuity payments are to commence is at least equal to the minimum nonforfeiture amount on that date. Such present value shall be computed using the mortality table, if any, and the interest rates specified in the contract for determining the minimum paid-up annuity benefits guaranteed in the contract.

4. For contracts which provide cash surrender benefits, such cash surrender benefits available prior to maturity shall not be less than the present value as of the date of surrender of that portion of the maturity value of the paid-up annuity benefit which would be provided under the contract at maturity arising from considerations paid prior to the time of cash surrender reduced by the amount appropriate to reflect any prior withdrawals from or partial surrenders of the contract, such present

value being calculated on the basis of an interest rate not more than one per cent higher than the interest rate specified in the contract for accumulating the net considerations to determine such maturity value, decreased by the amount of indebtedness to the company on the contract, including interest due and accrued, and increased by any existing additional amounts credited by the company to the contract. In no event shall any cash surrender benefit be less than the minimum nonforfeiture amount at that time. The death benefit under such contracts shall be at least equal to the cash surrender benefit.

5. For contracts which do not provide cash surrender benefits, the present value of any paid-up annuity benefit available as a nonforfeiture option at any time prior to maturity shall not be less than the present value of that portion of the maturity value of the paid-up annuity benefit provided under the contract arising from considerations paid prior to the time the contract is surrendered in exchange for, or changed to, a deferred paid-up annuity, such present value being calculated for the period prior to the maturity date on the basis of the interest rate specified in the contract for accumulating the net considerations to determine such maturity value, and increased by any existing additional amounts credited by the company to the contract. For contracts which do not provide any death benefits prior to commencement of any annuity payments, such present values shall be calculated on the basis of such interest rate and the mortality table specified in the contract for determining the maturity value of the paid-up annuity benefit. However, in no event shall the present value of a paid-up annuity benefit be less than the minimum nonforfeiture amount at that time.

6. For the purpose of determining the benefits calculated under subdivisions 4 and 5, in the case of annuity contracts under which an election may be made to have annuity payments commence at optional maturity dates, the maturity date shall be deemed to be the latest date for which election shall be permitted by the contract, but shall not be deemed to be later than the anniversary of the contract next following the annuitant's seventieth birthday or the tenth anniversary of the contract, whichever is later.

7. Any contract which does not provide cash surrender benefits or does not provide death benefits at least equal to the minimum nonforfeiture amount prior to the commencement of any annuity payments shall include a statement in a prominent place in the contract that such benefits are not provided.

8. Any paid-up annuity, cash surrender or death benefits available at any time, other than on the contract anniversary under any contract with fixed scheduled considerations, shall be calculated with allowance for the lapse of time and the payment of any scheduled considerations beyond the beginning of the contract year in which cessation of payment of considerations under the contract occurs.

9. For any contract which provides, within the same contract by rider or supplemental contract provision, both annuity benefits and life insurance benefits that are in excess of the greater of cash surrender benefits or a return of the gross considerations with interest, the minimum nonforfeiture benefits shall be equal

to the sum of the minimum nonforfeiture benefits for the annuity portion and the minimum nonforfeiture benefits, if any, for the life insurance portion computed as if each portion were a separate contract. Notwithstanding the provisions of subdivisions 3, 4, 5, 6 and 8, additional benefits payable (a) in the event of total and permanent disability, (b) as reversionary annuity or deferred reversionary annuity benefits, or (c) as other policy benefits additional to life insurance, endowment and annuity benefits and considerations for all such additional benefits, shall be disregarded in ascertaining the minimum nonforfeiture amounts, paid-up annuity, cash surrender and death benefits that may be required by this section. The inclusion of such additional benefits shall not be required in any paid-up benefits, unless such additional benefits separately would require minimum nonforfeiture amounts, paid-up annuity, cash surrender and death benefits.

10. This section shall not apply to any reinsurance, group annuity purchased under a retirement plan or plan of deferred compensation established or maintained by an employer, including a partnership or sole proprietorship, or by an employee organization, or by both, other than a plan providing individual retirement accounts or individual retirement annuities under Section 408 of the Internal Revenue Code, premium deposit fund, variable annuity, investment annuity, immediate annuity, any deferred annuity contract after annuity payments have commenced, or reversionary annuity, nor to any contract which shall be delivered outside this state through an agent or other representative of the company issuing the contract.

Approved August 21, 1979.

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Chap. 559. AN ACT IN ADDITION TO THE GENERAL APPROPRIATION ACT MAKING APPROPRIATION FOR A COST-OF-LIVING INCREASE IN THE PROGRAM FOR AID TO FAMILIES WITH DEPENDENT CHILDREN.

Be it enacted, etc., as follows:

SECTION 1. To provide for supplementing a certain item in the general appropriation act, the sum set forth in section two for the purpose and subject to the conditions specified therein, of this act is hereby appropriated from the General Fund, subject to the provisions of law regulating the disbursement of public funds and the conditions pertaining to appropriations in chapter three hundred and ninety-three of the acts of the current year for the fiscal year ending June thirtieth, nineteen hundred and eighty, 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

4403-2000 Item 4403-2000 of section two of chapter three hundred and ninety-three of the acts of the current year is hereby amended by adding after the word "Fund" the following words:- ; provided, further, that the standard of need for the program of aid to families with dependent children shall be increased by six per cent, effective August first, nineteen hundred and seventy-nine, so that the standard of need after said date during the current fiscal year shall be equal to one hundred and six per cent of the standard of need in effect on July first, nineteen hundred and seventy-eight

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

Approved August 21, 1979.

Chap. 560. AN ACT RELATIVE TO THE POLICE CADET PROGRAM IN THE CITY OF BOSTON.

Be it enacted, etc., as follows:

SECTION 1. Section 1 of chapter 174 of the acts of 1978 is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- 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 or who has completed any such service as a cadet, provided such person has also completed at least five years of service as a civilian employee of said department performing the same or similar function as performed while a 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.

SECTION 2. Section 3 of said chapter 174 is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- Not more than 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.

Approved August 20, 1979.

Chap. 561. AN ACT AUTHORIZING THE SUPERIOR COURT TO VACATE ITS JUDGMENT IN THE CASE OF LUCILLE F. ST. AUBIN, LORRAINE B. RACINE AND FLORENCE I. OLSON VS. COMMONWEALTH OF MASSACHUSETTS.

Be it enacted, etc., as follows:

SECTION 1. That the judgment of the Bristol county superior court of November eighteenth, nineteen hundred and seventy-six in the case of Lucille F. St. Aubin, Lorraine B. Racine and Florence I. Olson vs. Commonwealth of Massachusetts may be set aside on motion of the parties, so as to rectify an apparent injustice, satisfy a moral obligation and serve the public good, in that the Commonwealth took By Eminent Domain certain portions of commercial property owned by Lucille F. St. Aubin, Lorraine B. Racine and Florence I. Olson, but the Petition for Assessment of

Damages arising from said taking terminated in favor of the Commonwealth due to procedural and technical default, and that a judgment for the said Lucille F. St. Aubin, Lorraine B. Racine and Florence I. Olson may enter in accordance with the award of damages as assessed by the Superior Court.

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

Approved August 21, 1979.

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Chap. 562. AN ACT INCREASING THE NUMBER OF ASSISTANT CLERKS IN THE SUPERIOR COURT IN WORCESTER COUNTY.

Be it enacted, etc., as follows:

The first paragraph of section 5 of chapter 221 of the General Laws, as appearing in section 232 of chapter 478 of the acts of 1978, is hereby amended by striking out the line reading "Worcester, ten assistant clerks" and inserting in place thereof the following line:- Worcester, eleven assistant clerks.

Approved August 21, 1979.

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Chap. 563. AN ACT DESIGNATING THE DENTAL CLINIC AT BRISTOL COMMUNITY COLLEGE AS THE EUGENE J. DIONNE CLINIC.

Be it enacted, etc., as follows:

The dental clinic at Bristol Community College shall be designated and known as the Doctor Eugene J. Dionne Clinic in honor of Eugene J. Dionne, who is prominent in educational, civic and church affairs. A suitable plaque bearing said designation shall be attached thereto by the superintendent of buildings.

Approved August 21, 1979.

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Chap. 564. AN ACT PROVIDING THAT CERTAIN LICENSES FOR THE PURPOSE OF PLACING AND MAINTAINING FILL AND STRUCTURES OVER CERTAIN TIDE-WATERS BE MADE IRREVOCABLE; THAT ANY CONDITIONS LIMITING THE USE OF THE PROPERTY CREATED BY THE LICENSES BE RELEASED AND THAT ALL INTERESTS OF THE COMMONWEALTH LYING BELOW THE PRIMITIVE EXTREME LOW WATERMARK BE RELEASED.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any 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 are hereby made irrevocable:

1. The license granted by the commonwealth of Massachusetts through the Board of Harbor and Land Commissioners to John C. Inches and others, being License No. 1908 dated May 14, 1896 and being recorded with the Suffolk County Registry of Deeds.

Book 2369, Page 609.

2. The license granted by the commonwealth of Massachusetts through the Board of Harbor and Land Commissioners to the Proprietors of Liverpool Wharf, being No. 1909 dated May 14, 1896 and being recorded with the Suffolk County Registry of Deeds, Book 2369, Page 611.

3. The license granted by the commonwealth of Massachusetts through the Board of Harbor and Land Commissioners to the Trustees of Boston Real Estate Trust, being License No. 2422 dated October 24, 1900 and being recorded with Suffolk County Registry of Deeds, Book 2721, Page 396.

Said licenses having been granted, in part, for the purpose of filling portions of the Fort Point Channel in the city of Boston, and for the purpose of extending the existing wharfs on piles, as set forth in said licenses.

SECTION 2. In the event of a taking, within ten years of the effective date of this act, 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 not exceed the fair value of such land on the effective date of this act together with the cost of any buildings or improvements thereon, with interest at four per cent annually from such effective date or date such cost was incurred as the case may be.

SECTION 3. The commonwealth hereby releases any conditions, express or implied arising by virtue of the granting by the commonwealth of the following licenses, which conditions control or limit the use which the holder of such licenses may make of the fill or structures constructed thereon:

1. The license granted by the commonwealth of Massachusetts through the Board of Harbor and Land Commissioners to John C. Inches and others, being License No. 1908 dated May 14, 1896 and being recorded with the Suffolk County Registry of Deeds, Book 2369, Page 609.

2. The license granted by the commonwealth of Massachusetts through the Board of Harbor and Land Commissioners to the Proprietors of Liverpool Wharf, being License No. 1909 dated May 14, 1896 and being recorded with the Suffolk County Registry of Deeds, Book 2369, Page 611.

3. The license granted by the commonwealth of Massachusetts through the Board of Harbor and Land Commissioners to the Trustees of Boston Real Estate Trust, being License No. 2422 dated October 24, 1900 and being recorded with Suffolk County Registry of Deeds, Book 2721, Page 396.

4. Of all other licenses granted by the commonwealth of Massachusetts prior to May 14, 1896 in connection with the following described property:

A parcel of land with the buildings thereon now known as and numbered 520-540 Atlantic Avenue and 258-264, 270-272 and 283-300 Congress Street, situated in the city of Boston, Suffolk County, Massachusetts, being shown in a plan of land entitled "Plan of Land in Boston, Mass.", dated October 31, 1978, by Boston Survey Consultants and recorded with the Suffolk Registry of Deeds, Book 9122, End and bounded and described as follows:

Northwesterly on Atlantic Avenue, one hundred eighty-five and 16/100 (185.16) feet;

Northeasterly one hundred sixty and 33/100 (160.33) feet;



southeasterly one (1) foot; again northeasterly two hundred two and 83/100 (202.83) feet; again northwesterly one (1) foot, and again northeasterly one hundred eighteen and 19/100 (118.19) feet, the last five bounds being by land now or formerly of Boston Edison Company, formerly Edison Electric Illuminating Company;

Southeasterly again by the sea, one hundred ninety-five and 02/100 (195.02) feet; and

Southwesterly on Congress Street, five hundred seventy-nine and 79/100 (579.79) feet.

SECTION 4. The commonwealth releases to Russia Wharf Company, a Massachusetts limited partnership all its right, title and interest in so much of the parcel of land situated in the city of Boston, Suffolk County, Massachusetts, being shown in a plan of land entitled "Plan of Land in Boston, Mass.", dated October 31, 1978, by Boston Survey Consultants, recorded with the Suffolk Registry of Deeds, Book 9122, End as lies southeasterly at the primitive extreme low water line as such line is shown on said plan by the line marked "Boschke Line" or however otherwise said line may in fact be determined.

Approved August 21, 1979.

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Chap. 565. AN ACT RELATIVE TO USE OF CERTAIN LAND  
IN THE CITY OF CAMBRIDGE WITHIN RESIDENTIAL  
DISTRICTS.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section three of chapter forty A of the General Laws, the city of Cambridge is hereby authorized to regulate and restrict the use of land or structures for religious purposes or for educational purposes on land owned or leased by a religious sect or denomination, or by a nonprofit educational corporation within all residentially zoned districts which require a lot area of one thousand two hundred square feet or more per dwelling unit.

SECTION 2. The provisions of section one of this act shall not apply to land or structures owned or controlled by Harvard College.

Approved August 21, 1979.

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Chap. 566. AN ACT TO REGULATE THE COGGINS TEST  
AND TO CONTROL QUARANTINE PROCEDURES.

Be it enacted, etc., as follows:

Chapter 129 of the General Laws is hereby amended by inserting after section 44 the following section:-

Section 44A. Any equine animal positive to an agar gel immunodiffusion test, commonly known as the Coggins test, for equine infectious anemia may be humanely destroyed; provided, that such destruction is observed by an agent of the division or of the United States department of agriculture, or may be so destroyed by a licensed veterinarian who shall report such destruction to the division, or may be sold or given under a permit

from the division to an approved slaughter house or research facility, or, at the owner's option, may be retained under quarantine and held in isolation on the owner's premises; provided, however, that it may be pastured, ridden or driven on the owner's premises within a radius of two hundred yards of where it is stabled, provided, that no other horses are stabled or normally ridden or pastured within that area. Upon the discovery of one or more test positive animals within a quarter of a mile of where such animal is normally stabled, all such reactor animals shall be quarantined to screened stalls.

(The foregoing was laid before the Governor on the 13th day of August, 1979 and after ten days it has "the force of a law", as prescribed by the Constitution, as it was not returned by him with this objections thereto within that time.)

Chap. 567. AN ACT RELATIVE TO THE RATES CHARGED BY CONVALESCENT, NURSING, AND REST HOMES.

Be it enacted, etc., as follows:

The third paragraph of section 32 of chapter 6A of the General Laws, as appearing in section 2 of chapter 1229 of the acts of 1973, is hereby amended by striking out clause (6) and inserting in place thereof the following clause:- (6) may establish for rest homes, nursing homes and convalescent homes, fair and reasonable classifications upon which any rates may be based; provided, however, that the commission shall not cause a decrease in a rate or add a penalty to a rate because such home has an equity position which is less than zero.

(The foregoing was laid before the Governor on the 9th day of August, 1979 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. 568. AN ACT INCREASING THE AMOUNT WHICH MAY BE BORROWED BY THE COUNTY COMMISSIONERS OF HAMPSHIRE COUNTY FOR THE CONSTRUCTION OF A JAIL AND HOUSE OF CORRECTION IN SAID COUNTY.

Be it enacted, etc., as follows:

SECTION 1. Section 1 of chapter 126 of the acts of 1977 is hereby amended by striking out, in lines 7 and 8, the words "six million two hundred and fifty thousand dollars" and inserting in place thereof the words:- seven million four hundred and fifty thousand dollars.

SECTION 1A. Section 2 of said chapter 126 is hereby amended by striking out, in line 4, the words "six million two" and inserting in place thereof the words:- seven million four.

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

Approved August 27, 1979.

Chap. 569. AN ACT MAKING APPROPRIATIONS FOR THE FISCAL YEAR NINETEEN HUNDRED AND EIGHTY 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 ending June thirtieth, nineteen hundred and eighty.

FRANKLIN COUNTY.

Item	Subtotal	Total
1. For interest on county debt.....		\$3,000 00
3. For county commissioners, salaries and expenses.....		40,304 90
1. Personal services	\$37,979 90	
2. Contractual services	1,100 00	
3. Supplies and materials	725 00	
4. Current charges and obligations	500 00	
4. For transportation and expenses of county and acting commissioners.....		700 00
6. For county treasurer, salaries and expenses.....		45,105 44
1. Personal services	38,880 44	
2. Contractual services	3,555 00	
3. Supplies and materials	1,250 00	
4. Current charges and obligations	570 00	
5. Equipment	850 00	
7. For sheriff, salary and expenses.....		19,909 46
1. Personal services	18,874 46	
2. Contractual services	750 00	
3. Supplies and materials	125 00	
4. Current charges and obligations	160 00	
8. For registry of deeds, salaries and expenses.....		122,908 98
1. Personal services	87,514 98	
2. Contractual services	24,665 00	
3. Supplies and materials	3,900 00	
4. Current charges and obligations	1,245 00	
5. Equipment	5,584 00	
10. For highways, including state highways, bridges and land damages.....		13,000 00
2. Contractual services	8,450 00	
3. Supplies and materials	50 00	
6. All other	4,500 00	
15. For medical examiners and commitments of insane.....		14,100 00
16. For jail and house of correction, maintenance and operation.....		506,475 63
1. Personal services	374,010 63	
2. Contractual services	39,400 00	
3. Supplies and materials	76,175 00	
4. Current charges and obligations	6,205 00	
5. Equipment	4,185 00	
6. All other	6,500 00	
18. For court houses and registry building, maintenance and operation.....		94,411 12
1. Personal services	46,211 12	
2. Contractual services	28,220 00	

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Item	Subtotal	Total
3. Supplies and materials	\$19,680 00	
4. Current charges and obligations	225 00	
5. Equipment	75 00	
20. For agricultural school or county cooperative extension service.....		\$170,005 92
1. Personal services	145,016 92	
2. Contractual services	17,320 00	
3. Supplies and materials	3,600 00	
4. Current charges and obligations	575 00	
5. Equipment	3,494 00	
21. For state reservation, maintenance and operation (Whately Recreation Area).....		11,877 00
2. Contractual services	6,025 00	
3. Supplies and materials	2,500 00	
4. Current charges and obligations	1,000 00	
5. Equipment	2,352 00	
26. For miscellaneous and contingent expenses.....		23,125 00
27. For unpaid bills of previous years.....		5,000 00
28. For reserve fund.....		25,000 00
29. For advertising recreational, industrial and agricultural advantages of the county.....		30,000 00
31. For radio system for fire protection.....		3,345 00
31a. For police radio system.....		1,495 00
31b. For medical service radio system.....		890 00
35. For county planning.....		71,704 90
37. For human services.....		181,415 39
39. For group insurance; provided, that no funds appropriated for this item shall be expended for the payment of abortions not necessary to prevent the death of the mother.....		67,000 00
Total amount of appropriations		\$1,450,773 74
Less estimated amount available for reduction of county tax		109,550 00

And the county commissioners of Franklin county are hereby authorized to levy as the county tax of said county for the current year, in the manner provided by law, the sum of..... \$1,341,223 74

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	
24. For noncontributory pensions.....	23,059 44
25. For contributory retirement systems and supervisory expenses .....	144,636 00
Total	\$167,695 44

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

Approved August 27, 1979.

Chap. 570. AN ACT MAKING APPROPRIATIONS FOR THE FISCAL YEAR NINETEEN HUNDRED AND EIGHTY 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 ending June thirtieth, nineteen hundred and eighty.

## NORFOLK COUNTY.

Item	Subtotal	Total
1. For interest on county debt.....		\$433,425 00
2. For reduction of county debt.....		936,910 22
3. For county commissioners, salaries and expenses.....		349,019 99
1. Personal services	\$256,774 99	
2. Contractual services	7,000 00	
3. Supplies and materials	1,700 00	
4. Current charges and obligations	82,700 00	
5. Equipment	845 00	
4. For transportation and expenses of county and acting commissioners.....		1,900 00
6. For county treasurer, salaries and expenses.....		253,006 91
1. Personal services	186,959 91	
2. Contractual services	46,050 00	
3. Supplies and materials	8,900 00	
4. Current charges and obligations	11,097 00	
7. For sheriff, salary and expenses.....		27,415 33
1. Personal services	25,365 33	
2. Contractual services	450 00	
3. Supplies and materials	1,100 00	
4. Current charges and obligations	500 00	
8. For registry of deeds, salaries and expenses.....		930,514 43
1. Personal services	790,585 43	
2. Contractual services	45,000 00	
3. Supplies and materials	32,600 00	
4. Current charges and obligations	50,000 00	
5. Equipment	4,329 00	
6. All other	8,000 00	
10. For highways, including state highways, bridges and land damages.....		374,695 49
1. Personal services	322,195 49	
2. Contractual services	42,000 00	
3. Supplies and materials	9,000 00	
4. Current charges and obligations	1,500 00	
15. For medical examiners.....		75,000 00
16. For jail and house of correction, maintenance and operation.....		1,441,948 98
1. Personal services	1,055,507 47	
2. Contractual services	70,000 00	
3. Supplies and materials	270,000 00	
4. Current charges and obligations	7,465 00	
5. Equipment	10,976 51	
6. All other	28,000 00	
18. For court houses and registry buildings, maintenance and operation.....		1,185,648 08
1. Personal services	679,798 08	
2. Contractual services	327,000 00	
3. Supplies and materials	160,000 00	
4. Current charges and obligations	10,300 00	
5. Equipment	8,550 00	
19. For construction of county buildings and/or		

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Item	Subtotal	Total
purchase of land.....		\$25,000 00
20. For agricultural school or county cooperative extension service.....		1,411,184 00
1. Personal services	\$1,025,000 00	
2. Contractual services	170,000 00	
3. Supplies and materials	140,000 00	
4. Current charges and obligations	24,150 00	
5. Equipment	41,234 00	
6. All other	10,800 00	
24. For noncontributory pensions.....		310,000 00
25. For contributory retirement system and supervisory expenses.....		789,675 00
26. For miscellaneous and contingent expenses.....		232,440 23
27. For unpaid bills of previous years.....		123,000 00
28. For reserve fund.....		50,000 00
28e. Reserve for federal grants.....		33,010 00
29. For advertising recreational, industrial and agricultural advantages of the county.....		100,000 00
37. For human services.....		24,905 00
39. For group insurance provided that no funds appropriated for this item shall be expended for the payment of abortions not necessary to prevent the death of the mother.....		550,000 00
44. For centralized purchasing department.....		13,100 50
45. For Wollaston Recreational Facility .....		295,846 80
Total amount of appropriations		\$9,967,645 96
Less estimated amount available for reduction of county tax		<u>1,850,282 00</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.....		\$8,117,363 96

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		
2. For reduction of county debt.....		\$690,000 00
6. For county treasurer, salaries and expenses.....		14,000 00
5. Equipment	14,000 00	
		<u>\$704,000 00</u>

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

Approved August 27, 1979.

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Chap. 571. AN ACT ESTABLISHING AN ADDITIONAL CATEGORY OF LONG TERM CARE FACILITIES TO BE KNOWN AS INTERMEDIATE CARE FACILITIES FOR THE MENTALLY RETARDED AND REQUIRING THAT SUCH FACILITIES BE INSPECTED AND LICENSED BY THE DEPARTMENT OF PUBLIC HEALTH.

Be it enacted, etc., as follows:

SECTION 1. Chapter 111 of the General Laws is hereby amended by striking out section 71, as most recently amended by section 2 of chapter 868 of the acts of 1977, and inserting in place thereof the following section:-

Section 71. The department shall issue for a term of two years, and shall renew for like terms, a license, subject to revocation by it for cause, to any person whom it deems responsible and suitable to establish or maintain an infirmary maintained in a town, a convalescent or nursing home, a rest home, a charitable home for the aged or an intermediate care facility for the mentally retarded, which meets the requirements of the department established in accordance with its rules and regulations; provided, however, that each convalescent or nursing home and each intermediate care facility for the mentally retarded shall be inspected at least once a year.

No original license shall be issued to establish or maintain an intermediate care facility for the mentally retarded, unless there is a determination by the department that there is a need for such facility at the designated location; provided, however, that in the case of a facility previously licensed as an intermediate care facility for the mentally retarded in which there is a change in ownership, no such determination shall be required and in the case of a facility previously licensed as an intermediate care facility for the mentally retarded in which there is a change in location, such determination shall be limited to consideration of the suitability of the new location.

In the case of the transfer of ownership of a convalescent or nursing home, infirmary maintained in a town, rest home, charitable home for the aged or intermediate care facility for the mentally retarded, the application of the new owner for a license shall have the effect of a license for a period of three months when filed with the department.

The department shall not reduce the number of beds originally approved by it in granting a license for a convalescent or nursing home or rest home upon the transfer of ownership of said convalescent or nursing home or rest home from one licensee to another, unless the public safety requires it.

In the case of an application for the renewal of a license, the local board of health shall first certify to the department that from its inspection and examination of said convalescent or nursing home, infirmary maintained in a town, rest home or charitable home for the aged, it is suitable for the purpose. Any person aggrieved by the refusal of the local board of health to certify as required above may in writing appeal to the department. The commissioner and the council, acting as the department, shall hold a public hearing in the nature of an adjudicatory proceeding as provided in chapter thirty A and may modify, affirm or reverse the action of the local board of health.

No original license shall be issued or no license renewed hereunder unless there shall be first submitted to the department by the authorities in charge of the convalescent or nursing home, infirmary maintained in a town, rest home, charitable home for the aged or intermediate care facility for the mentally retarded

with respect to each building occupied by patients, (1) a certificate of inspection of the egresses, the means of preventing the spread of fire and apparatus for extinguishing fire, issued by an inspector of the division of inspection of the department of public safety, and (2) a certificate of inspection issued by the head of the local fire department certifying compliance with the local ordinances.

Any applicant for an original or renewal license who is aggrieved, on the basis of a written disapproval of a certificate of inspection by the head of the local fire department or by the division of inspection of the department of public safety, may, within thirty days from such disapproval, appeal in writing to the department of public safety. Failure to either approve or disapprove within thirty days, after a written request by an applicant, shall be deemed a disapproval.

If the department of public safety approves the issuance of a certificate of inspection, it shall forthwith be issued by the agency that failed to approve. If said department disapproves, the applicant may appeal therefrom to the superior court. Failure of said department to either approve or disapprove the issuance of a certificate of inspection within thirty days after receipt of an appeal shall be deemed a disapproval. No original license shall be issued or no license shall be renewed by the department of public health until issuance of an approved certificate of inspection, as required in this section.

Nothing in this section or in section seventy-two or seventy-three shall be construed to revoke, supersede or otherwise affect any laws, ordinances, by-laws, rules or regulations relating to building, zoning, registration or maintenance of a convalescent or nursing home, infirmary maintained in a town, rest home or charitable home for the aged.

Upon a written request by an applicant who is aggrieved by the revocation of a license or the refusal of the department to renew a license, the commissioner and the council shall hold a public hearing, after due notice, and thereafter they may modify, affirm or reverse the action of the department; provided, however, that the department may not refuse to renew and may not revoke the license of a convalescent or nursing home, rest home, charitable home for the aged or intermediate care facility for the mentally retarded until after a hearing before a hearings officer, and any such applicant so aggrieved shall have all the rights provided in chapter thirty A with respect to adjudicatory proceedings.

In no case shall the revocation of such a license take effect in less than thirty days after written notification by the department to the convalescent or nursing home, infirmary maintained in a town, rest home, charitable home for the aged or intermediate care facility for the mentally retarded.

The fee for the issue or renewal of each license in the case of a convalescent or nursing home, infirmary maintained in a town, rest home, charitable home for the aged or intermediate care facility for the mentally retarded shall be twenty-five dollars, and the license shall not be transferable or assignable and shall be issued only for the premises named in the application.

For the purposes of this section and sections seventy-two,



seventy-two A and seventy-three, a convalescent or nursing home is defined as any institution, however named, whether conducted for charity or profit, which is advertised, announced or maintained for the express or implied purpose of caring for three or more persons admitted thereto for the purpose of nursing or convalescent care. An infirmary maintained in a town is an infirmary which hitherto the department of public welfare has been directed to visit by section seven of chapter one hundred and twenty-one. A rest home is defined as any institution, however named, which is advertised, announced or maintained for the express or implied purpose of providing care incident to old age to three or more persons who are ambulatory and who need supervision. A charitable home for the aged is defined as any institution, however named, conducted for charitable purposes and maintained for the purpose of providing a retirement home for elderly persons and which may provide nursing care within the home for its residents. An intermediate care facility for the mentally retarded is defined as any institution, however named, whether conducted for charity or profit, which is advertised, announced or maintained for the purpose of providing habilitative services and active treatment to mentally retarded persons or persons with related conditions, as defined in regulations promulgated pursuant to Title XIX of the federal Social Security Act (P.L. 89-97); which is not both owned and operated by a state agency; and which makes application to the department for a license for the purpose of participating in the federal program established by said Title XIX. An original license shall mean a license issued to a convalescent or nursing home, infirmary maintained in a town, rest home, charitable home for the aged or intermediate care facility for the mentally retarded, not previously licensed or a license issued to an existing convalescent or nursing home, infirmary maintained in a town, rest home, charitable home for the aged or intermediate care facility for the mentally retarded in which there has been a change in ownership or location; provided, however, that an application for a license to establish or maintain a charitable home for the aged by any person licensed hereunder shall be deemed an application for renewal of a license and not an application for an original license.

Nursing institutions licensed by the department of mental health for mental cases shall not be licensed or inspected by the department of public health. The inspections herein provided shall be in addition to any other inspections required by law.

In the case of new construction, or major addition, alteration, or repair with respect to any facility subject to this section, preliminary architectural plans and specifications and final architectural plans and specifications shall be submitted to a qualified person designated by the commissioner. Written approval of the final architectural plans and specifications shall be obtained from said person prior to said new construction, or major addition, alteration, or repair.

Notwithstanding any of the foregoing provisions of this section, no original license for the establishment or maintenance of a convalescent or nursing home shall be issued by the department unless the applicant for such license submits to the department a

certificate of an inspector of the division of inspection of the department of public safety that each building to be occupied by patients of such convalescent or nursing home meets the construction standards of the state building code, and is of at least type 1-B fireproof construction; provided, however, that this paragraph shall not apply in the instance of change of ownership of a convalescent or nursing home whose license had not been revoked as of the time of such change of ownership; and provided, further, that a public medical institution as defined under section two of chapter one hundred and eighteen E, which meets the construction standards as defined herein, shall not be denied a license as a nursing home under this section because it was not of new construction and designed for the purpose of operating a convalescent or nursing home at the time of application for a license to operate a nursing home. An intermediate care facility for the mentally retarded shall be required to meet the construction standards established for such facilities by Title XIX of the Social Security Act (P.L. 89-97) and any regulations promulgated pursuant thereto, and by regulations promulgated by the department.

The licensee of every convalescent or nursing home or intermediate care facility for the mentally retarded shall biennially file with the department, at the time his license is renewed, a sworn statement of the names and addresses of the owners of such home, and, if such licensee is not the owner of the real property occupied and used as such home, the names and addresses of the owners of such real property. In case the licensee is a corporation, such statement shall set forth the names and addresses of all stockholders who, of record, hold ten per cent or more of the capital stock.

The department may, when public necessity and convenience require, or to prevent undue hardship to an applicant or licensee, under such rules and regulations as it may adopt, grant a temporary provisional or probationary license under this section; provided, however, that no such license shall be for a term exceeding one year.

For the purposes of this section "changes in ownership" of a convalescent or nursing home, infirmary, rest home, charitable home for the aged or intermediate care facility for the mentally retarded shall, in the case of a corporation, mean transfer of a majority of the stock thereof, and in all other cases, a transfer of a majority interest therein.

The department shall notify the secretary of elder affairs forthwith of the pendency of any proceeding of any public hearing or of any action to be taken under this section relating to any convalescent or nursing home, rest home, infirmary maintained in a town, or charitable home for the aged. The department shall notify the commissioner of mental health forthwith of the pendency of any proceeding, public hearing or of any action to be taken under this section relating to any intermediate care facility for the mentally retarded.

SECTION 2. Section 72 of said chapter 111, as most recently amended by section 1 of chapter 877 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:-

The department shall classify convalescent and nursing homes, infirmaries maintained in towns, rest homes, charitable homes for the aged and intermediate care facilities for the mentally retarded and shall, after a public hearing, promulgate rules and regulations for the conduct of the same. Such rules and regulations for convalescent and nursing homes, infirmaries maintained in a town, rest homes, charitable homes for the aged and intermediate care facilities for the mentally retarded shall include minimum requirements for medical and nursing care, the keeping of proper medical and nursing records, uniform requirements for the handling of patient funds and sanitation. Regulations for intermediate care facilities for the mentally retarded shall also include minimum requirements for social services, psychological services and other services appropriate for the care of mentally retarded and developmentally disabled persons and shall limit the size of intermediate care facilities for the mentally retarded to not more than fifteen beds. The department in promulgating such rules and regulations for convalescent or nursing homes, rest homes, charitable homes for the aged and intermediate care facilities for the mentally retarded shall consider the ability of such facilities to provide service under rates set under the provisions of section thirty-two of chapter six A. No such rule or regulation shall apply to a convalescent or nursing home, rest home, charitable home for the aged, or intermediate care facility for the mentally retarded licensed at the time of promulgation of such rule or regulation, or a convalescent or nursing home, rest home, charitable home for the aged or intermediate care facility for the mentally retarded being constructed at the time of such promulgation under plans approved by the department, unless such rule or regulation has a direct and material relation to patient diet, cleanliness, nursing care or health of the patient, or to habilitative services and active treatment for mentally retarded persons or persons with related conditions; provided, however, that nothing herein contained shall be interpreted to prevent the department from adopting or interpreting rules and regulations more favorable toward existing convalescent or nursing homes, rest homes, charitable homes for the aged, or intermediate care facilities for the mentally retarded.

The department or its agents and the board of health or its agents of the city or town wherein any portion of such convalescent home or nursing home, infirmery maintained in a town, rest home, charitable home for the aged or intermediate care facility for the mentally retarded is located may visit and inspect such institution at any time.

SECTION 3. Section 73 of said chapter 111 is hereby amended by striking out the first paragraph, as appearing in section 11 of chapter 891 of the acts of 1967, and inserting in place thereof the following paragraph:-

Whoever advertises, announces, establishes or maintains, or is concerned in establishing or maintaining, a convalescent or nursing home, infirmery maintained in a town, a rest home, charitable home for the aged or intermediate care facility for the

mentally retarded, or is engaged in any such business, without a license granted under section seventy-one, or whoever being licensed under said section violates any provision of sections seventy-one to seventy-three, inclusive, shall for a first offense be punished by a fine of not more than five hundred dollars, and for a subsequent offense by a fine of not more than one thousand dollars or by imprisonment for not more than two years.

SECTION 4. Notwithstanding the provisions of section seventy-one of chapter one hundred and eleven of the General Laws as set forth in section one of this act, whoever is operating a facility which is participating as an intermediate care facility for the mentally retarded in the federal program established by Title XIX of the Social Security Act (P.L. 89-97) on the effective date of this act shall apply to the department of public health for a license within thirty days; provided, however, that the department of public health shall not make a determination of need for a facility participating in such federal program on the effective date of this act.

SECTION 5. Notwithstanding the provisions of section seventy-two of chapter one hundred and eleven of the General Laws as set forth in section two of this act, an intermediate care facility for the mentally retarded being constructed at the time the department of public health originally promulgates rules and regulations governing the conduct of such intermediate care facilities for the mentally retarded shall be subject to all such rules and regulations.

Approved August 28, 1979.

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Chap. 572. AN ACT RELATIVE TO THE OPERATION OF FARM VEHICLES.

Be it enacted, etc., as follows:

SECTION 1. Section 5 of chapter 90 of the General Laws is hereby amended by striking out the second sentence, as amended by section 2 of chapter 140 of the acts of 1978, and inserting in place thereof the following sentence:- 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 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 when it is operated within the commonwealth, or when operated in a state bordering the commonwealth which has a reciprocal agreement with the registry of motor vehicles for the operation of such similarly registered vehicle,

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. Any violations of the provisions of this section shall be punished by a fine of not more than five hundred dollars and any owner of such vehicle who violates the provisions of this section shall also cause such owner's right to such general distinguishing number or mark be revoked.

SECTION 2. Said section 5 of said chapter 90 is hereby further amended by striking out the last sentence.

Approved August 28, 1979.

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Chap. 573.     AN ACT AUTHORIZING THE COUNTY TREASURER OF THE COUNTY OF DUKES COUNTY TO PAY A CERTAIN SUM OF MONEY TO THE MARTHA'S VINEYARD HOSPITAL.

Be it enacted, etc., as follows:

SECTION 1. The treasurer of the county of Dukes County, with the approval of the county commissioners, is hereby authorized to pay to the Martha's Vineyard Hospital the sum of one hundred eighty-eight thousand nine hundred and seventy-nine dollars for the purpose of reimbursing said Hospital for the deficit incurred in the operation of its long term care facility in the fiscal year ending September thirtieth, nineteen hundred and seventy-eight, and the sum of one hundred eighty-eight thousand nine hundred and seventy-nine dollars is hereby appropriated therefore.

SECTION 2. The county commissioners of the county of Dukes County are hereby authorized to levy and collect as a part of the county tax for the fiscal year nineteen hundred and eighty the sum of one hundred eighty-eight thousand nine hundred and seventy-nine dollars to pay said Hospital as provided in section one; provided, however, that said amount shall be assessed upon the several towns of said county in proportion to the use by the residents of such towns of said long term care facility at said Hospital in its fiscal year ending September thirtieth, nineteen hundred and seventy-eight.

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

Approved September 13, 1979.

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Chap. 574.     AN ACT TO FURTHER DEFINE SOLID WASTE DISPOSAL ACTIVITIES IN THE COMMONWEALTH.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section 19 of chapter 16 of the General Laws or any other provision of general or special law to the contrary, the Department of Environmental Management shall not purchase, lease, acquire or receive by gift or take by eminent domain under the provisions of chapter 79 any land, structures, facilities or easements for solid waste disposal or for the disposal of residual waste or solid waste or combination of solid waste which, because of its quantity or significant contribution to an increase in mortality or serious irreversible illness, pose a substantial present or potential hazard to human health or the environment within precinct 4B of the City of Taunton and the Town of Sturbridge.

SECTION 2. Notwithstanding the provisions of section 150A of chapter 111 of the General Laws or any other provision of general or special law to the contrary, the Department of Environmental Quality Engineering shall not assign any place in precinct 4B of the City of Taunton and the Town of Sturbridge as a facility as defined in said section 150A, for the disposal of solid waste or for the disposal of residual waste or solid waste or combination of solid waste which, because of its quantity or significant contribution to an increase in mortality or serious irreversible illness, pose a substantial present or potential hazard to human health or the environment.

Approved September 19, 1979.

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Chap. 575. AN ACT REQUIRING NOTICE TO CERTAIN  
GUARANTORS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately limit the liability of guarantors of consumer 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. Section 3-416 of chapter 106 of the General Laws is hereby amended by striking out subsection (7), added by chapter 310 of the acts of 1979.

SECTION 2. Chapter 140C of the General Laws is hereby amended by inserting after section 10 the following section:-

Section 10A. No person who executes a guaranty of the obligations of another in connection with an application by such other person for an open end credit plan or for an extension of credit other than an open end credit plan shall be liable as a result of such guaranty for an obligation not arising under such plan or extension of credit unless such person has been notified of such additional obligation in advance.

SECTION 3. Section two of this act shall take effect on January first, nineteen hundred and eighty.

Approved September 20, 1979.

Chap. 576. AN ACT AUTHORIZING THE USE OF CERTAIN  
CONSERVATION COMMISSION LAND FOR  
CEMETERY PURPOSES IN THE TOWN OF  
WESTWOOD.

Be it enacted, etc., as follows:

SECTION 1. The town of Westwood is hereby authorized to use the following described parcels of land, presently under the jurisdiction of the conservation commission, for cemetery purposes. Said land shall be administered by the cemetery administrator in said town under the jurisdiction of the board of selectmen of said town.

PARCEL #1. A certain parcel of land in Westwood, Norfolk County, Commonwealth of Massachusetts, located off High Street, (Route 109) bounded and described as follows:

Southerly by High Street 29.31 feet

Easterly 274.65 feet by land of Hubert C. and Marie A. Eaton and Lot B.

Southeasterly 141.86 feet by Lot B and land of Harold N. and Sarah N. Baker

Northeasterly 259.02 feet by land of Roman Catholic Archbishop of Boston

Northerly 519.87 feet by land of Perry J. Crouse

Westerly 448.80 feet by land of Perry J. Crouse

Southwesterly 199.18 feet by Lot C

Southerly 238.00 feet by land of Frederick M. and Lucille Holbrook and Henry P. Damrell, Adm. of Lucius Damrell Estate

Westerly 0.53 feet by land of Henry P. Damrell adm. of Lucius Damrell Estate

Southerly 199.98 feet by land of Harold N. and Sarah N. Baker

Westerly 275.11 feet by land of Harold N. and Sarah N. Baker being shown on a plan entitled "Plan of Land in Westwood, Mass.: Pilling Engineering Company, Inc. dated Jan. 4, 1956, containing 248,610 square feet of land or 5.707 acres.

PARCEL #2. A certain parcel of land located in Westwood, Norfolk County, Commonwealth of Massachusetts, located off Hartford Street, bounded and described as follows:

Northeasterly and northerly by land of William Deviney et al and Edward J. and Gertrude F. Buzzell in several courses 83.25 feet, 42.07 feet, 40.11 feet, 31.29 feet, 48.79 feet, 50.04 feet, 42.95 feet, 81.38 feet, 62.03 feet, and 51.34 feet.

Easterly by land of Marion H. Fisher and the Roman Catholic Archbishop of Boston 304.05 feet and 290.05 feet.

Southerly and Easterly by land of the Town of Westwood 92.88 feet, 519.05 feet, 118.98 feet, 231.38 feet, and 98.44 feet.

Easterly by land now or formerly of Ernest J. Baker 148.58 feet and 96.85 feet.

Southwesterly and southeasterly by land of Henry H. Sadler, Eleanor L. Sadler, John W. Stewart, Susan D. Stewart, Melvin M. Bailey, Gladys D. Bailey, George N. Morris, Ann S. Morris, Roger A. Spaulding, Priscilla T. Spaulding, James E. Callahan, Virginia M. Callahan 129.51 feet, 402.74 feet, 133.75 feet, 253.65 feet, and 139.09 feet.

Westerly by land of Clarence A. Bingham, Raymond J. and Barbara A. McInnis, and Richard A. and Mildred E. Sylvester 353.60 feet.

Northerly and Westerly by land of James E. and Helen Middleton 80 feet and 50 feet.

Northwesterly by land of Francis Abbate, Florence M. Abbate, Perry J. Crouse, Stephen A. Mack, Mary P. Mack, William C. Marshall, Jeanne S. Marshall 300.00 feet, 216.43 feet, and 102.00 feet.

Westerly and southwesterly by land of William C. and Jeanne S. Marshall 123.49 feet and a curved line 41.71 feet.

Northerly by Hartford Street by a curved line 32.81 feet and 58.65 feet.

Easterly and northwesterly by land of Robert J. and Harriett R. Gunther by a curved line 39.42 feet, 156.67 feet and 111.00 feet.

Northwesterly by land of Gottfried J. and Marjorie Wilfinger, Gilio A. Funari and Perry J. Crouse 110.00 feet, 110.00 feet and 391.10 feet.

Northwesterly by land of Gottfried J. and Marjorie Wilfinger 110.00 feet.

Northwesterly and westerly by land of Gilio A. Funari 110.00 feet and 181.63 feet.

and being shown on "Plan of Land in Westwood, Mass." Pilling Engineering Co., Inc. dated Jan. 11, 1960, amended March 11, 1960 and containing approximately 1,044,670 square feet or 23.98 acres.

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

Approved September 25, 1979.

Chap. 577. AN ACT PROVIDING FOR SUMMER POLICE OFFICERS IN MIDDLESEX COUNTY.

Be it enacted, etc., as follows:

SECTION 1. The second sentence of section 1 of chapter 31 of the General Laws, added by chapter 77 of the acts of 1979, is hereby amended by inserting after the word "Essex", in line 4, the word:- , Middlesex.

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

Approved September 25, 1979.

Chap. 578. AN ACT POSTPONING THE IMPLEMENTATION OF PROPERTY TAX CLASSIFICATION BY CITIES AND TOWNS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to postpone immediately the implementation of property tax classification for one year and thereby eliminate all possible delay in the issuance of local property tax bills, 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 59A of the General Laws is hereby amended by striking out section 42, as appearing in section 38 of chapter 580 of the acts of 1978, and inserting in place thereof the following section:-

Section 42. Classification of real property shall be implemented on January first, nineteen hundred and eighty; 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 prior to the first day of March preceding the beginning of each fiscal year.

SECTION 2. Section 40 of chapter 580 of the acts of 1978 is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:- This act shall be applicable to property taxes assessed for the fiscal year beginning July first, nineteen hundred and eighty; provided, however, that any city or town whose property has been certified by the commissioner as having been assessed at fair cash value by January first, nineteen hundred and seventy-nine may, notwithstanding the provisions of section forty-two of chapter fifty-nine A, by vote of the mayor and city council in a city or the board of selectmen in a town, implement the provisions of this act for the fiscal year beginning July first, nineteen hundred and seventy-nine.

Approved September 25, 1979.

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Chap. 579.      AN ACT REGULATING MOTORCYCLE SOUND  
EMISSION LEVELS.

Be it enacted, etc., as follows:

SECTION 1. Chapter 90 of the General Laws is hereby amended by inserting after section 7R the following three sections:-

Section 7S. The following words used in this section twenty-four A to twenty-four C, inclusive, unless the context otherwise requires shall have the following meanings:-

"A-weighted sound level", the sound level in decibels as measured on a sound level meter using the A-weighting network. The level is designated dB(A).

"Decibel (dB)", a unit for measuring the volume of a sound, equal to twenty times the logarithm to the base 10 of the ratio of the pressure of the sound measured to the reference pressure; which is 20 micropascals or 20 micronewtons per square meter.

"Motorcycle", any motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, including any bicycle with a motor or driving wheel attached, except a tractor or a motor vehicle designed for carrying golf clubs and not more than four persons, an industrial three-wheel truck, or a motor vehicle on which the operator and passengers ride within an enclosed

cab.

"Person", any individual, association, partnership, or corporation, and includes any officer, employee, department, agency or instrumentality of the commonwealth or any political subdivision of the commonwealth.

"Registrar", the registrar of motor vehicles.

"Sound level", the weighted sound pressure level obtained by the use of a sound level meter and frequency weighting network, such as A, B or C as specified in American National Standards Institute specifications for sound level meters (ANSI S1.4-1971). If the frequency weighting employed is not indicated, the A-weighting shall apply.

Section 7T. The registrar shall adopt regulations establishing test procedures and instrumentation to be utilized for measuring sound levels of in-use vehicles. Such regulation shall include site criteria and moving and stationary vehicle measurement procedures and shall take into consideration accepted scientific and professional methods for the measurement of vehicular sound levels. The measurement procedures shall include adjustment factors to be applied to the noise limit for measurement distances of other than fifty feet from the center of the lane of travel and shall allow the extent feasible sound level measurement and enforcement action to be accomplished in reasonably confined areas such as residential areas of urban cities and off highway locations. Test procedures established by the registrar shall be in substantial conformance with applicable standards and practices established or recommended by the United States Environmental Protection Agency.

Section 7U. No person shall operate a motorcycle intended for use on the highways of the commonwealth and registered under the provisions of section two of chapter ninety at any time or under any condition of grade, load, acceleration or deceleration in such a manner as to exceed eighty-two decibels when operated within a speed zone of forty-five miles per hour or less, or in such a manner as to exceed eighty-six decibels when operated within a speed zone of over forty-five miles per hour measured at fifty feet using the prescribed highway vehicle sound level measurement procedure.

No person shall operate a motorcycle intended for use off the highways of the commonwealth and registered under the provisions of section twenty-two of chapter ninety B at any time that exceeds one hundred and three decibels measured at twenty inches, or one-half meter, using the prescribed stationary vehicle sound level measurement procedure. For enforcement purposes a tolerance of plus two decibels shall be applied to all measured sound levels of in-use vehicles to provide for variances in equipment calibration, measurement site characteristics and measurement techniques.

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

Approved September 25, 1979.

Chap. 580. AN ACT DIRECTING THE METROPOLITAN DISTRICT COMMISSION TO CONVEY A CERTAIN PARCEL OF LAND IN THE TOWN OF WATERTOWN TO THE WATERTOWN REDEVELOPMENT AUTHORITY.

Be it enacted, etc., as follows:

The metropolitan district commission is hereby authorized and directed to sell and convey, in the name and on behalf of the commonwealth all its rights, title and interest in a certain parcel of land in the town of Watertown for nominal consideration to the Watertown Redevelopment Authority by a quit claim deed approved as to its form by the attorney general, such deed shall convey any and all of the reversionary rights of the commonwealth to said parcel and further releases any and all rights of the commonwealth to re-enter said parcel and to repossess the same as its former estate. Said parcel is bounded and described as follows:-

A parcel of land containing nineteen thousand eight hundred eight (19,808) square feet, more or less, situated on the southwesterly side of Arsenal Street, Watertown, Massachusetts, and bounded: beginning at a stone bound in the southwesterly side line of Arsenal Street, at land now or formerly of H.B. Goodenough, thence southerly and southwesterly on a line curving to the right with a radius of ten (10) feet, twenty-five and 78/100 (25.78) feet to a stone bound; thence running nearly westerly by said land now or formerly of H.B. Goodenough on a line curving to the left with a radius of thirty-two hundred seven and 68/100 (3207.68) feet, two hundred nine and 28/100 (209.28) feet to a stone bound; thence south 23°47'45" east, four and 32/100 (4.32) feet to a stone bound at land of the United States Government; thence north 62°29'20" east, forty and 04/100 (40.04) feet to a stone bound; thence north 67°04'20" east, eighty-eight and 16/100 (88.16) feet to a stone bound; thence north 75°55'30" east, ninety-one and 53/100 (91.53) feet to a stone bound; thence south 11°11'45" east, one hundred thirty-nine and 78/100 (139.78) feet to a point in the general northerly boundary line of land conveyed by the United States, through the Secretary of War, by an instrument dated the nineteenth day of May, 1906, and recorded with Middlesex South District Deeds, book 3238, page 246, to said Commonwealth of Massachusetts; thence by said land last mentioned north 50°37'30" east, two hundred one and 54/100 (201.54) feet to a point; thence northeasterly and northerly on a line curving to the left with a radius of ten (10) feet; twenty-three and 05/100 (23.05) feet to a point in said southwesterly side line of Arsenal Street; thence north 81°27'20" west, by said side line of Arsenal Street two hundred one and 53/100 (201.53) feet to the stone bound at the point of beginning. The parcel above described is more particularly shown on a plan to be recorded with Middlesex South District Deeds, Plan Book 285, Plan 38 entitled "Commonwealth of Massachusetts, Metropolitan District Commission, Parks Division, Charles River Reservation, Plan of Lands on Arsenal St. Watertown, to be conveyed to the United States Government November 26, 1919, John R. Rablin, Engineer" being Metropolitan District

Commission Plan No. 744, to which reference is hereby expressly made for a further description.

Being a portion of the land acquired by the commonwealth, by its board of metropolitan park commissioners, by instrument dated April 18, 1895 and recorded with Southern district deeds in the county of Middlesex, Book 2375, Page 532, and also a portion of the land conveyed to the United States of America by said commonwealth by deed dated March 17, 1920 and recorded with said registry of deeds Book 4363, Page 281.

Approved September 25, 1979.

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Chap. 581. AN ACT DIRECTING THE DEPARTMENT OF  
MENTAL HEALTH TO SELL AND CONVEY  
LAND IN THE TOWN OF NORTON TO SAID  
TOWN FOR INDUSTRIAL PURPOSES.

Be it enacted, etc., as follows:

SECTION 1. The commissioner of the department of mental health, acting for and in behalf of the commonwealth, is hereby authorized and directed to sell and convey to the town of Norton, by deed, approved as to form by the attorney general, all the right, title and interest of the commonwealth in and to, two parcels of land in the town of Norton for municipal industrial purposes. Said parcels consisting of approximately 185.5 acres located wholly within the confines of the Paul A. Dever state school, and shown on a plan entitled, "Plan Showing Land in Norton, Mass. to be conveyed by The Commonwealth of Mass. to the Town of Norton Scale 1"-200' May 1978 Revised April 1979" by John F. Vance, Jr. Registered Land Surveyor, are bounded and described as follows:-

Parcel 1

A certain parcel of land situated on the easterly side of Hill Street and the southerly side of South Washington Street in Norton, Massachusetts, containing approximately 171 acres, bounded and described as follows:-

Beginning at an iron pin in the easterly line of Hill Street at the northwest corner of land of the Town of Mansfield; thence N 12° 50' E, 3656.12' to the southerly side line of South Washington Street; thence by the southerly side line of said South Washington Street the following courses S 55°-30'E, 426.9'; S 49°-40'E, 518.0'; S 52°-07'E, 218.7'; thence continuing by the southerly side line of said street by a curve to the left with a radius of 700', a distance of 828.9', thence N 60°-02'E, 781.5'; thence by a curve to the right with a radius of 750', a distance of 170.7'; thence N 85°-41'E, 972.3' to the Norton-Taunton town and city line; thence by said town and city line S 37°-21'W, 4300'± to land of the Town of Mansfield; thence by said Town of Mansfield land northwesterly 836.45' to an iron pin for a corner; thence continuing by Town of Mansfield land southwesterly 1420.0' to an iron pin in the easterly line of Hill Street and the point of beginning.

Parcel 2

A certain parcel of land situated easterly of Hill Street in the

Town of Norton, Mass. containing approximately 14.5 acres, bounded and described as follows:

Beginning at a concrete bound in the easterly side line of Hill Street at the Norton-Taunton town & city line; thence by the easterly side line of Hill Street the following courses; N 29°-45'W, 162.3'; N 19°-39'W, 209.8'; N 21°-38'W, 161.4' to the southwest corner of a cemetery; thence by said cemetery the following courses; N 21°-23'E, 139.2'; N 64°-20'W, 82.7'; N 40°-49'W, 142.5'; S 50°-54'W, 81.0' to the easterly line of Hill Street; thence by the easterly line of Hill Street N 40°-29'W, 130.7'± to land of the Town of Mansfield; thence by said Town of Mansfield northeasterly 958.72' to an iron pin for a corner; thence continuing by Town of Mansfield land southeasterly 520.91' to the Norton-Taunton town and city line; thence by said town and city line S 37°-21'W, 990'± to the point of beginning.

SECTION 2. Said conveyance shall be subject to such conditions and restrictions as the commissioner of the department of mental health may deem advisable, including the reservation or any easement or easements deemed appropriate by said commissioner for sewer and drain purposes.

The consideration for said conveyance shall be the average of the full and fair market value of the land as determined by three independent appraisers approved by the commissioner of administration, paid in ten equal annual installments.

It is further provided that title to the aforesaid parcels shall revert to the commonwealth if the land is not used for industrial development purposes within five years after the effective date of this act and if such land reverts to the commonwealth consideration shall be reimbursed to said town.

Approved September 25, 1979.

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Chap. 582. AN ACT DIRECTING THE COMMISSIONER OF ENVIRONMENTAL MANAGEMENT TO CONVEY CERTAIN LAND IN THE TOWN OF DENNIS, TO LOUIS O. KELLEY IN EXCHANGE FOR CERTAIN OTHER LAND.

Be it enacted, etc., as follows:

SECTION 1. The commissioner of the department of environmental management acting for and in behalf of the commonwealth is hereby authorized and directed to sell and convey to Louis O. Kelley, by a deed approved as to form by the attorney general, all the right, title and interest of the commonwealth in and to a certain parcel of land in the town of Dennis. Said parcel comprising 44,838 square feet more or less, is bounded and described as follows:-

Beginning at a point on the southerly side of Hokum Rock Road, a town way, which point marks the most easterly corner of the herein described parcel of land, thence westerly S 80° 04' 20" W 138.18' to a cement bound; thence westerly S 80° 16' 10" W 182.29', thence westerly S 80° 13' 00" W 201.94', for a total of 515.41', to a cement bound, thence northerly N 25° 37' 10" E by lands of the Town of Dennis 233.89' to a cement bound on the

southerly side on Hokum Rock Road, thence easterly by the southerly boundary of said Hokum Rock Road 139', 147', 142', for a total distance of 427' to the point of beginning said area, containing 44,838 square feet more or less.

This area is designated as Parcel 1 and Parcel 2 on a preliminary sketch plan Titled "Dennis, Mass. showing property of the Commonwealth of Massachusetts, dated December 18, 1978, Edward E. Kelley, Registered Land Surveyor, Cummaquid, MA Registration #2610."

Being a portion of a parcel of land shown on a plan of land entitled "Plan of FIRE TOWER LOT AND POLE LINE, Dennis, Mass., Surveyed by F. Bowers, Mass. Dept. of Conservation, Scale 1"=50'; Feb. 1947. Recorded at the Barnstable Registry of Deeds, October 15, 1947, Plan Book 80, Page 43.

SECTION 2. In consideration for said conveyance provided for in section one, Louis O. Kelley shall convey to the commonwealth through the department of environmental management all right title and interest in a certain parcel of land located in the town of Brewster, comprising 92,782.8 square feet more or less, bounded and described as follows:-

Beginning at a point marked by a concrete bound and being the Southwesterly corner of a parcel of land herein described; thence N 14° 06' 56" W a distance of 365.15 feet along land now or formerly of Jonathan Young to a concrete bound; thence N 52° 25' 24" E a distance of 190.91 feet along land now or formerly of Ethel Mayo Johnson to a concrete bound; thence S 18° 46' 04" E a distance of 561.87 feet along land now or formerly of Gerard Crosby to a concrete bound; thence S 18° 46' 04" E a distance of 7 feet more or less to a point, said point marking the side line of a 10 foot wide traveled way; thence northwesterly a distance of 251 feet more or less along said sideline to a point; thence N 14° 06' 56" W a distance of 5 feet more or less to the point of beginning.

This parcel contains an area of 2.13 acres more or less. Being all and the same premises as shown on a plan entitled "Plan of Land in east BREWSTER, Mass. for STARR GAREAU et al, scale 1"=40', October 1967, by Barnstable Survey Consultants, Inc., 608 Main Street, West Yarmouth, Mass.," Recorded at the registry of deeds in the county of Barnstable, November 15, 1967, Plan Book 215, page 93.

Approved September 25, 1979.

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Chap. 583. AN ACT ESTABLISHING OCTOBER FIRST OF THE CURRENT YEAR AS A DAY FOR THE PROPER OBSERVANCE AND CELEBRATION OF THE VISIT OF POPE JOHN PAUL II TO THE COMMONWEALTH.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide for the observance and celebration of the visit of Pope John Paul II to the commonwealth on October first, nineteen hundred and seventy-nine, therefore it is hereby declared to be an emergency law, necessary for the

immediate preservation of the public convenience. \_\_\_\_\_

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, the first day of October in the current year is hereby declared and made a legal holiday, as provided in clause Eighteenth of section seven of chapter four of the General Laws. The provisions of sections five to eleven, inclusive, of chapter one hundred and thirty-six of the General Laws shall not be applicable to said day; provided, however, that no private employer may require an employee to work on said date unless such employee is employed in a public health, public safety, public convenience or public protection position.

SECTION 2. Nothing in this act shall affect the holding of a town meeting or any city clerk's office or municipal board, committee or commission which has official business scheduled and which has been duly called and scheduled to meet on said day.

Approved September 28, 1979.

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Chap. 584. AN ACT AUTHORIZING THE TOWN OF WESTON  
TO PAY A SUM OF MONEY TO ROBERT SELVEY.

Be it enacted, etc., as follows:

SECTION 1. The town of Weston, acting through its school committee, is authorized to pay from available funds, the sum of seven thousand five hundred dollars to Robert Selvey as compensation for lost wages as a bus driver for the school department of said town.

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

Approved October 2, 1979.

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Chap. 585. AN ACT RELATING TO EMPLOYEES OF THE  
SAVINGS BANK LIFE INSURANCE COUNCIL.

Be it enacted, etc., as follows:

Section 32 of chapter 178 of the General Laws, as amended by section 1 of chapter 150 of the acts of 1977, is hereby further amended by adding the following two sentences:- Any employee of the council may, in the discretion of the trustees, be simultaneously employed by the division of savings bank life insurance, and any employee of the division may likewise be employed by the council; provided that in either case, the compensation of the employees shall be determined and paid by the council or the division or partly by the council and partly by the division as the trustees in their discretion shall determine. The council shall not for any purposes under the law be considered a state agency.

Approved October 2, 1979.

Chap. 586. AN ACT PROVIDING THAT THE OFFICE OF CHIEF OF POLICE OF THE TOWN OF KINGSTON SHALL BE EXEMPT FROM THE CIVIL SERVICE LAW.

Be it enacted, etc., as follows:

SECTION 1. Upon the expiration of the term of office of the present incumbent chief of police in the town of Kingston said office shall be exempt from the provisions of chapter thirty-one of the General Laws.

SECTION 2. This act shall be submitted for acceptance to the voters of the town of Kingston at the annual town meeting to be held in the year nineteen hundred and eighty in the form of the following question which shall be placed upon the official ballot to be used for the election of town officers at said meeting:- "Shall an act passed by the General Court in the year nineteen hundred and seventy-nine, entitled 'An Act providing that the office of chief of police of the town of Kingston shall be exempt from the civil service law,' be accepted?" If a majority of the votes in answer to said question is in the affirmative, this act shall thereupon take full effect, but not otherwise.

Approved October 2, 1979.

Chap. 587. AN ACT INCREASING THE FEE FOR A DUPLICATE SPORTING, HUNTING, FISHING OR TRAPPING LICENSE.

Be it enacted, etc., as follows:

Section 16 of chapter 131 of the General Laws is hereby amended by striking out the words "one dollar", inserted by section 3 of chapter 706 of the acts of 1972, and inserting in place thereof the words:- two dollars.

Approved October 2, 1979.

Chap. 588. AN ACT PROVIDING A PENALTY FOR WRONGFULLY INTERFERING WITH THE OPERATION OF A MOTOR VEHICLE BEING USED AS A COMMON CARRIER OF PASSENGERS FOR HIRE OR AS A SCHOOL BUS.

Be it enacted, etc., as follows:

Chapter 159A of the General Laws is hereby amended by adding the following section:-

Section 17. Whoever willfully, with intent to endanger the safety of any person on board or any person who he believes will board the same, or with a reckless disregard for the safety of human life, damages, disables, destroys, tampers with, or places or causes to be placed any explosive or other destructive substance in, upon, or in proximity to, any motor vehicle which is being used for the carriage of passengers for hire or for the transporting of school children; or whoever, with intent to endanger the safety of any person on board or any person who



he believes will board the same, or with a reckless disregard for the safety of human life, willfully disables or incapacitates any driver or person employed in connection with the operation of such motor vehicle, shall be punished by a fine of not more than ten thousand dollars or by imprisonment for not more than twenty years, or by both such fine and imprisonment.

Approved October 2, 1979.

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Chap. 589.      AN ACT RELATIVE TO THE SAFE LEVELS OF  
LEAD IN PAINT.

Be it enacted, etc., as follows:

The second paragraph of subsection (a) of section 196 of chapter 111 of the General Laws, as appearing in section 1 of chapter 1081 of the acts of 1971, is hereby amended by striking out, in lines 2 and 3, the words "one half of one per centum lead by weight" and inserting in place thereof:- six one-hundredths of one per centum lead by weight, and for such substances manufactured prior to June twenty-third, nineteen hundred and seventy-seven one-half of one per centum lead by weight.

Approved October 2, 1979.

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Chap. 590.      AN ACT EXEMPTING THE SALES OF CERTAIN  
PRINTED MATERIAL FROM THE PROVISIONS  
OF THE SALES AND USE TAX.

Be it enacted, etc., as follows:

SECTION 1. Section 6 of chapter 64H of the General Laws is hereby amended by adding after paragraph (ee), added by chapter 989 of the acts of 1977, the following paragraph:-  
(ff) Sales of printed material which is manufactured in the Commonwealth to the special order of a purchaser, to the extent such material is delivered to an interstate carrier, a mailing house or a United States Post Office for delivery or mailing to a purchaser located outside the commonwealth or to a purchaser's designee located outside the Commonwealth.

SECTION 2. This act shall apply to sales of printed materials made as of January first, nineteen hundred and seventy-six.

Approved October 2, 1979.

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Chap. 591.      AN ACT DESIGNATING A CERTAIN METRO-  
POLITAN DISTRICT COMMISSION BEACH STATION  
AT WOLLASTON BEACH AS THE JOSEPH E.  
BRETT BEACH STATION.

Be it enacted, etc., as follows:

The metropolitan district commission beach station at Wollaston Beach in the city of Quincy, shall be designated and known as the Joseph E. Brett Beach Station, in honor of Joseph E. Brett, city councilor of said city and former representative in the

general court who has performed with distinction as an elected official from the city of Quincy and has had a deep and abiding interest in providing proper recreational facilities for the people of Quincy during his public career. A suitable marker bearing such designation shall be attached thereon by the metropolitan district commission.

Approved October 2, 1979.

Chap. 592. AN ACT EXEMPTING CERTAIN POSITIONS IN THE OFFICE OF THE PLANNING DEPARTMENT IN THE CITY OF NEW BEDFORD FROM THE PROVISIONS OF THE CIVIL SERVICE LAW.

Be it enacted, etc., as follows:

SECTION 1. The positions of principal planner, senior planning aid and graphic arts technician in the office of the city planner in the city of New Bedford shall not be subject to the provisions of chapter thirty-one of the General Laws. The tenure of the incumbents, Roland John Hebert, principal planner, Benjamin R. Watkins, Jr., senior planning aid IV, and Paul A. Fernandes, graphic arts technician, shall be unlimited until each reaches the age of seventy and they shall hold such positions from the effective date of this act during good behavior, unless incapacitated by physical or mental disability from performing his duties or removed for just cause in the manner provided by section forty-three of chapter thirty-one of the General Laws.

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

Approved October 4, 1979.

Chap. 593. AN ACT DIRECTING THE CITY OF SALEM TO REGULATE THE USE OF THE TIDAL GATES LOCATED AT THE HEADWATERS OF FOREST RIVER IN SAID CITY.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any general or special law to the contrary, the city of Salem is hereby authorized and directed to regulate the opening and closing of the tidal gates located at the headwaters of Forest river in said city, during weekends only, from June first to the first Monday of September inclusive of each year. The mayor of said city shall establish a schedule for said opening and closing including any revisions thereto in consultation with the conservation commission of said city.

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

Approved October 4, 1979.

Chap. 594. AN ACT FURTHER REGULATING COLLECTIVE BARGAINING IMPASSES INVOLVING MEMBERS OF THE BARGAINING UNIT OF THE UNIFORMED BRANCH OF THE STATE POLICE, OR THE UNIT

REPRESENTING METROPOLITAN DISTRICT COM-  
MISSION POLICE OFFICERS SUBORDINATE TO  
THE RANK OF CAPTAIN.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is, in part, to provide an impasse procedure in collective bargaining for members of the bargaining unit of the uniformed branch of the state police, or the unit representing metropolitan district commission police officers subordinate to the rank of captain, 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 9 of chapter 150E of the General Laws, as amended by section 1 of chapter 347 of the acts of 1977, is hereby further amended by striking out the fifth paragraph and inserting in place thereof the following paragraph:-

The parties by their own agreement may mutually waive the fact-finding provisions contained herein and may petition the board for arbitration pursuant to sections four or four B of chapter one thousand and seventy-eight of the acts of nineteen hundred and seventy-three when applicable. Said waiver shall not constitute a bar to any arbitration award.

SECTION 2. Chapter 1078 of the acts of 1973 is hereby amended by inserting after section 4A the following section:-

Section 4B. If an employee organization duly recognized as representing the bargaining unit of the uniformed branch of the state police, or the unit representing the metropolitan district commission police officers subordinate to the rank of captain, is engaged in an impasse which has continued for thirty days after the publication of the fact-finder's report pursuant to section nine of chapter one hundred and fifty E of the General Laws, or, if the parties have mutually waived the fact-finding provisions contained in said section nine of said chapter one hundred and fifty E, said employee organization shall petition the board to make an investigation. If, after an investigation, the board determines that:

(1) the requirements of section nine of said chapter one hundred and fifty E have been complied with in good faith by the employee organization;

(2) thirty days have passed since the date of publication of the fact-finding report pursuant to said section nine;

(3) the proceedings for the prevention of any prohibited practices have been exhausted, provided that any such complaints have been filed with the commission prior to the date of the fact-finder's report; and

(4) an impasse exists, the board shall notify the employer and the employee organization that the issues in dispute shall be resolved by a three-member arbitration panel, or when the parties mutually agree, the board shall select a single arbitrator in lieu of the arbitration panel.

Said panel shall be comprised of three arbitrators, one selected by the employer, one selected by the employee organization, and

a third impartial arbitrator, who shall act as chairman of the panel, who shall be selected by the two previously selected arbitrators. In the event that either party fails to select an arbitrator or for any reason there is a delay in the naming of an arbitrator, or if the arbitrators fail to select a third arbitrator within the time prescribed by the board, the board shall appoint the arbitrator or arbitrators necessary to complete the panel, which shall act with the same force and effect as if the panel had been selected without intervention of the board.

In the event that the parties mutually elect to use a single arbitrator, selected by the board, the parties shall immediately request the board to appoint said arbitrator, who shall act with the same force and effect as if a three member panel had been selected by the parties.

The single arbitrator or the arbitration panel acting through its chairman, shall conduct a hearing within ten days after the date of appointment of its chairman. The chairman shall give at least seven days notice in writing to each of the other arbitrators. The chairman or single arbitrator shall give like notice to the representatives of the employer and employee organizations of the time and place of such hearing.

The single arbitrator or chairman shall preside over the hearing and shall take testimony. Upon application and for good cause shown, a person, labor organization, or governmental unit having substantial interest therein may be granted leave to intervene by the arbitration panel. The proceedings shall be informal. Any oral or documentary evidence and other data deemed relevant by the arbitration panel or single arbitrator may be received into evidence. The arbitrators shall have the power to administer oaths and to require by subpoena the attendance and testimony of witnesses, the production of books, records, and other evidence relative to or pertinent to the issues presented to them for determination. If any person refuses to obey a subpoena, or refuses to be sworn or to testify, or if any witness, party, or attorney is guilty of any contempt while in attendance at any hearing, the arbitration panel or single arbitrator may, or the district attorney if requested, shall invoke the aid of the superior court within the jurisdiction in which the hearing is being held, whereupon the court shall issue an appropriate order.

A record of the proceedings shall be kept, and the chairman or single arbitrator shall arrange for the necessary recording service. Transcripts may be ordered at the expense of the party ordering them, but the transcripts shall not be necessary for an award by the panel or single arbitrator. The hearing may be continued at the discretion of the panel or single arbitrator and shall be concluded within forty days from the time of commencement. At the conclusion of the hearing, each party shall submit a written statement containing its last and best offer for each of the issues in dispute to the panel or single arbitrator, who shall take said statements under advisement. Within ten days after the conclusion of the hearing, a majority of the panel, or the single arbitrator, shall select as the last and best arbitration award either the employer's written statement of its last and best offer, the employee organization's written statement

of its last and best offer, or the recommendations of the fact-finder, if a fact-finding report and recommendations have been issued, and immediately shall give written notice of the selection to the parties. The selection shall be final and binding upon the parties, subject to appropriation. Within thirty calendar days of the last and best offer selection and award, the impartial chairperson of the arbitration panel or, the single arbitrator, shall issue a written opinion inclusive of an analysis of all statutory factors applicable to the proceedings.

At any time before the rendering of an award, the chairman of the arbitration panel or single arbitrator, if he is of the opinion that it would be useful or beneficial to do so, may remand the dispute to the parties for further collective bargaining for a period not to exceed three weeks and notify the board of the remand. If the dispute is remanded for further collective bargaining the time provisions of this act shall be extended for a time period equal to that of the remand.

In the event that the representatives of the parties mutually resolve each of the issues in dispute and agree to be bound accordingly, said representatives may, at any time prior to the final decisions by the panel, or single arbitrator, request that the arbitration proceedings be terminated, the panel, acting through its chairman or single arbitrator, shall terminate the proceedings.

The factors among others, to be given weight by the arbitration panel or single arbitrator in arriving at the decision shall include, when applicable:

(1) The financial ability of the district or of the commonwealth to meet the costs. Such factors which shall be taken into consideration shall include but not be limited to (a) the district's state reimbursements and assessments; (b) the commonwealth's or district's long and short term bonded indebtedness; (c) the district's estimated share in the metropolitan district commission deficit; (d) the district's estimated share in the Massachusetts Bay Transportation Authority's deficit.

(2) The interests and welfare of the public.

(3) The hazards of employment, physical, educational and mental qualifications, job training and skills involved.

(4) 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 and with other employees generally in public and private employment in comparable districts, communities, or other state or federal jurisdictions.

(5) The decisions and recommendations of the fact-finder, if any.

(6) The average consumer prices for goods and services, commonly known as the cost of living.

(7) The overall compensation presently received by the employees, including direct wages and fringe benefits.

(8) Changes in any of the foregoing circumstances during the pendency of the arbitration proceedings.

(9) 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 or in private employment.

(10) The stipulation of the parties.

Any determination or decision of the arbitration panel or single arbitrator if supported by material and substantive evidence on the whole record shall be subject to appropriation, binding upon the parties and may be enforced at the instance of either party, the single arbitrator or the arbitration panel in the superior court in equity, provided however, that the scope of arbitration in police matters shall be limited to wages, hours, and conditions of employment and shall not include the following matters of inherent managerial policy: the right to appoint, promote, assign, and transfer employees. Assignments shall not be within the scope; provided, however, that the subject matters of initial station assignment upon appointment or promotion shall be within the scope of arbitration. The subject matter of transfer shall not be within the scope of arbitration, provided however, that the subject matters of relationship of seniority to transfers and disciplinary and punitive transfers shall be within the scope of arbitration.

The commencement of a new fiscal year prior to the final awards by the arbitration panel shall not be deemed to render a dispute moot, or to otherwise impair the jurisdiction or authority of the arbitration panel or its award. Any award of the arbitration panel may be retroactive to the expiration date of the last contract.

If an employer, or an employee organization willfully disobeys a lawful order of enforcement pursuant to this section, or willfully encourages or offers resistance to such order, whether by strike or otherwise, the punishment for each day that such contempt continues may be a fine for each day to be determined at the discretion of said court.

Each of the parties shall provide compensation for the arbitrator which he has selected pursuant to this section. The remaining costs of arbitration proceedings under this section shall be divided equally between the parties. Compensation for the arbitrators shall be in accordance with a schedule of payment established by the American Arbitration Association.

SECTION 3. Said chapter 1078 is hereby further amended by inserting after section 8 the following section:-

Section 8A. The provisions of section four B of this act shall terminate on June thirtieth, nineteen hundred and eighty-two and any arbitration proceedings pending on June thirtieth, nineteen hundred and eighty-two shall be completed under the provisions of said section four B.

Approved October 4, 1979.

Be it enacted, etc., as follows:

SECTION 1. Section 92A of chapter 272 of the General Laws is hereby amended by inserting after the word "blindness", inserted by section 1 of chapter 338 of the acts of 1975, the words:- , or any physical or mental disability.

SECTION 2. The first sentence of section 98 of said chapter 272 is hereby amended by striking out the words "or blindness", inserted by section 2 of said chapter 338, and inserting in place thereof the words:- , blindness, or any physical or mental disability.

Approved October 4, 1979.

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Chap. 596. AN ACT AUTHORIZING THE DEPARTMENT OF CORRECTIONS TO PAY A CERTAIN SUM OF MONEY TO DAVID R. YOUNG.

Be it enacted, etc., as follows:

Notwithstanding any general or special law to the contrary and for the purpose of discharging a moral obligation, the department of corrections shall pay to David R. Young of the city of Brockton, a corrections officer employed by said department of corrections at Massachusetts Correctional Institution, Bridgewater, the sum of nine hundred and sixty dollars for legal expenses incurred by him for representation in certain matters arising from his employment.

Approved October 4, 1979.

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Chap. 597. AN ACT AMENDING THE ALCOHOLISM TREATMENT AND REHABILITATION LAW.

Be it enacted, etc., as follows:

SECTION 1. Chapter 111B of the General Laws is hereby amended by striking out section 8, as most recently amended by section 1 of chapter 1143 of the acts of 1973, and inserting in place thereof the following section:-

Section 8. Any person who is incapacitated may be assisted by a police officer with or without his consent to his residence, to a facility or to a police station. To determine for purposes of this chapter only, whether or not such person is intoxicated, the police officer may request the person to submit to reasonable tests of coordination, coherency of speech, and breath.

Any person assisted by a police officer to a police station shall have the right, and be informed in writing of said right, to request and be administered a breathalyzer test. Any person who is administered a breathalyzer test shall be presumed intoxicated if evidence from said test indicates that the percentage of alcohol in his blood is ten one hundredths or more and shall be placed in protective custody at a police station or transferred to a facility. Any person who is administered a breathalyzer test, under this section, shall be presumed not to be intoxicated if evidence from said test indicates that the percentage of alcohol

in his blood is five one hundredths or less and shall be released from custody forthwith. If any person who is administered a breathalyzer test, under this section, and evidence from said test indicates that the percentage of alcohol in his blood is more than five one hundredths and is less than ten one hundredths there shall be no presumption made based solely on the breathalyzer test. In such instance a reasonable test of coordination or speech coherency must be administered to determine if said person is intoxicated. Only when such test of coordination or speech coherency indicates said person is intoxicated shall he be placed in protective custody at a police station or transferred to a facility.

Any person presumed intoxicated and to be held in protective custody at a police station shall, immediately after such presumption, have the right and be informed of said right to make one phone call at his own expense and on his own behalf. Any person assisted by a police officer to a facility under this section shall have the right to make one phone call at his own expense on his own behalf and shall be informed forthwith upon arriving at the facility of said right. The parent or guardian of any person, under the age of eighteen, to be held in protective custody at a police station shall be notified forthwith upon his arrival at said station or as soon as possible thereafter.

If any incapacitated person is assisted to a police station, the officer in charge or his designee shall notify forthwith the nearest facility that the person is being held in protective custody. If suitable treatment services are available at a facility, the department shall thereupon arrange for the transportation of the person to the facility in accordance with the provisions of section seven.

No person assisted to a police station pursuant to this section shall be held in protective custody against his will; provided, however, that if suitable treatment at a facility is not available, an incapacitated person may be held in protective custody at a police station until he is no longer incapacitated or for a period of not longer than twelve hours, whichever is shorter.

A police officer acting in accordance with the provisions of this section may use such force as is reasonably necessary to carry out his authorized responsibilities. If the police officer reasonably believes that his safety or the safety of other persons present so requires, he may search such person and his immediate surroundings, but only to the extent necessary to discover and seize any dangerous weapons which may on that occasion be used against the officer or other person present; provided, however, that if such person is held in protective custody at a police station all valuables and all articles which may pose a danger to such person or to others may be taken from him for safekeeping and if so taken shall be inventoried.

A person assisted to a facility or held in protective custody by the police pursuant to the provisions of this section, shall not be considered to have been arrested or to have been charged with any crime. An entry of custody shall be made indicating the date, time, place of custody, the name of the assisting officer, the name of the officer in charge, whether the person held in custody exercised his right to make a phone call, whether



the person held in custody exercised his right to take a breathalyzer test, and the results of the breathalyzer test if taken, which entry shall not be treated for any purposes, as an arrest or criminal record.

SECTION 2. Said chapter 111B is hereby further amended by striking out section 10, as appearing in section 1 of chapter 1076 of the acts of 1971, and inserting in place thereof the following section:-

Section 10. Any person under the age of eighteen who is a patient at a facility, pursuant to section seven, or held in protective custody at a police station pursuant to section eight shall, upon request of his parent or guardian, be released to the custody of said parent or guardian. All rights afforded any person under this chapter shall apply to juveniles. Any provisions of this chapter requiring the consent of a person shall, if the person is a juvenile, require the consent of both the juvenile and his parent or guardian.

Approved October 4, 1979.

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Chap. 598. AN ACT FURTHER REGULATING THE FILING  
OF CERTAIN NOTICES WITH THE CONSER-  
VATION COMMISSION.

Be it enacted, etc., as follows:

The first paragraph of section 40 of chapter 131 of the General Laws, is hereby amended by striking out the second sentence, as appearing in section 1 of chapter 818 of the acts of 1974, and inserting in place thereof the following three sentences:- Said notice shall be filed by delivery in hand to the conservation commission or its authorized representative or by certified mail, return receipt requested, to said commission, or, if none, to the board of selectmen in a town or the mayor of a city in which the proposed activity is to be located. Upon such filing, the receipt of such notice shall be acknowledged in writing on the face thereof and shall include the time and date so received. A person delivering said notice by hand shall be given a receipt in writing acknowledging the time and date of such filing.

Approved October 4, 1979.

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Chap. 599. AN ACT PROVIDING MEDICAID COVERAGE  
FOR SEVERELY DISABLED PERSONS.

Be it enacted, etc., as follows:

Section 1 of chapter 118E of the General Laws, as most recently amended by section 25 of chapter 1210 of the acts of 1973, is hereby further amended by adding the following sentence:- The benefits of the program shall also be available to any person who receives "vocational rehabilitation services" as defined by section seventy-seven of chapter six for at least fourteen hours per week to carry out routine bodily functions, dressing, preparation and consumption of food, moving into or out of bed, routine bed baths ambulation, or any other function of daily living.

Approved October 4, 1979.

Chap. 600. AN ACT EXTENDING THE ELIGIBLE LIST FOR PERMANENT POSITIONS IN THE DIVISION OF FISHERIES AND WILDLIFE.

Be it enacted, etc., as follows:

Notwithstanding any general or special law to the contrary, the eligible list for appointment to the positions of district wildlife managers, bureau of wildlife research and management, division of fisheries and wildlife, established from an examination given on April twenty-six, nineteen hundred and seventy-five is hereby revived and extended until December thirty-first, nineteen hundred and eighty.

Approved October 4, 1979.

Chap. 601. AN ACT AUTHORIZING THE CITY OF FITCHBURG TO SUPPLY AND SELL WATER TO THE LUNENBURG WATER DISTRICT AND THE TOWN OF LUNENBURG.

Be it enacted, etc., as follows:

SECTION 1. The city of Fitchburg is hereby authorized to supply and sell water to the Lunenburg Water District and the town of Lunenburg.

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

Approved October 4, 1979.

Chap. 602. AN ACT RELATIVE TO SPECIMEN BALLOTS AND INFORMATION FOR VOTERS BOOKLETS FOR POLLING PLACES.

Be it enacted, etc., as follows:

SECTION 1. Section 33 of chapter 53 of the General Laws, as amended by section 3 of chapter 511 of the acts of 1941, is hereby further amended by striking out the second and third sentences and inserting in place thereof the following sentence:- At least three facsimile copies of the ballot for each party, printed on colored paper, shall be provided for each polling place as specimen ballots.

SECTION 2. Section 36 of said chapter 53 is hereby amended by striking out the second sentence, as most recently amended by section 4 of said chapter 511, and inserting in place thereof the following sentence:- The presiding officer at each polling place shall, before the opening of the primary, conspicuously post in such polling place at least three specimen ballots, as provided in section thirty-three, for each party, which shall be kept so posted until the polls are closed.

SECTION 3. Section 48 of chapter 54 of the General Laws is hereby amended by striking out the fifth sentence, as appearing in chapter 290 of the acts of 1943, and inserting in place thereof the following sentence:- For state elections the state secretary

shall supply to each polling place at least one for every one hundred voters thereof copies of the information for voters material provided for in section fifty-four.

SECTION 4. Section 65 of said chapter 54, as most recently amended by chapter 233 of the acts of 1979, is hereby further amended by striking out the first sentence and inserting in place thereof the following sentence:- At an election of state or city officers, and of town officers in towns where official ballots are used, the presiding election officer at each polling place shall, before the opening of the polls, post at least three cards of instruction, three cards containing abstracts of the laws imposing penalties upon voters, and a least three specimen ballots within the polling place outside the guard rail, and have available at the check in area at state elections a number of copies of the information for voters material provided for in section fifty-four at least one for every one hundred voters; and no other poster, card, handbill, placard, picture or circular intended to influence the action of the voter shall be posted, exhibited, circulated or distributed in the polling place, in the building where the polling place is located, on the walls thereof, on the premises on which the building stands, or within one hundred and fifty feet of the building entrance door to such polling place.

Approved October 4, 1979.

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Chap. 603. AN ACT AUTHORIZING THE TOWN OF ADAMS TO REIMBURSE THE EMPLOYEES OF ITS WASTE-WATER TREATMENT PLANT FOR THE COST OF CERTAIN TWO SEMESTER JOB RELATED COURSES.

Be it enacted, etc., as follows:

The town of Adams is hereby authorized to appropriate and after such appropriation to pay for the reimbursement of employees of its wastewater treatment plant for certain two semester job related courses, successfully completed, including the cost of books, laboratory fees, materials and registration fees.

Approved October 4, 1979.

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Chap. 604. AN ACT DESIGNATING CERTAIN HIGHWAYS IN THE COMMONWEALTH.

Be it enacted, etc., as follows:

The section of interstate highway route 190 from the town of Sterling to state highway route 2 in the city of Leominster shall be designated and known as the George R. Wallace Jr. highway, in memory of George R. Wallace, Jr., who was a prominent community leader and active in civic affairs.

The two bridges on Mechanic street between Gove Farm and Nashua streets in the city of Leominster shall be designated and known as the "Johnny Appleseed bridge" in memory of Johnny "Appleseed" Chapman.

Suitable markers bearing such designations shall be erected

along said highway and bridges by the department of public works in compliance with the standards of said department, and as authorized by the federal highway administration.

Approved October 4, 1979.

Chap. 605. AN ACT DESIGNATING THE SOUTH END BRIDGE OVER THE CONNECTICUT RIVER BETWEEN THE TOWN OF AGAWAM AND THE CITY OF SPRINGFIELD AS THE JULIA B. BUXTON BRIDGE.

Be it enacted, etc., as follows:

The bridge known as the South End bridge over the Connecticut river connecting the city of Springfield with the town of Agawam, shall be designated and known as the Julia B. Buxton bridge, in memory of Julia B. Buxton, who was active in civic and educational programs in the western area of the commonwealth. A suitable marker bearing such designation shall be attached thereto by the department of public works, in compliance with the standards of said department, and as authorized by the federal highway administration.

Approved October 4, 1979.

Chap. 606. AN ACT AUTHORIZING THE APPOINTMENT OF WILLIAM BOUDREAU TO THE POSITION OF ASSISTANT DIRECTOR OF RECREATION OF THE TOWN OF BURLINGTON.

Be it enacted, etc., as follows:

Notwithstanding the provisions of chapter thirty-one of the General Laws or any other law to the contrary, William Boudreau may be appointed assistant director of recreation of the town of Burlington by the appointing authority of said town.

Approved October 4, 1979.

Chap. 607. AN ACT EXTENDING THE POWER OF ARREST OF CERTAIN POLICE OFFICERS OF THE CITY OF BOSTON INTO THE CORPORATE LIMITS OF THE TOWN OF BROOKLINE AND THE POWER OF ARREST OF CERTAIN POLICE OFFICERS OF THE TOWN OF BROOKLINE INTO THE CORPORATE LIMITS OF THE CITY OF BOSTON.

Be it enacted, etc., as follows:

SECTION 1. A police officer empowered to arrest within the city of Boston may exercise such authority of arrest of a person found within five hundred yards into the corporate limits of the town of Brookline, and a police officer empowered to arrest within the town of Brookline may exercise such authority of arrest of a person found within five hundred yards into the corporate limits of the city of Boston if as a result of an investigation or if as a result of his personal observation said police officer would have the right to arrest said person without a

warrant for any offense if said offense had been committed within his jurisdiction. A police officer acting under this act is authorized to exercise all powers incidental to arrest which he would possess if such arrest was made within his jurisdiction.

SECTION 2. This act shall take effect upon its acceptance by the city of Boston and the town of Brookline.

Approved October 4, 1979.

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Chap. 608. AN ACT REQUIRING RETAIL TRADE REPORTING AGENCIES WHICH HAVE DISCLOSED TO THIRD PARTIES CERTAIN INFORMATION CONCERNING CERTAIN RETAIL TRADE BUSINESSES TO PROVIDE SAID BUSINESSES UPON THEIR REQUEST THE INFORMATION SO DISCLOSED.

Be it enacted, etc., as follows:

Chapter 93 of the General Laws is hereby amended by inserting after section 49 the following section:-

Section 49A. Every retail trade reporting agency which discloses to any third person information concerning a business engaged in retail trade shall, upon request of such business, disclose to it the nature, contents and substance of such information contained in its files at the time of the request. Whoever fails to comply with the provisions of this section shall be punished by a fine of not more than one hundred dollars, and shall be deemed to have committed an unfair or deceptive act or practice prohibited by chapter ninety-three A.

For the purposes of this section retail trade reporting agency shall mean any person, firm, association or corporation which for monetary fees or dues, regularly engages, in whole or in part, in the practice of assembling or evaluating trade or other information on a business engaged in retail trade for the purpose of furnishing reports on such business to third parties.

Approved October 5, 1979.

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Chap. 609. AN ACT DIRECTING THE DEPARTMENT OF PUBLIC WORKS TO INSTALL PEDESTRIAN CROSSING SIGNALS AT NORTH MAIN STREET IN THE TOWN OF RANDOLPH.

Be it enacted, etc., as follows:

Notwithstanding the provisions of any general or special law to the contrary, the department of public works is hereby authorized and directed to install and maintain pedestrian crossing signals at St. Bernadette's Church at North Main street in the town of Randolph.

Approved October 5, 1979.

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Chap. 610. AN ACT REQUIRING PERSONS CONDUCTING OCEAN EXPLORATION FOR OIL TO TRANSMIT CERTAIN NOTICES TO THE OFFICE OF COASTAL

ZONE MANAGEMENT AND OTHERS.

Be it enacted, etc., as follows:

SECTION 1. No person or corporation shall commence any outer continental shelf related activity that would require on-shore facilities, unless such person first files a notice of intent with the director of the office of coastal zone management in the office of the secretary of environmental affairs and the chief executive officer of the municipality in which the development is to occur.

SECTION 2. An outer continental shelf activity requiring any on-shore facilities shall include any activity directly or indirectly related to exploration, development, production, transfer, storage or processing of oil or gas from or through the coastal zone and including but not limited to the following:

- (a) fabrication yards;
- (b) storage facilities;
- (c) port facilities;
- (d) heliports;
- (e) petrochemical complexes;
- (f) repair facilities.

SECTION 3. Said notice of intent shall be in such form and manner as prescribed by rules and regulations adopted by the office of coastal zone management in the office of the secretary of environmental affairs. Said notice of intent shall contain but shall not be limited to the following:-

- (a) intended uses of the land;
- (b) acreage;
- (c) any other lands held by the same person by option, lease, easement or entitlement within a one mile radius of the site;
- (d) current zoning;
- (e) any existing services furnished at the site;
- (f) proximity to populated areas;
- (g) current access;
- (h) duration of option, lease or entitlement of use, also terms thereof.

Approved October 5, 1979.

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Chap. 611. AN ACT INCREASING THE MINIMUM LIMITS OF LIABILITY UNDER MOTOR VEHICLE LIABILITY BONDS AND MOTOR VEHICLE LIABILITY POLICIES ISSUED UNDER THE PERSONAL INJURY PROTECTION INSURANCE LAW.

Be it enacted, etc., as follows:

SECTION 1. The paragraph defining "Motor vehicle liability bond" in section 34A of chapter 90 of the General Laws, as appearing in section 1 of chapter 476 of the acts of 1963, is hereby amended by striking out, in line 21, the word "five" and inserting in place thereof the word "ten",- and by striking out, in line 23, the word "ten" and inserting in place thereof the

word "twenty".

SECTION 2. The paragraph defining "Motor vehicle liability policy" in said section 34A of said chapter 90, as appearing in section 2 of said chapter 476, is hereby amended by striking out, in line 20, the word "five" and inserting in place thereof the word "ten",- and by striking out, in line 23, the word "ten" and inserting in place thereof the word "twenty".

SECTION 3. The provisions of this act shall take effect on January first, nineteen hundred and eighty, and shall apply to all motor vehicle liability bonds and motor vehicle liability policies issued on and after said date.

Approved October 5, 1979.

EMERGENCY LETTER November 29, 1979 @ 1:48 P.M.

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Chap. 612. AN ACT FURTHER DEFINING THE REFERENCE OF CIVIL ACTIONS TO MASTERS IN THE PROBATE AND FAMILY COURT DEPARTMENT.

Be it enacted, etc., as follows:

SECTION 1. Chapter 221 of the General Laws is hereby amended by striking out section 57, as appearing in the Tercenary Edition, and inserting in place thereof the following section:-

Section 57. When a civil action is at issue and is not governed by the Massachusetts Rules of Civil Procedure or by any extensions thereof to domestic relations actions, the justice of the probate and family court division may appoint one or more masters to hear the parties, examine their vouchers and evidence, state accounts and report upon such matters therein as may be ordered by the court. The report shall be prima facie evidence upon such matters as are expressly referred to such masters.

SECTION 2. Said chapter 221 is hereby further amended by striking out section 58, as most recently amended by section 18 of chapter 377 of the acts of 1975, and inserting in place thereof the following section:-

Section 58. Masters shall give notice to the parties of the time and place appointed for their meeting, and may adjourn from time to time as may be necessary, subject, however, to any general or special order of the court. If there is more than one master, all shall meet and hear the cause, but a report may be made by a majority. If either party neglects to appear at the time appointed for such hearing, or at any adjournment thereof, without just cause, or if at any such hearing either party refuses to produce in good faith the testimony relied on by him, the masters may close the hearings and make a report recommending that judgment be entered for the adverse party. Judgment shall be entered accordingly after the expiration of ten days from the filing of the report, unless the court, for cause shown, otherwise orders. In all matters pertaining to the time, place and manner of conducting their hearings, masters shall be

subject to any general or special order of the court by which they were appointed.

SECTION 3. Said chapter 221 is hereby further amended by striking out section 61, as most recently amended by section 248 of chapter 478 of the acts of 1978, 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 masters, and the same shall be paid by the commonwealth if they are appointed by the supreme judicial court, the superior court department or the probate and family court department. If they are appointed by any other department, 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 master shall file a true and correct account of such expenses, signed and sworn to by him.

SECTION 4. Said chapter 221 is hereby further amended by striking out section 62, as most recently amended by section 19 of chapter 377 of the acts of 1975, and inserting in place thereof the following section:-

Section 62. Masters appointed by the probate and family court department shall file their final report in the office of the register of the court by which they are appointed within ninety days after the hearing before them has been closed or within such time as the court may allow, and, in default thereof, shall not be entitled to any fees, except as provided in section sixty-two A.

SECTION 5. Said chapter 221 is hereby further amended by striking out section 62A, as amended by section 249 of chapter 478 of the acts of 1978, and inserting in place thereof the following section:-

Section 62A. If a master appointed by the probate and family court department 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.

Approved October 5, 1979.

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Chap. 613. AN ACT RELATIVE TO MEETINGS OF CORPORATORS, TRUSTEES AND THE BOARD OF INVESTMENT OF SAVINGS BANKS.

Be it enacted, etc., as follows:



Chapter 168 of the General Laws is hereby amended by striking out section 7, as most recently amended by chapter 31 of the acts of 1979, and inserting in place thereof the following section:-

Section 7. Meetings of the corporators and of the board of trustees of such corporation may be held in the town wherein the main office of the corporation is located, in a town of the commonwealth contiguous to such town, or in a town within the same county wherein such main office is located. Meetings of the board of investment of such corporation shall be held in the building wherein its main office is located, at any place in a town of the commonwealth contiguous to the town in which such main office is located, or at any other place within the same county wherein such main office is located.

Approved October 5, 1979.

EMERGENCY LETTER October 31, 1979 @ 2:26 P.M.

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Chap. 614. AN ACT RELATIVE TO REPTILES AND AMPHIBIANS.

Be it enacted, etc., as follows:

SECTION 1. Section 4 of chapter 131 of the General Laws is hereby amended by striking out clause (3), as appearing in section 1 of chapter 802 of the acts of 1967, and inserting in place thereof the following clause:-

(3) investigate questions relating to reptiles, amphibians, fish, birds or mammals and, personally or by agents, institute and conduct inquiries pertaining to such questions and conduct such biological research as will, in his opinion, tend to conserve, improve and increase the supply of reptiles, amphibians, fish, birds and mammals.

SECTION 2. Section 5 of said chapter 131 is hereby amended by striking out the first paragraph, as so appearing, and inserting in place thereof the following paragraph:-

The director shall declare an open season on fish, birds, reptiles, amphibians or mammals in any county where such open season seems advisable, and may make rules and regulations relating to the time and length of such open season, bag limits, possession limits, methods of taking, time and methods of reporting and all other matters pertaining to such open season as he may deem necessary and expedient, and may suspend or modify the open season whenever in his opinion such action becomes necessary.

SECTION 3. Said section 5 of said chapter 131 is hereby further amended by striking out the fourth paragraph, as so appearing, and inserting in place thereof the following paragraph:-

Except as provided in rules and regulations made under authority of this section, and except as otherwise provided in this chapter, a person shall not fish, hunt or trap or have in his possession any fish, bird, reptile, amphibian, mammal or carcass

or part thereof, but this section shall not be construed to prohibit the hunting, taking or possession of any English sparrow, crow, jay, starling, chipmunk, fox, flying squirrel, red squirrel, porcupine, skunk, weasel, wildcat or woodchuck whenever such hunting, taking or possession is otherwise lawful.

Approved October 5, 1979.

Chap. 615. AN ACT AUTHORIZING THE BOARD OF RETIREMENT IN THE TOWN OF WEYMOUTH TO RECLASSIFY THOMAS C. SMITH, HARBORMASTER OF THE TOWN OF WEYMOUTH IN CONTRIBUTORY RETIREMENT SYSTEM FOR PUBLIC EMPLOYEES.

Be it enacted, etc., as follows:

Notwithstanding the provisions of any law to the contrary, the retirement board of the town of Weymouth is hereby authorized to classify Thomas C. Smith, harbormaster of the town of Weymouth, in Group 4 of paragraph (g) of subdivision (2) of section three of chapter thirty-two of the General Laws.

Approved October 5, 1979.

Chap. 616. AN ACT AUTHORIZING THE METROPOLITAN DISTRICT COMMISSION TO GRANT AN EASEMENT OVER OF LAND IN THE TOWN OF BARRE TO CLEVELAND TRIFILO AND MATTHEW TRIFILO.

Be it enacted, etc., as follows:

The metropolitan district commission is hereby authorized to grant to Cleveland Trifilo and Matthew Trifilo of the town of Barre, a one hundred foot wide permanent easement for the purpose of an entrance and egress to said land. Said easement shall be located on land of said commission located adjacent to the Coldbrook Country Club and Campgrounds in said town of Barre at a point from state highway route 122 to land of said Cleveland Trifilo and Matthew Trifilo. Said easement shall be granted for such consideration and upon such terms as may be acceptable to said commission; provided, however, that the commission shall provide for an independent appraisal of the value of such easement.

Said easement being bounded and described as follows:-

BEGINNING: at the northerly side of Route 122, S 84° 43' W, 215.00 feet from Mass. Highway bound opposite station, 33 + 20.27;

THENCE: along same line S 84° 43' W on the northerly side of Route 122, 100.4 feet;

THENCE: N 10° 16' W by land of Metropolitan District Commission, 118.58 feet to a point;

THENCE: N 82° 00' W by land of Metropolitan District Commission 1187.3 feet to a point at a corner of land of the Trifilo Bros. Realty Company;

THENCE: N 36° 01' W along land of the Trifilo Bros. Realty Company 139.0 feet to a M.D.C. Bound No. 15 (Barre) at a corner of land owned by the Metropolitan District Commission;

THENCE: S 82° 00' E along land owned by the Metropolitan

District Commission 1356.0 feet to a corner of land owned by the Metropolitan District Commission;

THENCE: S 10° 16' E along land owned by Metropolitan District Commission 200.0 feet and the place of beginning.

CONTAINING: about 3.28 (+ or -) acres.

Approved October 5, 1979.

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Chap. 617. AN ACT EXEMPTING FROM THE STATE BUILDING CODE, BRIDGES AND APPURTENANT SUPPORTING STRUCTURES WHICH HAVE BEEN OR ARE TO BE CONSTRUCTED BY OR ARE UNDER THE CUSTODY OR CONTROL OF THE DEPARTMENT OF PUBLIC WORKS OR THE MASSACHUSETTS TURNPIKE AUTHORITY.

Be it enacted, etc., as follows:

SECTION 1. Clause (a) of section 17 of chapter 23B of the General Laws is hereby amended by striking out the first paragraph, as amended by section 1 of chapter 1233 of the acts of 1973, and inserting in place thereof the following paragraph:-

To formulate, propose, adopt and amend rules and regulations relating to (i) the construction, reconstruction, alteration, repair, demolition, removal, inspection, issuance and revocation of permits or licenses, installation of equipment, classification and definition of any building or structure and use or occupancy of all buildings and structures and parts thereof or classes of buildings and structures and parts thereof except bridges and appurtenant supporting structures which have been or are to be constructed by or are under the custody and control of the department of public works or the Massachusetts Turnpike Authority or for which said department or authority has maintenance responsibility; (ii) the rehabilitation and maintenance of existing buildings except bridges and appurtenant supporting structures which have been or are to be constructed by or are under the custody or control of the department of public works or the Massachusetts Turnpike Authority or for which said department or authority has maintenance responsibility; (iii) the standards or requirements for materials to be used in connection therewith, including but not limited to provisions for safety, ingress and egress, energy conservation, and sanitary conditions; (iv) the establishment of reasonable fees for the issuance of licenses and permits in connection therewith, which fees shall be collected and retained by the city or town issuing such permits or licenses. The commission shall examine the national model codes or any other codes used by cities or states for possible adoption of all or part of such codes as are most suited to the needs of the commonwealth.

SECTION 2. Section 3A of chapter 143 of the General Laws is hereby amended by adding the following paragraph:-

The provisions of this section shall not apply to bridges and their appurtenant supporting structures which have been or are to be constructed by or are under the custody and control of the department of public works or the Massachusetts Turnpike

Authority or for which said department or authority has maintenance responsibility.

Approved October 5, 1979.

Chap. 618. AN ACT PROVIDING FOR THE SALE OF THE WESTERN WILDLIFE DISTRICT HEADQUARTERS, SO-CALLED, BY THE DIVISION OF FISHERIES AND WILDLIFE.

Be it enacted, etc., as follows:

SECTION 1. The director of the division of fisheries and wildlife, with the approval of the fisheries and wildlife board is hereby authorized to sell and convey by a deed, approved as to form by the attorney general, and, subject to the approval of the governor, for such consideration as shall be established by said director based upon appraisals conducted by two independent appraisers, certain land with buildings thereon known as the Western Wildlife District Headquarters located in the city of Pittsfield and the town of Dalton, and described in deeds recorded with the middle district registry of deeds in the county of Berkshire in Book 644, Page 64, and in Book 898, Page 482.

SECTION 2. The proceeds from the sale of said Western Wildlife District Headquarters as provided in section one shall be credited to the Inland Fisheries and Game Fund.

Approved October 5, 1979.

Chap. 619. AN ACT AUTHORIZING THE DEPARTMENT OF PUBLIC WORKS AND THE DEPARTMENT OF ENVIRONMENTAL MANAGEMENT TO GRANT CERTAIN LAND IN THE CITY OF HOLYOKE TO SAID CITY FOR RECREATION PURPOSES.

Be it enacted, etc., as follows:

SECTION 1. The department of public works and the department of environmental management, acting for and on behalf of the commonwealth, are hereby authorized to grant and convey all their rights, title and interest except as otherwise provided in this act by a deed approved as to form by the attorney general, in a certain parcel of land in the city of Holyoke, to the said city of Holyoke, to be used by the said city of Holyoke for recreation purposes, located on the southeasterly side of Elm street, and the westerly side of Ross avenue, in said city. Said land being bounded and described as follows:-

Northwesterly by two courses about 62.64 feet and 199.19 feet, respectively, by Elm Street so-called; northerly by a curved course by the intersection of Elm Street so-called and Ross Avenue so-called about 62.44 feet; easterly by Ross Avenue so-called about 381.68 feet; southeasterly by land now or formerly of the Commonwealth of Massachusetts, about 130 feet; southwesterly by land now or formerly of the Commonwealth of Massachusetts, about 191 feet; northwesterly by land now or formerly of the Commonwealth of Massachusetts about 47 feet; westerly by

land now or formerly of the Commonwealth of Massachusetts about 135 feet, containing about 71,000 square feet of land, more or less.

There shall be reserved and granted to the department of public works, an easement in a certain parcel of land within the above described parcel, for the purpose of sloping appurtenant to Ross avenue, as needed by the department of public works for the reconstruction of said Ross avenue in said city. Said easement being bounded and described as follows:

Beginning at a point on the southeast corner of the above said parcel and extending thence:

Southwesterly following the southeasterly property line of the above said parcel, about 66 feet; thence northerly about 66 feet; thence northeasterly about 90 feet to a point on the easterly property line of the above said parcel; thence southerly following said easterly property line about 97 feet, to the point of beginning, containing about 4,090 square feet of land, more or less.

SECTION 2. In the event the city of Holyoke fails to use said land for the purposes stated in section one within five years of the date hereof, said land shall revert to the commonwealth.

SECTION 3. The department of public works and the department of environmental management, acting for and on behalf of the commonwealth, are hereby authorized to enter into an agreement with the city of Holyoke, for the use by said city, of the parking area or portion thereof, located on land of the department of environmental management for the parking of motor vehicles and for access and egress of the city and for persons using the swimming pool facilities which are located or are to be located on the land referred to in section one.

The agreement shall be on such terms and conditions and of such duration as may be determined by the city and the said departments to be in the public interest, and contain a stipulation that the city shall be liable for the care and maintenance of said parking area and access ways while being used by said city during the term and duration of said agreement, and that the commonwealth shall not be liable in damages to said city or to any person for any cause during the term of said agreement while it is under the care and use by said city.

Approved October 5, 1979.

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Chap. 620. AN ACT FURTHER DEFINING THE DEPARTMENTS, COMMISSIONS, BOARDS AND OFFICES UNDER THE SUPERVISION AND DIRECTION OF THE TOWN MANAGER IN THE TOWN OF ARLINGTON.

Be it enacted, etc., as follows:

Section 15 of chapter 503 of the acts of 1952 is hereby amended by striking out paragraph (a), as most recently amended by section 1 of chapter 308 of the acts of 1979, and inserting in place thereof the following paragraph:-

(a) The town manager shall supervise and direct the administration of all departments, commissions, boards and offices,

except the board of selectmen, the school committee, moderator, town clerk, town treasurer and collector, comptroller and coordinator of data processing, assessors, registrars of voters, election officers, boards of appeal, the finance committee, the capital budget committee and the personnel review and appeals board.

Approved October 5, 1979.

Chap. 621. AN ACT RELATIVE TO VOLUNTARY ACKNOWLEDGMENT OF PATERNITY AND AGREEMENT TO SUPPORT.

Be it enacted, etc., as follows:

SECTION 1. Section 5 of chapter 273 of the General Laws, as most recently amended by section 4 of chapter 522 of the acts of 1979, is hereby further amended by inserting after the first sentence the following two sentences:- A voluntary agreement relating to the support of a spouse or child or children previously executed by the defendant may be admitted as evidence of the defendant's support obligation. If the court finds that the obligation imposed by such agreement is reasonable in the circumstances, and that the defendant has failed to comply with its terms, the court may include in its order the payment of any part or all of the arrears which accrued under such agreement if the complaint includes the period of such arrearage; provided, however, that when such agreement is executed with the department of public welfare or with any official of the court, such agreement shall not be enforceable unless the defendant was informed in writing at the time he executed the agreement that the failure to comply with the support agreement will result in the commencement of criminal nonsupport proceedings under this chapter against him.

SECTION 2. Section 15 of said chapter 273, as amended by section 6 of said chapter 848, is hereby further amended by inserting after the second sentence the following sentence:- If such person has sworn to and executed an acknowledgment of paternity which was accompanied by a written affirmation of paternity sworn to and executed by the mother, such acknowledgment shall be admissible as evidence hereunder and shall be prima facie evidence of paternity; provided, however, that when such acknowledgment is executed with the department of public welfare or with any official of the court, such acknowledgment shall not be admissible as evidence unless the person was informed in writing at the time the acknowledgment was executed that such acknowledgment could be used against him in criminal nonsupport proceedings under this chapter.

Approved October 5, 1979.

EMERGENCY LETTER - October 10, 1979 @ 11:20 A. M.

Chap. 622. AN ACT AUTHORIZING THE TOWN OF AMESBURY TO SELL AND CONVEY A CERTAIN PARCEL OF LAND LOCATED IN SAID TOWN TO EDWARD

## PAULHUS OF SAID TOWN.

Be it enacted, etc., as follows:

SECTION 1. The town of Amesbury is hereby authorized to sell and convey to Edward Paulhus of said town of Amesbury a certain parcel of land located in said town and bounded and described as follows:-

Beginning at the Northeasterly Corner of the parcel at an iron pipe at Land of Welch thence turning and running at a bearing of South - 76 degrees - 32 minutes - 44 seconds west along land of Welch, Paulhus and Riley, a distance of 287.59 feet to a corner at land of Cote; thence turning and running at a bearing of South - 13 degrees - 35 minutes - 16 seconds east, along land of Cote, a distance of 50.00 feet to a corner at land of the Town of Amesbury; Thence turning and running at a bearing of North 76 degrees - 32 minutes - 44 seconds east along land of The Town of Amesbury, a distance of 288.18 feet to a corner; Thence turning and running at a bearing of North 14 degrees - 15 minutes - 30 seconds west along land of The Town of Amesbury, a distance of 50.00 feet to the point of beginning.

Said Parcel containing 14,394 square feet and shown on plan entitled "Plan of Land in Amesbury, Mass. for Stewart Paulhus" dated July 1979 prepared by Cammett and Kutensky Engineering Inc.

SECTION 2. This act shall take effect upon its passage.  
Approved October 9, 1979.

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Chap. 623. AN ACT PROVIDING FOR RECALL PROCEDURES  
IN THE CITY OF SPRINGFIELD.

Be it enacted, etc., as follows:

SECTION 1. In the city of Springfield the mayor or any member of the city council or school committee with more than six months remaining in the term to which he was elected may be recalled and removed from office by the registered voters of said city as herein provided.

SECTION 2. Any fifty registered voters of the city may file with the board of election commissioners an affidavit containing the name of the officer sought to be recalled and a statement of the grounds for recall. Said board of election commissioners shall thereupon deliver to said voters petition blanks demanding such recall, printed forms of which they shall keep available. The blanks shall be issued by said board of election commissioners with their signatures and official seal attached thereto. They shall be dated, shall be addressed to the city council of said city, and shall contain the names of the fifty persons to whom they are issued, the name of the person whose recall is sought, the grounds of recall as stated in the affidavit, and shall demand the election of a successor in the said office. A copy of the petition shall be entered in a record book to be kept in the office of said board. The recall petitions shall be returned and filed with said board within twenty days after the filing of the affidavit, and shall have been signed by at least

fifteen per cent of the registered voters of said city, who shall add to their signatures the street and number, if any, of their residences.

Said board shall forthwith certify thereon the number of signatures which are names of registered voters in said city. Within ten days from the filing of such recall petition, said board shall determine the sufficiency thereof and attach thereto a certificate showing the result of their examination.

SECTION 3. If the petition shall be found and certified by the board of election commissioners to be sufficient, they shall submit the same with their certificate to the city council without delay, and said city council shall forthwith give written notice of the receipt of the certificate to the officer sought to be recalled and shall, if the officer does not resign within five days thereafter, thereupon order an election to be held on a Tuesday fixed by them not less than twenty-five days nor more than thirty-five days after the date of the board of election commissioners certificate that a sufficient petition is filed; provided, however, that if any other city election is to occur within sixty days after the date of the certificate, said city council shall postpone the holding of the recall election to the date of such other election. If a vacancy occurs in said office after a recall election has been ordered, the election shall nevertheless proceed as provided in this act, and the ballots for candidates shall, notwithstanding a recall provision to the contrary, be counted.

SECTION 4. The question of recalling any number of officers may be submitted at the same election. But as to each officer whose recall is sought there shall be a separate petition filed and each such recall petition shall be considered on an entirely separate ballot at the time of said election. The nomination of candidates to succeed an officer whose recall is sought, the publication of the warrant for the recall election, and the conduct of such election shall all be in accordance with the provisions of the General Laws.

SECTION 5. Ballots used in a recall election shall state the following propositions in the order indicated-

For the recall of (Name of Officer)

Against the recall of (Name of Officer)

Immediately at the right of each proposition there shall be a square in which the voter, by making a cross mark (X) may vote either of the said propositions.

SECTION 6. If a majority of the votes cast on the question of recalling an officer shall be against his recall, he shall continue in office, but subject to recall as provided in this act. If a majority of such votes be for the recall of the officer designated on the ballot, he shall, regardless of any defects in the recall petition, be deemed removed from office, and his office deemed vacant. Said vacancy shall be filled in accordance with the General Laws.

SECTION 7. If an office in regard to which a sufficient recall petition is filed becomes vacant before the ballots are printed, the election shall be held as hereinbefore provided, except that



the title of the ballot shall be "City Election", that the propositions in regard to the recall be omitted from the ballot, and that above the names of the candidates there shall appear on the ballot the words "Candidates to succeed (name of officer) resigned". (if he resigned his office).

SECTION 8. No person who has been recalled from an office, or who has resigned from office while recall proceedings were pending against him, shall be appointed to any city position within two years after such recall or resignation. This section, however, shall not preclude any person from running for elected office within said city.

SECTION 9. No recall petition shall be filed against the mayor or members of either the city council or school committee in said city within three months after he takes office, nor in case of persons subjected to a recall election and not removed thereby, until at least six months after that election.

SECTION 10. This act shall take effect upon its passage.

Approved October 9, 1979.

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Chap. 624. AN ACT AUTHORIZING THE ESTABLISHMENT OF A REVOLVING FUND IN THE CITY OF WORCESTER WITH RECEIPTS FROM THE SALES OF LAND AT THE WORCESTER MUNICIPAL AIRPORT INDUSTRIAL PARK.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, the city council of the city of Worcester is hereby authorized to establish a revolving fund not to exceed two hundred and fifty thousand dollars with the receipts from the sales of parcels of city owned land at the Worcester Municipal Airport Industrial Park, which receipts shall be deposited with the treasurer of said city and held by him in a special account separate and distinct from the general funds. Said revolving fund may be expended by the city manager of said city without appropriation for the preparation for sale or lease of remaining city owned parcels of land at the Worcester Municipal Airport Industrial Park, upon approval by the city council, which shall be given only after a public hearing has been held on the request of the city manager for approval of the expenditure by said city council. Upon completion of preparation for sale or lease of all those city owned parcels of land at the Worcester Municipal Airport Industrial Park which are intended for sale or lease, or at such earlier time as said Worcester city council may determine, the aforesaid revolving fund shall be terminated and closed, and all funds remaining in said revolving fund account and all receipts from subsequent sales of city owned parcels of land at the Worcester Municipal Airport Industrial Park shall be paid into the general fund of the city of Worcester and expended only after appropriation. The city of Worcester shall, annually, have an audit made of the revolving fund by a certified public accountant or a public

accountant and a copy of said audit shall be forwarded to the director of the bureau of accounts.

SECTION 2. This act shall take effect upon its passage and shall expire June thirtieth, nineteen hundred and eighty-two.  
Approved October 9, 1979.

Chap. 625. AN ACT RELATIVE TO CERTAIN FEES PAID TO THE TOWN CLERK IN THE TOWN OF HANOVER.

Be it enacted, etc., as follows:

SECTION 1. The town clerk of the town of Hanover shall, commencing July first, nineteen hundred and seventy-seven and on the first Monday of each month thereafter, pay over to the town treasurer, that part of the dog license funds formerly retained by such clerk under the provisions of section one hundred and forty-seven of chapter one hundred and forty of the General Laws, and that part of the fish and game license funds formerly retained by such clerk under the provisions of section seventeen of chapter one hundred and thirty-one of the General Laws; provided, however, that the town clerk's salary, to be effective July first, nineteen hundred and seventy-seven, shall, in addition to any general salary increases voted from time to time for elected officials, include an amount substantially equal to the fees retained under the aforementioned sections of the General Laws during the fiscal year July first, nineteen hundred and seventy-five through June thirtieth, nineteen hundred and seventy-six.

SECTION 2. The town clerk of the town of Hanover shall continue to pay over to the town treasurer on the first Monday of each month, fees collected under sections thirty-four and thirty-four A of chapter two hundred and sixty-two of the General Laws.

SECTION 3. Money paid over to the town treasurer under sections one and two of this act shall become part of the estimated receipts of the town of Hanover.

SECTION 4. This act shall take effect upon its acceptance by the town of Hanover.

Approved October 9, 1979.

Chap. 626. AN ACT ALLOWING THE REAL PROPERTY BOARD OF THE CITY OF BOSTON TO SELL, CONVEY, LEASE OR OTHERWISE TRANSFER CERTAIN AIR RIGHTS.

Be it enacted, etc., as follows:

In addition to its powers under chapter four hundred and seventy-four of the acts of nineteen hundred and forty-six, as amended, and notwithstanding anything to the contrary therein, the real property board of the city of Boston shall have, and may, with the approval of the mayor and city council of said city, exercise the following power on behalf of said city: to

sell, convey, lease or otherwise transfer air rights and other rights and interests above, within and contiguous to the parking facility, to be located on a site bounded by Washington street, Avon street, Chauncy street, Exeter place, Harrison avenue extension and Norfolk place, including in all or any part of the parcels and improvements thereon bounded by Norfolk place, Harrison avenue extension, Hayward place and Washington street, and Chauncy street, Bedford street, Kingston street and Essex street, upon such terms as said board deems satisfactory.

Approved October 10, 1979.

EMERGENCY LETTER - October 11, 1979 @ 10:10 A. M.

Chap. 627. AN ACT MAKING AN APPROPRIATION FOR THE FISCAL YEAR ENDING JUNE THIRTIETH, NINETEEN HUNDRED AND EIGHTY, TO PROVIDE FOR SUPPLEMENTING THE COST OF CERTAIN COLLECTIVE BARGAINING AGREEMENTS.

Be it enacted, etc., as follows:

SECTION 1. To provide for supplementing the general appropriation act, the sum set forth in section two of this act, for the purpose and subject to the conditions specified therein, is hereby appropriated from the General Fund, subject to the provisions of law regulating the disbursement of public funds and the conditions pertaining to appropriations in chapter three hundred and ninety-three of the acts of the current year for the fiscal year ending June thirtieth, nineteen hundred and eighty, or for such period as may be specified, the sum so appropriated to be in addition to any amounts at present available for the purpose.

SECTION 2.

EXECUTIVE OFFICE OF ADMINISTRATION AND FINANCE.

Emergencies.

Item

1599-2095	For a reserve to meet the cost of certain salary adjustments and other employee economic benefits authorized by collective bargaining agreements executed after June twentyeighth, nineteen hundred and seventynine, and before July twentysixth, nineteen hundred and seventy-nine; 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 eighty, such amounts as are necessary to meet the cost of said adjustments and benefits for the fiscal year nineteen hundred and eighty and prior years where the amounts otherwise available are insufficient for the purpose, to be in addition to amounts otherwise appropriated for such purposes for said fiscal years; and provided further, that the governor, upon recommendation of the commissioner of administration, is further authorized to allocate the cost of such salary adjustments and benefits to the several state or other funds to which such items of appropriation are charged.....	\$30,000,000
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SECTION 3. This act shall take effect as of July first, nineteen hundred and seventy-nine.

Approved October 10, 1979.

Chap. 628. AN ACT ALLOWING THE MAINTENANCE OF A CERTAIN SIGN ON ROUTE 7 IN THE TOWN OF

LANESBOROUGH.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any general or special law to the contrary the Brodie Mountain Ski Resort is hereby allowed to maintain the existing entrance sign, measuring no more than eight feet in width, twenty-eight feet in length, and eighteen feet in height, on Route 7 at mile marker thirty-seven and nine-tenths, in the town of Lanesborough, which serves as the only designation to the entrance of said resort; provided however that the department of public works shall, subject to appraisals, establish an equitable rent to be paid to said department by said resort for the use of any department owned land on which said sign or any portion thereof resides.

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

(The foregoing was laid before the Governor on the 26th day of September, 1979 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. 629. AN ACT RELATIVE TO MORTGAGE LOANS BY SAVINGS BANKS.

Be it enacted, etc., as follows:

SECTION 1. Chapter 168 of the General Laws is hereby amended by inserting after section 65A, inserted by section 1 of chapter 390 of the acts of 1974, the following section:-

Section 65B. In connection with his annual examination of a savings bank, the commissioner of banks shall consider the amount of investment made pursuant to paragraph 11 of section thirty-five of chapter one hundred and sixty-eight in assessing whether a savings bank is satisfying its continuing and affirmative obligation to help meet the credit needs of its local community or communities delineated in accordance with applicable law and regulations; provided, however that the commissioner shall also consider activities and investments made by a savings bank which contribute to the economic development of the commonwealth in general and the effect the investments made pursuant to said paragraph 11 of said section thirty-five may have on these other activities and investments. Such assessment may be considered as a basis for denial of an application for the establishment of a branch office, the relocation of a main office or a branch office, or a merger or consolidation of such savings bank.

Annually, on or before the first Wednesday in February, the commissioner of banks shall communicate to the general court a report of the investments of savings banks made pursuant to paragraph 11 of section thirty-five of chapter one hundred and sixty-eight.

Said report shall consist of, but not be limited to, the following:

(a) the amount and location by state of such investments as of the last business day of its fiscal year with comparative figures

as of the end of the previous fiscal year; (b) the amount of investment in mortgages of real estate located in the commonwealth; (c) the amount of investments in mortgages of real estate located in the commonwealth representing loans sold but continued to be serviced by such corporation; and (d) any legislative recommendation deemed necessary or appropriate if the commissioner finds, or has reason to believe, that the availability of mortgage credit for real estate located within the commonwealth has been adversely affected by investments made pursuant to said paragraph 11.

SECTION 2. Section 35 of said chapter 168 is hereby amended by striking out paragraph 11, as most recently amended by chapter 301 of the acts of 1963, and inserting in place thereof the following paragraph:-

11. Loans Outside the Commonwealth. - Any such corporation, subject to regulations made by the commissioner, may make or acquire mortgage loans (a) on real estate located outside of the commonwealth, on which the notes have been endorsed for insurance by the federal housing administrator, or combined with secondary mortgages guaranteed in full by the United States of America under the Servicemen's Readjustment Act of nineteen hundred and forty-four, (b) on real estate located outside of the commonwealth, on which the notes have been guaranteed in part by the Administrator of Veterans' Affairs as provided by chapter forty-six of the acts of nineteen hundred and forty-five, as amended, and (c) on real estate located outside of its lending area as defined in paragraph 2 of section thirty-four, which loans are of the several classes specified in paragraphs 1 to 9, inclusive, of this section.

The aggregate balance of principal, outstanding at any one time, in mortgage loans authorized by this paragraph shall not exceed the total of the aggregate book value of loans secured by mortgages on real estate located in the commonwealth and in states contiguous to the commonwealth within fifty miles from the town in which the main office of such corporation is located or twenty-seven and one-half per cent of the deposits of such corporation, whichever is the lesser; provided, however, that not more than ten per cent of the deposits of such corporation shall be invested in mortgage loans authorized by clause (c); and, provided, further, that no investment shall be made under this paragraph if, at such time, such corporation is refusing to allow, receive, or consider applications regarding mortgage loans on real estate located within the commonwealth, except that this prohibition shall not be deemed to affect any investment which such corporation has entered into by a written commitment, but only to the extent of such commitment.

Such mortgage loans may be made or acquired notwithstanding the restrictions contained in paragraph two of section thirty-four and section fifty-one of chapter one hundred and sixty-seven; provided, that the maximum aggregate investment in mortgages of real estate shall not exceed the limitations prescribed by paragraph three of section thirty-four.

SECTION 3. Section 55 of chapter 172 of the General Laws is hereby amended by striking out subsection B, as amended by

chapter 470 of the acts of 1979, and inserting in place thereof the following subsection:-

B. Any such corporation may, subject to the limitations of section fifty-six, make, acquire by purchase, participate in or service first mortgage real estate loans in accordance with the provisions of section thirty-four, paragraphs 1 to 10A, inclusive, clauses (a) and (b) of paragraph 11, and paragraphs 12, 13 and 14 of section thirty-five and section thirty-six all of chapter one hundred and sixty-eight; provided, however, that the limitations on amounts which may be invested in the classes of mortgage loans referred to in paragraphs 1, 2, 3 and 8 of section thirty-five of chapter one hundred and sixty-eight and that part of paragraph 4 of said section thirty-five which provides that the aggregate balance of principal outstanding at any one time on mortgage loans of this class as are in excess of one-half of one per cent of deposits shall not exceed fifteen per cent of the deposits of such corporation, and the limitations on the liabilities of one person referred to in paragraph 8 of section thirty-six of said chapter shall not apply.

Approved October 15, 1979.

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Chap. 630. AN ACT REGULATING CERTAIN BUSINESS PRACTICES BETWEEN MOTION PICTURE DISTRIBUTORS AND EXHIBITORS.

Be it enacted, etc., as follows:

SECTION 1. The General Laws are hereby amended by inserting after chapter 93E the following chapter:-

CHAPTER 93F.

REGULATION OF CERTAIN BUSINESS PRACTICES BETWEEN MOTION PICTURE DISTRIBUTORS AND EXHIBITORS.

Section 1. The following words, as used in this chapter, unless the context otherwise requires or a different meaning is specifically prescribed, shall have the following meaning:-

"Bid", a written offer or proposal by an exhibitor to a distributor, in response to an "invitation to bid", stating the terms under which the exhibitor will agree to exhibit a motion picture.

"Blind bidding", the solicitation of bidding for, solicitation of negotiation for, or solicitations of offers for or agreeing to terms for the licensing or exhibition of, a motion picture if the motion picture has not been trade screened within the commonwealth before any such event has occurred.

"Defined geographic area", a relevant market area as used in the motion picture industry.

"Distributor", any person engaged in the business of distributing or supplying motion pictures to exhibitors by rental, sale or licensing.

"Exhibit" or "exhibition", showing a motion picture to the public for a charge.

"Exhibitor", any person engaged in the business of operating one or more theatres.

"Invitation to bid", a written solicitation or invitation by a

distributor to one or more exhibitors to bid for the right to exhibit a motion picture.

"License agreement", any contract agreement, understanding or condition between a distributor and an exhibitor relating to the licensing of exhibition of a motion picture by the exhibitor.

"Person", one or more individuals, partnerships, associates, societies, trust, or corporations.

"Run", the continuous exhibition of a motion picture in a defined geographic area for a specified period of time. A "first run" is the first exhibition of a picture in the designated area, a "second run" is the second exhibition and "subsequent runs" are subsequent exhibitions after the second run. "Exclusive run" is any run limited to a single theatre in a defined geographic area and a "non-exclusive run" is any run in more than one theatre in a defined geographic area.

"Theatre", any establishment in which motion pictures are exhibited to the public regularly for a charge.

"Trade screening", the showing of a motion picture by a distributor at some location within Metropolitan Boston which is open to any exhibitor interested in exhibiting the motion picture.

Section 2. Blind bidding is hereby prohibited within the commonwealth. No bids shall be returnable, no negotiations for the exhibition or licensing of a motion picture shall take place, and no license agreement or any of its terms shall be agreed to, for the exhibition of any motion picture before the motion picture has been trade screened within the commonwealth.

A distributor shall include in each invitation to bid for a motion picture for exhibition, if such motion picture has not already been trade screened within the commonwealth, the date, time and place of the trade screening of the motion picture within the commonwealth.

A distributor shall provide reasonable and uniform notice to exhibitors within the commonwealth of all trade screenings within the commonwealth of motion pictures he is distributing.

Any purported waiver of the requirements of this section shall be void and unenforceable.

Section 3. If bids are solicited from exhibitors for the licensing of a motion picture within the commonwealth then:-

1. The invitation to bid shall specify (a) the number and length of runs for which the bid is being solicited, whether it is a first, second or subsequent run, and the geographic area for each run; (b) the names of all exhibitors who are being solicited; (c) the date and hour the invitation to bid expires; and (d) the location, including the address, where the bids will be opened, which shall be within the commonwealth.

2. All bids shall be submitted in writing and shall be opened at the same time and in the presence of exhibitors, or their agents, who submitted bids and are present at such time.

3. After being opened, bids shall be subject to examination by exhibitors, or their agents, who submitted bids. Within seven business days after a bid is accepted, the distributor shall notify in writing each exhibitor who submitted a bid of the terms of the accepted bid and the name of the winning bidder.

4. Once bids are solicited, the distributor shall license the

picture only by bidding and may negotiate if he does not accept any of the original bids.

Section 4. Any violations of the provisions of this act shall be deemed to be an unfair and deceptive trade practice, as defined in section two of chapter ninety-three A.

SECTION 2. The attorney general shall promulgate rules and regulations as are necessary to enforce the provisions of this chapter.

Approved October 16, 1979.

Chap. 631. AN ACT FURTHER REGULATING THE OLD  
KING'S HIGHWAY REGIONAL HISTORIC DISTRICT  
COMMISSION.

Be it enacted, etc., as follows:

SECTION 1. Section 4 of chapter 470 of the acts of 1973, as most recently amended by section 3 of chapter 436 of the acts of 1978, is hereby further amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

The commission shall elect a chairman and a vice chairman from its membership. The chairman shall preside at all meetings. In the absence of the chairman the vice chairman shall preside and in the absence of the chairman or vice chairman from any meeting the membership present may elect a temporary chairman.

SECTION 2. Said section 4 of said chapter 470 is hereby further amended by adding the following paragraph:-

The county treasurer of Barnstable county shall serve as treasurer for the commission. He shall maintain a cash book of the commission's receipts and disbursements and render monthly accountings to said commission. Funds shall be paid upon warrants signed by the chairman or in his absence, signed by the vice chairman. All original vouchers shall be retained by the county treasurer for a period of four years. The county treasurer shall not receive any additional compensation for his services to the commission but may, subject to approval by the commission, retain clerical assistance.

SECTION 3. Section 5 of said chapter 470 is hereby amended by adding the following paragraph:-

The selectmen of any member town may, upon the nomination and approval of the committee, annually appoint one person residing in the district to serve as an alternate member of the committee who may upon designation by the committee chairman sit as a member of the committee in order to establish a quorum at committee meetings.

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

Approved October 16, 1979.

Chap. 632. AN ACT RELATIVE TO THE MASSACHUSETTS  
HOUSING FINANCE AGENCY.

Whereas, The deferred operation of this act would tend to



defeat its purpose, which is to immediately increase the maximum debt limit of the Massachusetts Housing Finance Agency and to facilitate the issuance and purchase of certain securities by said Agency; 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 4 of chapter 708 of the acts of 1966 is hereby amended by striking out paragraph (a), as amended by section 1 of chapter 689 of the acts of 1974, and inserting in place thereof the following paragraph:-

(a) Make first mortgage loans, including mortgages insured by the secretary of housing and urban development, or purchase or participate in the purchase of securities which are secured by such mortgage loans to finance the building or rehabilitation of housing designed and planned to be available at low and moderate rentals for low income persons and families and others upon the terms set forth in section five and pursuant to regulations adopted by it, make seed money loans to nonprofit developers of such housing.

SECTION 2. Paragraph (a) of section 5 of said chapter 708, as most recently amended by chapter 1030 of the acts of 1971, is hereby further amended by striking out the first sentence and inserting in place thereof the following sentence:- The MHFA may make mortgage loans to sponsors of such housing projects containing two or more dwelling units as in the judgment of the MHFA have promise of supplying well planned, well designed apartment units which will provide housing for low income persons or families in location where there is a need for such housing or purchase or participate in the purchase of securities which are secured by such mortgage loans.

SECTION 3. Said section 5 of said chapter 708 is hereby further amended by striking out paragraph (b) and inserting in place thereof the following paragraph:-

(b) Eligible Mortgagor.- The MHFA may make or finance loans to individuals, joint ventures, partnerships, limited partnerships, trusts, corporations, cooperatives and condominiums, whether nonprofit or organized for profit.

SECTION 4. Said section 5 of said chapter 708 is hereby further amended by striking out paragraph (c), as amended by section 2 of chapter 709 of the acts of 1968, and inserting in place thereof the following paragraph:-

(c) Interest and Charges.- The MHFA shall have authority to set from time to time the interest rates at which it shall make or finance loans. In connection with the making or financing of mortgage loans and commitments therefor, and in addition to such interest charges, the MHFA may make and collect such fees and charges, including but not limited to reimbursement of the MHFA's financing costs service charges, insurance premiums and mortgage insurance premiums, as the MHFA determines to be reasonable.

SECTION 5. Paragraph (f) of said section 5 of said chapter 708, as amended by section 4 of chapter 855 of the acts of 1970,

is hereby further amended by striking out the first sentence and inserting in place thereof the following sentence:- The terms, including the ratio of loan to project value, prepayment provisions and the amortization period of loans made or financed under this act which are insured by FHA shall be governed by the FHA mortgage insurance commitment for each project concerned, but shall not exceed fifty years.

SECTION 6. The first sentence of paragraph (g) of said section 5 of said chapter 708, as amended by section 5 of said chapter 855, is hereby further amended by inserting after the word "making", in line 1, the following words:- or financing.

SECTION 7. Paragraph (a) of section 6 of said chapter 708 is hereby amended by inserting after the word "made", in line 4, the following words:- or financed.

SECTION 8. Paragraph (a) of section 8 of said chapter 708 is hereby amended by inserting after the word "making", in line 5, the following words:- or financing.

SECTION 9. Paragraph (b) of said section 8 of said chapter 708, as most recently amended by chapter 971 of the acts of 1971, is hereby further amended by striking out the sixth, seventh and eighth sentences and inserting in place thereof the following four sentences:- The aggregate principal amount of notes and bonds of the MHFA outstanding at any one time shall not exceed the sum of one billion five hundred million dollars of which one hundred fifty million dollars shall be used only to make mortgage loans in cities or towns which have been found to have a rate of unemployment of at least six per centum in the issue of "Area Trends in Employment and Unemployment" published by the United States Department of Labor for the October preceding the making of any such loan. For purposes of the preceding sentence, the aggregate principal amount of notes and bonds of the MHFA outstanding at any time shall equal the aggregate principal amount of notes and bonds of the MHFA issued and unpaid less (A) an amount equal to the aggregate principal amount of notes issued to fund construction loans with respect to which the United States government or an agency of the United States government is committed to insure or approve construction advances in an amount in excess of ninety per cent of the mortgage amount and with respect to which a person other than MHFA has agreed to provide permanent financing and (B) an amount equal to monies irrevocably escrowed in trust exclusively for the payment of the principal of either notes or bonds, provided that either (i) other monies so escrowed are sufficient to pay when due the interest to accrue on such notes or bonds or (ii) such monies have been invested in investments permitted under the resolution of the MHFA authorizing the issuance of such notes or bonds in such manner that the income thereon will be sufficient to pay when due the interest to accrue on such notes or bonds prior to the time the principal of such notes or bonds shall mature. At any time after December thirty-first, nineteen hundred and seventy-seven, the MHFA shall not be authorized to issue notes other than (i) notes issued to refund notes previously issued, (ii) notes issued to fund mortgage loan

increases for projects for which notes have previously been issued and (iii) notes issued to fund construction loans with respect to which a person other than the MHFA has agreed to provide permanent financing, if after such issuance the aggregate principal amount of all notes, other than notes described in clauses (ii) and (iii) of this sentence, then outstanding shall exceed twenty-five per cent of the aggregate principal amount of all bonds of the MHFA then outstanding. For purposes of the preceding sentence, the aggregate principal amount of all such notes outstanding at any time shall equal the aggregate principal amount of such notes issued and unpaid less an amount equal to monies irrevocably escrowed in trust exclusively for the payment of the principal of such notes, provided that either (i) other monies so escrowed are sufficient to pay when due the interest to accrue on such notes or (ii) such monies have been invested in investments permitted under the resolution of the MHFA authorizing the issuance of such notes in such manner that the income thereon will be sufficient to pay when due the interest to accrue on such notes.

SECTION 10. Said section 8 of said chapter 708 is hereby further amended by adding the following paragraph:-

(e) Notwithstanding any general or special law to the contrary, and except as otherwise provided in the applicable resolution or other instrument: (1) any pledge made by the MHFA in any resolution or other instrument authorizing notes or bonds, or securing the same, shall be valid and binding from the time specified in such resolution or instrument; (2) any such pledge by MHFA of its rights to receive payments of any kind from or for the account of mortgagors under mortgages, participations therein, or subsidy, guarantee, insurance or other contracts relating thereto, and of its revenues or other property, and of the mortgages, notes, such participations, such subsidy, guarantee, insurance or other contracts or other collateral, and of the proceeds of any or all thereof, shall be valid and binding and shall be deemed continuously perfected for the purposes of chapter one hundred and six of the General Laws from the time the pledge is made; (3) any such pledge shall be effective as to all such rights and other pledged property whether then existing or thereafter coming into existence, whether then held or thereafter acquired by MHFA, and whether or not segregated or held in trust by MHFA; (4) the rights, revenues, mortgages, notes, participations, contracts, collateral, other property and proceeds so pledged shall immediately be subject to the lien of such pledge without any physical delivery or segregation thereof or further act; (5) the lien of such pledge shall be valid and binding against MHFA, irrespective of whether such parties have notice thereof; and (6) the resolution or other instrument by which a pledge is created need not be filed or recorded except in the records of the MHFA, and no filing need be made under chapter one hundred and six of the General Laws.

SECTION 11. Said chapter 708 is hereby further amended by striking out section 9, as most recently amended by section 25 of chapter 4 of the acts of 1976, and inserting in place thereof

the following section:-

Section 9. Bonds and notes issued under the provisions of this act shall not be deemed to constitute a debt of the commonwealth or any political subdivision thereof or a pledge of the faith and credit of the commonwealth or any political subdivision thereof and shall be payable solely from the proceeds of mortgage loans made under this act, reserve funds created therefor by the MHFA, and any mortgage insurance contracts pertaining thereto. All such bonds and notes shall contain on the face thereof a statement to the effect that neither the MHFA nor the commonwealth nor any political subdivision thereof shall be obligated to pay the same or the interest thereon except from such proceeds, reserve funds or mortgage insurance contracts and that neither the faith and credit nor the taxing power of the commonwealth or any political subdivision thereof is pledged to the payment of the principal of or the interest on such bonds and notes.

SECTION 12. Paragraph (a) of section 9A of said chapter 708, as appearing in section 4 of chapter 709 of the acts of 1968, is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

All monies held in the Working Capital Fund, including without limitation any income or interest earned by, or increment to such Fund, shall be used by the MHFA for its general purposes, and to the extent authorized by the MHFA, any such monies in excess of the amount required to make and keep MHFA self-supporting shall be made available for the purposes of a Capital Reserve Fund.

SECTION 13. Paragraph (a) of section 9B of said chapter 708, as appearing in section 2 of chapter 519 of the acts of 1976, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- The MHFA shall, unless the establishment and creation of such fund would, as a result of federal laws or regulations, prevent MHFA from financing any mortgage loans in connection with a program of any agency of the United States government otherwise permitted by this act, create and establish special funds, herein individually referred to as a "Capital Reserve Fund", and shall pay into each such Capital Reserve Fund any monies appropriated and made available by the commonwealth for the purposes of such Fund, any proceeds of sale of notes or bonds to the extent provided in the resolution of the MHFA authorizing issuance thereof, and any other monies which may be available to the MHFA for the purpose of such Fund from any other source or sources.

Approved October 16, 1979.

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Chap. 633. AN ACT REQUIRING RAILROAD CORPORATIONS  
TO FURNISH CERTAIN WEEKLY WAGE STATE-  
MENTS TO EMPLOYEES.

Be it enacted, etc., as follows:

Section 148 of chapter 149, as most recently amended by

chapter 664 of the acts of 1977, is hereby further amended by inserting after the first paragraph the following paragraph:-

Every railroad corporation shall furnish each employee with a statement accompanying each payment of wages listing current accrued total earnings and taxes and shall also furnish said employee with each such payment a listing of his daily wages and the method used to compute such wages.

Approved October 16, 1979.

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Chap. 634. AN ACT AUTHORIZING THE TOWN OF AMESBURY  
TO RECALL ELECTED OFFICIALS.

Be it enacted, etc., as follows:

SECTION 1. Any holder of an elective office in the town of Amesbury may be recalled, and removed therefrom by the qualified voters of said town as herein provided.

SECTION 2. Any qualified voter of the town of Amesbury may file with the town clerk of said town an affidavit containing the name of the officer sought to be recalled and a statement of the grounds of recall. Said town clerk shall thereupon deliver to the voter making such affidavit a sufficient number of copies of petition blanks demanding such recall, printed forms of which he shall keep on hand. The blanks shall be issued by the town clerk with his signature and official seal attached thereto; they shall be dated and addressed to the selectmen of said town, shall contain the name of the person to whom issued, the number of blanks so issued, the name of the person sought to be recalled, the grounds of recall as stated in said affidavit, and shall demand the election of a successor to such office. A copy of the petition shall be entered in a record book to be kept in the office of the town clerk. The recall petition shall be returned and filed with said town clerk within twenty days after the filing of the affidavit. Said petition before being returned and filed shall be signed by one hundred qualified voters from each precinct in said town and to every signature shall be added the place of residence of the signer, giving the street and number. The said recall petition shall be submitted, at or before five o'clock in the afternoon of the Saturday preceding the day on which it must be filed, to the registrars of voters in said town, and the registrars shall forthwith certify thereon the number of signatures which are names of voters of said town.

SECTION 3. If the petition shall be found and certified by said town clerk to be sufficient, he shall submit the same with his certificate to said selectmen without delay and said selectmen shall forthwith give written notice to said officer of the receipt of said certificate and shall, if the officer sought to be removed does not resign within five days thereafter, thereupon order an election to be held on a Tuesday fixed by them not less than twenty-five days after the date of the town clerk's certificate that a sufficient petition is filed; provided, however, that if any other town election is to occur within sixty days after the date of said certificate, said selectmen may, in their discretion, postpone the holding of said recall election to the date of such

other election. If a vacancy occurs in said office after a recall election has been so ordered, the election shall nevertheless proceed as in this section provided.

SECTION 4. Any officer sought to be recalled may be a candidate to succeed himself, and, unless he requests otherwise in writing, said town clerk shall place his name on the official ballot without nomination. The nomination of other candidates, the publication of the warrant for the recall election, and the conduct of the same, shall all be in accordance with the provisions of law relating to elections, unless otherwise provided in this act.

SECTION 5. The incumbent shall continue to perform the duties of his office until the recall election. If then re-elected, he shall continue in office for the remainder of his unexpired term, subject to recall as before, except as provided in section seven. If not re-elected in the recall election, he shall be deemed removed upon the qualification of his successor, who shall hold office during the unexpired term. If the successor fails to qualify within five days after receiving notification of his election, the incumbent shall thereupon be deemed removed and the office vacant.

SECTION 6. Ballots used in a recall election in said town shall submit the following propositions in the order indicated:

For the recall of (name of officer).

Against the recall of (name of officer).

Immediately at the right of each proposition there shall be a square in which the voter by making a cross mark (X) may vote for either of such propositions. Under the proposition shall appear the word "Candidates" and the direction "Vote for one" and beneath this the names of candidates nominated as herein-before provided.

SECTION 7. No recall petition shall be filed against an officer of said town within three months after he takes office, nor in the case of an officer subjected to a recall election and not removed thereby, until at least three months after that election.

SECTION 8. No person who has been recalled from an office in said town, or who has resigned from office while recall proceedings were pending against him, shall be appointed to any town office within two years after such removal by recall or resignation.

SECTION 9. This act shall be submitted for acceptance to the voters of the town of Amesbury at its next annual town meeting in the form of the following question which shall be placed on the official ballot to be used for the election of town officers at said meeting:- "Shall an act passed by the general court in the year nineteen hundred and seventy-nine, entitled 'An Act authorizing the town of Amesbury to recall elected officials', be accepted?" If a majority of the votes in answer to said question is in the affirmative, then this act shall thereupon take full force and effect in the town of Amesbury but not otherwise. At any time except as herein provided after the expiration of six years from the date on which this act is accepted, and not less than ninety

days before the date of an annual town election, a petition, signed by not less than fifteen per cent of the registered voters of the town may be filed with the selectmen, requesting that the question of revoking the acceptance of this act be submitted to the voters. Thereupon the selectmen shall cause to be printed on the official ballot to be used for the election of town officers at the annual town election next following the filing of such a petition the following question:- "Shall the acceptance by the town of Amesbury of an act passed by the general court in the year nineteen hundred and seventy-nine, entitled 'An Act authorizing the town of Amesbury to recall elected officials', be revoked?" If a majority of the votes in answer to said question is in the affirmative, the acceptance of this act shall be revoked and it shall become null and void beginning with the first day of the month next following such revocation. A petition to revoke the acceptance of this act shall not be filed more often than once in every three years.

Approved October 16, 1979.

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Chap. 635.      AN ACT ALLOWING CITIES AND TOWNS TO  
USE SO-CALLED PRECINCT TABULATORS.

Be it enacted, etc., as follows:

SECTION 1. Section 33F of chapter 54 of the General Laws is hereby amended by striking out the first paragraph, as amended by chapter 668 of the acts of 1977, and inserting in place thereof the following paragraph:-

If the system employed makes use of a computer, or similar counting unit for the tabulation of the vote cast either on paper ballots or punched cards, the city or town clerk shall designate, no later than one week prior to the date of the primary, preliminary election or election, a central tabulation center, or may designate all the polling places as tabulation centers, where such ballots or cards shall be counted. There shall be at least one computer or counting unit at each such tabulation center. If a central tabulation center is designated, it may be located in any municipality within the commonwealth; provided, however, that said tabulation center is no greater distance than fifty miles from the municipality conducting said primary, preliminary election, or election. Said clerk shall also require that a program for the counting of the votes, prepared by a suitably skilled technician, be in readiness for use in said computer or counting unit, no later than the fourth day prior to the primary, preliminary election or election. Said clerk shall cause to be prepared a set of ballots or punched cards, whichever is appropriate, so marked or perforated as to adequately test the programmed computer or counting unit, to demonstrate its rejection of cards or ballots which contain more votes for any office than the voter is entitled to, and to test any other contents of the program which in the opinion of the clerk may have a bearing upon the accuracy of the count to be made by such computer or counting unit.

SECTION 2. Section 33H of said chapter 54, as most recently amended by section 2 of chapter 551 of the acts of 1969, is

hereby further amended by striking out the first three paragraphs and inserting in place thereof the following three paragraphs:-

For any tabulation center designated under section thirty-three F, the mayor or the board of selectmen shall appoint, in conformity with sections eleven to twenty-two, inclusive, the following election officers: a warden, a deputy warden, a clerk and deputy clerk and as many inspectors and deputy inspectors as the city or town clerk determines to be necessary.

Each city or town chairman of a political party may appoint in writing a qualified computer expert to monitor the electronic counting of ballots at such tabulating center. He shall be assigned by the presiding officer to a position within the center which will enable him to observe all operations.

The warden shall be the presiding officer at the tabulation center; provided, however, that the city or town clerk shall be the presiding officer at a central tabulation center, and shall assign to the election officers such duties as will insure the accurate and complete tabulation of the ballots, in accordance with such rules and regulations for the operation of such tabulation center as are promulgated by the office of the state secretary.

SECTION 3. The sixth paragraph of section 105A of said chapter 54 is hereby amended by striking out the first sentence, as appearing in section 14 of chapter 564 of the acts of 1967, and inserting in place thereof the following sentence:- Unless the polling places have been designated as tabulation centers under section thirty-three F, all remaining ballots, used and unused, together with the ballot envelopes or folders and the precinct total tally sheet, shall be enclosed in a container and locked.

Approved October 16, 1979.

EMERGENCY LETTER October 31, 1979 @ 2:26 P.M.

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Chap. 636. AN ACT PROVIDING FOR A PROGRAM OF  
TRAFFIC SAFETY IN EVERY SCHOOL  
DISTRICT DURING THE ANNUAL TRAFFIC  
SAFETY WEEK.

Be it enacted, etc., as follows:

Section 15P of chapter 6, inserted by chapter 255 of the acts of 1969, is hereby amended by adding the following paragraph:-

During Traffic Safety Week every public school district within the commonwealth shall offer all students in grades kindergarten through twelve a program of activities oriented toward developing positive traffic safety attitudes; provided, however, that no school district shall be required to establish a Traffic Safety Week program unless the local school committee votes to do so. In each school district said program shall be administered by a driver education instructor or by any other person designated by the superintendent of schools. Said program shall commence with a mandatory introductory assembly to be held on the first school day of Traffic Safety Week. Said program shall include, but shall not be limited to general student assemblies and daily



classroom activities and projects designed to make students and the general public more aware of how highway accidents are caused and how they can be prevented. Said programs shall be oriented toward pedestrian and bicycle safety, as well as motor vehicle safety. In order to avoid the imposition of any new costs upon cities, towns or regional school districts as a result of this act, the administrator of the Traffic Safety Week program in each school district may accept gifts and grants for the administration of said program. Said gifts and grants shall be used exclusively for the expenses of said Traffic Safety Week program.

Approved October 17, 1979.

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Chap. 637.     AN ACT AUTHORIZING THE PLANNING OF A  
NEW JAIL AND HOUSE OF CORRECTION IN  
NORFOLK COUNTY.

Be it enacted, etc., as follows:

SECTION 1. For the purposes of completing a comprehensive study, schematic drawings and specifications, and survey for correctional needs, including site selection recommendations, for a new jail and house of correction and related facilities in and for Norfolk county, the county commissioners of said county may expend a sum not to exceed two hundred and fifty thousand dollars; provided, however, that no location within the towns of Walpole or Norfolk shall be considered or recommended as a site for any such jail or house of correction, nor shall any county jail or house of correction be constructed in said towns.

SECTION 2. For the purpose of carrying out the provisions of section one, the treasurer of said county, with the approval of the county commissioners, may borrow upon the credit of the county such sums as may be necessary, not exceeding, in the aggregate, two hundred and fifty thousand dollars and may issue bonds or notes of the county therefor, which shall bear on their face the words, Norfolk County Prison Loan, Act of 1979. Each authorized issue shall constitute a separate loan and such loans shall be payable in not more than ten years from their dates. The bonds or notes shall be signed by the county treasurer and countersigned by a majority of the county commissioners. The county may sell said securities at public or private sale, upon such terms and conditions as the county commissioners may deem proper, but not for less than their par value. Indebtedness incurred hereunder shall, except as herein provided, be subject to chapter thirty-five of the General Laws.

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 or borrowed under the provisions of this act.

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

Approved October 17, 1979.

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Chap. 638.     AN ACT AUTHORIZING THE TOWN OF FREETOWN

TO ESTABLISH A REVOLVING FUND FOR THE  
PURPOSE OF PURCHASING WATER.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section fifty-three of chapter forty-four of the General Laws, the town of Freetown acting by and through the board of water commissioners, is hereby authorized to establish in the town treasury a revolving fund which shall be kept separate and apart from all other monies by the treasurer of said town and into which shall be deposited all monies received for the sale of water by said town. The monies received from said sale and interest thereon shall be expended at the direction of said board without further appropriation for the purpose of purchasing water under contract from other municipalities or water companies.

The town accountant of said town shall submit annually a report of said revolving fund to the board of selectmen of said town for their review and a copy of said report shall be submitted to the director of the bureau of accounts.

SECTION 2. This act shall take effect upon its passage.  
Approved October 19, 1979.

Chap. 639. AN ACT AUTHORIZING THE MAYOR OF THE  
CITY OF NEW BEDFORD 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 New Bedford 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 mayor of said city and approved by the personnel administrator of the 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 mayor of said city. Appointments from such list may, at the discretion of the mayor of said city, 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 administrative or court order of final jurisdiction requires the listing of candidates in separate groups,

each group is to be listed according to such order.

SECTION 3. Not more than three or thirty-three and one-third per cent, whichever is greater, of the total number of appointments to the regular police department of the city of New Bedford in any calendar year, shall be made under the provisions of this act. The mayor of the city of New Bedford shall report in writing forthwith to the said personnel administrator any appointment made under the provisions of this act.

SECTION 4. The provisions of section thirty-four of chapter thirty-one of the General Laws shall apply to appointments made under this act. A person appointed to the regular police department of the city of New Bedford under the provisions of this act shall, after satisfactory completion of the probation period, be deemed to be permanently appointed to said department under the provisions of chapter thirty-one of the General Laws.

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

Approved October 19, 1979.

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Chap. 640.      AN ACT AUTHORIZING THE TOWN OF ANDOVER  
TO APPROPRIATE MONEY FOR THE PAYMENT  
OF, AND TO PAY, A CERTAIN SUM OF MONEY  
TO THE ANDOVER ELECTRIC COMPANY.

Be it enacted, etc., as follows:

SECTION 1. For the purpose of discharging a moral obligation the town of Andover is hereby authorized to appropriate and pay to the Andover Electric Company a sum, not to exceed three thousand eight hundred and thirty-five dollars and eighty-six cents, for labor and material furnished to the school department of said town, payment for which is legally unenforceable against said town.

SECTION 2. No bill shall be approved by the town accountant of said town for payment or paid by the treasurer thereof under authority of this act unless and until a certificate has been signed and filed with said town accountant, stating under the penalties of perjury that the labor and material for which said bill has been submitted were ordered by an official or an employee of said town and that such labor was performed for and such material was received by said town.

SECTION 3. Any person who knowingly files a certificate required by section two which is false and who thereby receives payment for labor and material which were not received by or rendered to said town, shall be punished by imprisonment for not more than one year or by a fine of not more than three hundred dollars or both.

SECTION 4. Any action taken pursuant to section one is hereby validated, confirmed 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 Andover held on May fifteenth, nineteen hundred and seventy-nine.

SECTION 5. This act shall take effect upon its passage.  
Approved October 19, 1979.

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Chap. 641. AN ACT RELATIVE TO THE PAYMENT OF  
TRANSPORTATION OF CERTAIN VOCATIONAL  
EDUCATION STUDENTS.

Be it enacted, etc., as follows:

Section 8A of chapter 74 of the General Laws, as most recently amended by section 24 of chapter 552 of the acts of 1978, is hereby further amended by adding the following sentence:- A town shall not be required under the provisions of this section to provide for the transportation of a person who has completed the twelfth grade of school or the equivalent thereto.

Approved October 19, 1979.

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Chap. 642. AN ACT RELATIVE TO THE EMPLOYMENT  
SECURITY LAW.

Be it enacted, etc., as follows:

SECTION 1. The second paragraph of subsection (a) of section 14A of chapter 151A, as appearing in section 24 of chapter 720 of the acts of 1977, is hereby amended by striking out, in line 14, the word "by" and inserting in place thereof the word:- to.

SECTION 2. Subsection (j) of section 14C of said chapter 151A, as so appearing, is hereby amended by striking out, in line 6, the word "by" and inserting in place thereof the word:- to.

SECTION 3. Section 15 of said chapter 151A is hereby amended by striking out subsection (c), as amended by chapter 373 of the acts of 1943, and inserting in place thereof the following subsection:-

(c) In any case based upon a return by an employer, in addition to any other remedy provided by law, the director may file in the district court within the judicial district of which the employer hereinafter referred to lives or has or had a usual place of business a petition for entry of judgment against an employer in default in any payment of contributions, interest or penalties assessed in lieu thereof provided by this chapter. At least twenty days prior to filing such petition the director shall send by registered or certified mail, return receipt requested, to such employer a written notice, addressed to him at his last known residence or place of business. Such notice shall state (1) the name and address of such employer, (2) the amount for which the director alleges he is in default in the payment of contributions, interest, or penalties, as the case may be, and to what date, (3) the name and location of the district court in which such petition will be filed and the date on or before which said petition will be filed, (4) that the director has complied

with all the provisions of this chapter in relation to the computation and levy of said contributions, interest, or penalty, as the case may be, and (5) that judgment will be entered against such employer by said court for the total amount alleged in said notice, with interest, unless said employer within twenty days after the latest date specified under clause (3) brings an assignment of error in said proceeding, stating specifically sufficient reasons why such judgment should not be entered, and within five days of bringing such assignment of error serves a copy of said assignment of error upon the director by registered or certified mail. A general denial of the allegations of the director's position shall not constitute a sufficient assignment of error, and the employer shall not avail himself of any defense in matters of fact which he had adequate opportunity to present to the director. The director's petition, when filed in the district court, shall be accompanied by a copy of the notice mailed by the director to the employer and the registered or certified mail return receipt received in reply thereto. The return receipt or undelivered copy of the director's written notice as the case may be, shall be sufficient service upon such employer. If no sufficient assignment of error is brought by the employer within the time above specified, he shall be defaulted and judgment shall be entered against him for the amount alleged due in the petition, with interest from the date to which interest was computed in said petition and execution issued therefor as in other civil actions. If a sufficient assignment of error is seasonably brought by the employer and a copy thereof is properly served the case shall be ripe for hearing, and the employer shall place the case on the trial list within twenty-five days of the filing of said assignment of error and shall promptly give notice thereof by registered or certified mail to the director. If such employer fails to comply with any of the obligations imposed upon him by the provisions of law relative to petitions for entry of judgment provided for under this subsection, he shall be defaulted and judgment for the director shall be entered by the clerk under the general rules of court as to judgments on default. At the hearing on the assignment of error, the court shall inquire only whether the director acted within his jurisdiction and whether his action was founded on evidence and free from any error of law affecting substantial rights. If the defense raised by the employer is not meritorious, the court may impose additional costs against the employer. The petition and the assignment of error may, upon motion, be amended by leave of the court.

SECTION 4. Subsection (e) of said section 15 of said chapter 151A is hereby amended by striking out paragraph (2), as appearing in chapter 533 of the acts of 1968, and inserting in place thereof the following paragraph:-

(2) The notice shall be served or mailed to the employer at any time within the period provided for the commencement of a civil action by subsection (b).

SECTION 5. The second paragraph of section 18 of said chapter 151A, as appearing in section 1 of chapter 685 of the acts of 1941, is hereby amended by striking out, in line 7, the words "an action of contract" and inserting in place thereof the

words:- a civil action.

SECTION 6. Section 41 of said chapter 151A, as most recently amended by section 14 of chapter 473 of the acts of 1976, is hereby further amended by adding the following subsection:-

(e) The manner in which evidentiary hearings are presented before the board of review, and the conduct of such hearings, shall be in accordance with regulations prescribed by the board for determining the rights of the parties. Such regulations prescribed by the board of review need not conform with common law or statutory rules of evidence and other technical rules of procedure provided that such regulations conform with the provisions of clauses (1) to (5), inclusive, of subsection (b) of section thirty-nine of this chapter and chapter thirty A.

A full and complete record shall be kept by the board of review of hearings held by said board. All testimony, records, investigatory reports and documents in the possession of the board shall be made part of the proceeding. Any recorded testimony need not be transcribed unless a party so requests it. The party requesting a transcript shall pay for the costs of transcription.

SECTION 7. Paragraph (a) of section 69 of chapter 151A, as appearing in section 20 of chapter 763 of the acts of 1951, is hereby amended by striking out, in line 2, the words "an action of contract" and inserting in place thereof the words:- a civil action.

SECTION 8. Section 72 of said chapter 151A, as appearing in section 1 of chapter 685 of the acts of 1941, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

The supreme judicial or superior court shall have general jurisdiction of a civil action brought by the director, to enforce any provisions of this chapter.

Approved October 19, 1979.

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Chap. 643. AN ACT FURTHER REGULATING THE TEMPORARY REGISTRATION OF PHYSICIANS.

Be it enacted, etc., as follows:

Chapter 112 of the General Laws is hereby amended by striking out section 9B, as most recently amended by chapter 486 of the acts of 1972, and inserting in place thereof the following section:-

Section 9B. Temporary registration as a qualified physician may be granted (1) to a visiting physician holding a license to practice in another state or territory or in the District of Columbia or in another country and having a temporary faculty appointment certified by the dean of a medical school in the commonwealth for purposes of medical education in an accredited hospital associated with the medical school, such registration to terminate automatically upon termination of the faculty appointment and, in any event, at the end of three years; (2) to a physician holding a license to practice in another state or territory or in the District of Columbia to permit him to act as a substitute physician for a

registered physician in the commonwealth, to be granted only upon written request of said registered physician and to be limited to three months or less; (3) to a physician eligible for examination or registration in the commonwealth who is a diplomate of a specialty board approved by the American Medical Association or the American Osteopathic Association to permit him to act as a substitute physician for a registered physician in the commonwealth to be granted only upon written request of said registered physician, to be limited to the specialty in which the applicant is certified and to be limited to three months or less; (4) to a physician holding a license to practice in another state or territory or in the District of Columbia or in another country and enrolled in a course of continuing medical education, such registration to terminate automatically upon termination of the course and, in any event, at the end of three months. The fee for such temporary registration shall be fifty dollars.

Approved October 19, 1979.

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Chap. 644. AN ACT RELATIVE TO CERTAIN EMPLOYEES  
OF THE CITY OF LAWRENCE.

Be it enacted, etc., as follows:

SECTION 1. Part II of chapter 621 of the acts of 1911 is hereby amended by striking out section 37 and inserting in place thereof the following section:-

Section 37. It shall be unlawful for any member of the city council or school committee, or for any officer or employee of the city, directly or indirectly to make a contract expressed or implied with the city, or to receive any commission, wages, discount, bonus, gift, contribution or reward from, or any share in the profits of, any person or corporation making or performing such a contract. No funds of the city of Lawrence shall be deposited in any bank or trust company of which the city treasurer or the treasurer of the sinking fund or any sinking fund commissioner is an officer, agent or stockholder. A violation of any provision of this section shall render the contract in respect to which such violation occurs voidable at the option of the city. Any person violating any provision of this section shall be punished by a fine of not more than one thousand dollars or by imprisonment for not more than one year, or by both such fine and imprisonment.

SECTION 2. Section one shall not apply to any member of a board, committee or commission appointed by the city government or any member thereof, who serves on such boards either without compensation or with compensation of not more than two thousand dollars per year and is not a municipal employee, as defined in clause (g) of section one of chapter one hundred and sixty-eight A of the General Laws.

SECTION 3. This act shall take effect upon its acceptance by the city of Lawrence.

Approved October 19, 1979.

Chap. 645. AN ACT EXTENDING THE BACK BAY  
ARCHITECTURAL DISTRICT.

Be it enacted, etc., as follows:

Chapter 625 of the acts of 1966 is hereby amended by striking out section 2, as amended by chapter 463 of the acts of 1974, and inserting in place thereof the following section:-

Section 2. Establishment of the District. There is hereby created in the city of Boston a district to be known as the Back Bay Architectural District, bounded and described as follows: starting at the intersection of the center line of Newbury street and the center line of Charlesgate East, thence running northerly by the center line of Charlesgate East to the center line of Back street; thence running easterly by the center line of Back street to the center line of Embankment road; thence running southerly by the center line of Embankment road to the center line of Beacon street; thence running easterly by the center line of Beacon street to the center line of Arlington street; thence running southerly by the center line of Arlington street to the center line of Boylston street; thence running westerly by the center line of Boylston street to the center line of Massachusetts avenue thence running northerly by the center line of Massachusetts avenue to the center line of Newbury street; thence running westerly along the center line of Newbury street to the point of beginning.

Approved October 19, 1979.

Chap. 646. AN ACT DIRECTING THE COLLECTOR OF TAXES  
FOR THE CITY OF PEABODY TO FILE A DIS-  
CHARGE ON A CERTAIN LIEN.

Be it enacted, etc., as follows:

The collector of taxes for the city of Peabody is hereby authorized and directed to file and record a discharge on the lien recorded for a portion of unpaid nineteen hundred and sixty-eight real estate taxes in the amount of five hundred eleven dollars and fifty-one cents plus demand charges, accrued interest and any recording fees on said unpaid taxes on the land with the buildings thereon situated at 27 Tumelty road in said city and being assessed to Bea-Mar Corporation in January, nineteen hundred and seventy-eight.

(The foregoing was laid before the Governor on the 9th day of October 1979 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. 647. AN ACT AUTHORIZING THE TOWN OF EASTON  
TO APPROPRIATE MONEY FOR THE PAYMENT  
OF AND TO PAY CERTAIN SUMS OF MONEY IN  
SETTLEMENT OF THE CASES OF LORNA PAONE  
AND R. LINNETTE PETERSON AGAINST SAID



TOWN NOW PENDING BEFORE THE MASSACHUSETTS COMMISSION AGAINST DISCRIMINATION.

Be it enacted, etc., as follows:

SECTION 1. The town of Easton is hereby authorized to appropriate, and after such appropriation, the treasurer of said town is authorized to pay, the sum of six thousand one hundred and eighty-one dollars in settlement of the case of Lorna Paone against said town now pending before the Massachusetts Commission Against Discrimination.

SECTION 2. Said town of Easton is hereby authorized to appropriate, and after such appropriation, the treasurer of said town is authorized to pay, the sum of two thousand nine hundred and thirty-nine dollars in settlement of the case of R. Linnette Peterson against said town now pending before the Massachusetts Commission Against Discrimination.

SECTION 3. Any action taken by said town of Easton pursuant to Articles 36 and 38 of the warrant for the annual town meeting of said town, held on May fourteenth, nineteen hundred and seventy-nine and at the adjourned session thereof held on June fourth, nineteen hundred and seventy-nine is hereby validated and confirmed to the same extent as though sections one and two of this act had been in full force and effect at the time of the posting of the warrant for said meeting.

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

Approved October 22, 1979.

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Chap. 648. AN ACT RELATIVE TO PUNISHMENT DUTY FOR POLICE OFFICERS AND FIREFIGHTERS.

Be it enacted, etc., as follows:

SECTION 1. Section 62 of chapter 31 of the General Laws, as appearing in section 11 of chapter 393 of the acts of 1978, is hereby amended by adding the following paragraph:-

Notwithstanding the provisions of this section, punishment duty shall not be imposed upon any police officer or firefighter who is employed by the commonwealth or the metropolitan district commission subject to the provisions of this chapter, unless such police officer or firefighter assents thereto.

SECTION 2. Chapter 31 of the General Laws is hereby amended by inserting after said section 62 the following section:-

Section 62A. Notwithstanding the provisions of section sixty-two punishment duty shall not be imposed upon any police officer or firefighter, who is employed by a city or town subject to the provisions of this chapter, unless such police officer or firefighter assents thereto. This section shall take effect in a city or town upon its acceptance and shall become ineffective in any city or town which rescinds its acceptance in the same manner as it was accepted.

Approved October 22, 1979.

Chap. 649. AN ACT PROVIDING THAT THE OFFICE OF TOWN ACCOUNTANT IN THE TOWN OF MILFORD SHALL BE EXEMPT FROM THE CIVIL SERVICE LAW.

Be it enacted, etc., as follows:

SECTION 1. The office of town accountant in the town of Milford 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 October 25, 1979.

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Chap. 650. AN ACT PROVIDING THAT THE POSITION OF INSPECTOR OF PLUMBING AND GAS IN THE TOWN OF NORTON SHALL BE EXEMPT FROM THE CIVIL SERVICE LAW.

Be it enacted, etc., as follows:

SECTION 1. The position of inspector of plumbing and gas of the town of Norton 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 October 25, 1979.

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Chap. 651. AN ACT VALIDATING THE PROCEEDINGS AT A SPECIAL TOWN MEETING OF THE TOWN OF BOYLSTON IN THE YEAR NINETEEN HUNDRED AND SEVENTY-NINE.

Be it enacted, etc., as follows:

SECTION 1. The acts and proceedings of the town of Boylston in the special town meeting held on June eighteenth, nineteen hundred and seventy-nine, and all acts and proceedings 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 October 25, 1979.

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Chap. 652. AN ACT AUTHORIZING CERTAIN MUNICIPAL EMPLOYEES IN THE CITY OF LAWRENCE TO HOLD OFFICE AS A MEMBER OF THE SCHOOL COMMITTEE IN SAID CITY.

Be it enacted, etc., as follows:

SECTION 1. Part II of chapter 621 of the acts of 1911, as amended by section 1 of chapter 417 of the acts of 1979, is hereby further amended by striking out section 57 and inserting in place thereof the following section:-

Section 57. The school committee shall elect a superintendent

of schools, and may appoint such subordinate officers and assistants, including janitors of school buildings, as it may deem necessary for the proper discharge of its duties and the conduct of its business; it shall define their terms of service and their duties, and shall fix their compensation, and may suspend or remove them at pleasure. No member of the school committee, except the mayor, shall, while a member thereof, hold any other office or position in the school department the salary or compensation for which is payable out of the city treasury.

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

Approved October 25, 1979.

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Chap. 653. AN ACT RELATIVE TO THE REPLACEMENT OF  
HIGHWAY SAFETY DEVICES.

Be it enacted, etc., as follows:

Section 34 of chapter 90 of the General Laws is hereby amended by inserting after the word "sixty-four A", in line 14, as appearing in section 2 of chapter 427 of the acts of 1943, the words:-  
"all monies received by the commonwealth in satisfaction of claims by the commonwealth for damage to highway safety signs, signals, guardrails, curbing and other highway related facilities.

Approved October 25, 1979.

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Chap. 654. AN ACT REGULATING THE PARTICIPATION  
OF MUNICIPALITIES IN REGIONAL DISTRICTS.

Be it enacted, etc., as follows:

Chapter 40B of the General Laws is hereby amended by inserting the following section:-

Section 2A. No state agency shall place a city or town individually or severally, within a regional or district grouping without the consent of the governing body of such city or town. The governing body in a town shall be the town meeting and in a city, the city council.

Approved October 25, 1979.

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Chap. 655. AN ACT RELATIVE TO THE SALARY OF  
SUPERIOR OFFICERS IN THE DIVISION  
OF STATE POLICE.

Be it enacted, etc., as follows:

SECTION 1. Chapter 22 of the General Laws is hereby amended by inserting after section 9S, inserted by section 1 of chapter 797 of the acts of 1977, the following section:-

Section 9T. Each commissioned officer in the division of state police shall receive a base salary seven per cent greater than the regular salary payable to the next subordinate grade for the fiscal year beginning July one, nineteen hundred and seventy-nine. The commissioner of administration shall establish proce-

dures for an annual review of said salary scale and shall submit recommendations for adjustments in subsequent years to the house and senate committees on ways and means. For the purposes of this section a deputy superintendent and a detective lieutenant inspector shall be deemed to be commissioned officers.

SECTION 2. Section one of this act shall not at any time prohibit a step increase due any commissioned officer.

Approved October 25, 1979.

Chap. 656. AN ACT RELATIVE TO THE REFUNDING OF CERTAIN BOND ANTICIPATION NOTES BY THE TOWN OF HULL.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any provision of section seventeen A of chapter forty-four of the General Laws to the contrary, the treasurer of the town of Hull, with the approval of the selectmen of said town, is hereby authorized to issue bond anticipation notes of the town from time to time, in the total principal amount of five hundred fifteen thousand dollars, payable in not more than three years from the dates of the original notes being refunded, in order to pay the bond anticipation notes of the town originally dated January twenty-fifth, March twenty-third, June twenty-ninth, and July twenty-seventh, nineteen hundred and seventy-eight. Notes issued under this act payable in less than three years from the dates of the original notes being refunded may be renewed or paid from time to time by the issue of other notes, provided that the period from the date of any original note refunded under this act to the maturity of any note issued to renew or pay the same debt shall not exceed three years. Any temporary loan refunded under this act may be converted into a serial loan of like amount and the first annual payment of principal of the loan shall be made not later than one year from the date of the bonds or notes issued for the serial loan.

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

Approved October 26, 1979

Chap. 657. AN ACT AUTHORIZING THE APPROPRIATION OF CERTAIN FUNDS OF THE CITY OF PITTSFIELD, PREVIOUSLY RAISED BY BOND ISSUE AND VALIDATING THE ACTION BY THE CITY OF PITTSFIELD IN AUTHORIZING SUCH APPROPRIATION.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section twenty of chapter forty-four of the General Laws or any other law to the contrary, the city of Pittsfield may, by two-thirds vote of all members of the city council, appropriate the sum of two hundred fifty-seven thousand one hundred and seventy-seven dollars from the proceeds of a loan issued February first, nine-

teen hundred and seventy-three, for the purchase of land in the town of Windsor for a water reservoir, which proceeds are not presently necessary for the purposes specified in the authorization of said loan, for the purpose of removing hazardous asbestos from its schools.

SECTION 2. The action taken by the city council of the city of Pittsfield at its meeting of July seventeenth, nineteen hundred and seventy-nine in voting to appropriate and transfer said sum of two hundred fifty-seven thousand one hundred and seventy-seven dollars as provided in section one of this act is hereby validated and confirmed to the same extent as though this act had been in full force and effect at the time of said meeting.

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

Approved October 27, 1979.

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Chap. 658.      AN ACT FURTHER REGULATING THE ACTIVITIES OF PAID SOLICITORS OF FUNDS FROM THE PUBLIC FOR CHARITABLE, POLITICAL OR CIVIC PURPOSES.

Be it enacted, etc., as follows:

Chapter 68 of the General Laws is hereby amended by adding the following section:-

Section 33. Any person, organization, trust, committee, foundation, group, association, partnership, corporation, society, or any combination thereof, which solicits donations or money or other things of value from the public by door-to-door visitation or in person for any charitable, civic or political cause or purpose, and which receives for such solicitation a wage, salary, percentage of the donations received, or other contractual remuneration or thing of value, but not to include reimbursements for expenses incurred in soliciting, shall inform each person, as defined in section eighteen, so solicited that the solicitation is a paid solicitation. Such information shall be so provided in writing or in the form of a clearly displayed badge or sign bearing the words "Paid Solicitor". All persons hired or paid by such person, organization, trust, foundation, group, association, partnership, corporation, society, or any combination thereof, who violate this section shall be punished by a fine of one hundred dollars for each such violation.

The provisions of this section shall not apply to the finance chairman, accountant, treasurer or auditor of any such organization, trust, committee, foundation, group, association, partnership, corporation, society, or any combination thereof provided that such financial officer is not directly soliciting; nor shall such provisions apply to any ordained clergyman, minister, priest, rabbi, officer or any duly authorized member of any religious order or any other tax exempt religious or educational or hospital organization.

Approved October 27, 1979.

Chap. 659. AN ACT RELATIVE TO THE REPRINTING OF THE HOUSE JOURNALS FROM SEVENTEEN HUNDRED AND FIFTEEN TO SEVENTEEN HUNDRED AND EIGHTY AND THE PURCHASE OF SUCH COPIES BY THE COMMONWEALTH.

Be it enacted, etc., as follows:

Chapter 413 of the acts of 1920 is hereby amended by striking out section 1, as most recently amended by chapter 520 of the acts of 1970, and inserting in place thereof the following section:-

Section 1. Whenever the journals of the house of representatives of Massachusetts Bay from seventeen hundred and fifteen to seventeen hundred and eighty, inclusive, in volumes each covering one year, more or less, shall be reprinted accurately by the Massachusetts Historical Society, in the manner and form of volume one, seventeen hundred and fifteen to seventeen hundred and seventeen, inclusive, and approved by the secretary of the commonwealth, the secretary shall purchase from the society three hundred copies of said journals at a price not exceeding twenty dollars a volume, but in no year shall there be expended more than six thousand dollars; provided, that if the copies are plated, the plates shall be subject to the use of the commonwealth.

Approved October 27, 1979.

Chap. 660. AN ACT PERMITTING TUITION FEES TO BE CHARGED TO STUDENTS ENROLLED IN A PUBLIC SCHOOL PROGRAM LEADING TO THE DEGREE OF ASSOCIATE IN APPLIED SCIENCE.

Be it enacted, etc., as follows:

The first paragraph of section 37A of chapter 74 of the General Laws, as most recently amended by section 3 of chapter 268 of the acts of 1967, is hereby further amended by adding the following sentence:- Tuition fees in an amount approved by the commissioner of education may be charged to students enrolled in a program leading to the degree of Associate in Applied Science offered by any such school.

Approved October 27, 1979.

Chap. 661. AN ACT REQUIRING THE RESERVATION AND MARKING OF PARKING SPACES IN CERTAIN AREAS FOR VEHICLES OF HANDICAPPED PERSONS.

Be it enacted, etc., as follows:

The third paragraph of section 13A of chapter 22 of the General Laws, as appearing in section 1 of chapter 528 of the acts of 1974, is hereby amended by inserting after the first sentence the following two sentences:- The board shall also make rules and regulations requiring any person who has lawful control of improved or enclosed private property used as off-street parking

areas for businesses, auditoriums, sporting or recreational facilities, or cultural centers where the public has a right of access as invitees or licensees shall reserve parking spaces in said off-street parking areas for vehicles of handicapped persons or for vehicles used to transport such handicapped persons if the number of parking spaces in any such area is twenty-five or more. The parking spaces reserved for vehicles of such handicapped persons shall be clearly marked as such.

Approved October 27, 1979.

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Chap. 662.     AN ACT REQUIRING CERTAIN APPROVALS  
PRIOR TO ANY INTERCHANGE BETWEEN OTHER  
SUBSIDIARY ACCOUNTS AND THE "01" AND "08"  
SUBSIDIARIES, AS ESTABLISHED IN ACCORDANCE  
WITH LAW.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section twenty-nine of chapter twenty-nine, section thirty-two of chapter fifteen, section twelve of chapter seventy-three, sections one and eight of chapter seventy-five, section three B of chapter seventy-five A and section six of chapter seventy-five B of the General Laws, and section thirty-one of chapter one thousand two hundred and thirty of the acts of nineteen hundred and seventy-three, for the fiscal year nineteen hundred and eighty, no interchange between any subsidiary account established as prescribed by section twenty-seven of chapter twenty-nine and the account entitled, "08, Heat and Other, Plant Operation", or between any subsidiary account established as prescribed by section twenty-seven of said chapter and the account entitled, "01, Salaries, Permanent Positions", established by said section twenty-seven of said chapter twenty-nine shall be authorized unless the department, office, commission, or institution making such an interchange obtains prior written approval of the commissioner of administration and the house and senate committees on ways and means.

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

Approved October 27, 1979.

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Chap. 663.     AN ACT DIRECTING THE DEPARTMENT OF  
MENTAL HEALTH TO CONVEY CERTAIN LAND  
IN THE TOWN OF FOXBOROUGH TO SAID  
TOWN.

Be it enacted, etc., as follows:

The department of mental health, acting for and on behalf of the commonwealth, is hereby authorized and directed to convey all their right, title and interest, by a deed, approved as to form by the attorney general, to certain parcels of land located in the town of Foxborough, in consideration of a sum equal to the fair market value as determined by three independent ap-

praisers, to said town, for the purpose of holding said land for conservation purposes, said land being bounded and described as follows:-

Parcel one:

Beginning at the southwesterly corner of the described premises in the easterly line of land now or formerly of the New York, New Haven and Hartford Railroad Company; thence S. 75° 15' E by Chestnut Street eighty-four and one half (84½) feet to a stone bound; thence by land now or formerly of Wallace S. Hall N. 2° 30' W one hundred thirty-three (133) feet, thence by land now or formerly of Wallace S. Hall N. 17° 52' E to land or rights of the Neponset Reservoir Company; thence by said Reservoir land or rights, to parcel two hereinafter described; thence by said parcel two S 86° 22' W one hundred twenty-one 44/100 (121.44) feet to land now or formerly of said Railroad Company; thence by land now or formerly of said Railroad Company S 2° 38' E seven hundred eighteen (718) feet to the point of beginning.

Parcel two:

Also a certain parcel of land bounded northwesterly on land now or formerly of said Nelson Morse by a line beginning on the northeasterly side of land now or formerly the New York, New Haven and Hartford Railroad Company and running N 58° 15' E one hundred fifteen 5/10 (115.5) feet to a stake, northeasterly by land now or late of Seth R. Boyden and others, by an old Range line running S 25° 15' E about nine hundred forty-seven 10/100 (947.1) feet to high water mark of the flowage of the Neponset Reservoir southeasterly and easterly by the flowage of said reservoir by an irregular line to Parcel one above described, southerly by said parcel one, by a line running N 83° 52' E from said railroad location to said reservoir and measuring one hundred twenty-one 44/100 (121.44) feet to high water mark, bounded southwesterly on said railroad location seventeen hundred forty-three 6/100 (1743.6) feet.

Total acreage for both parcels is 12 acres, 11,480 square feet, more or less.

Title to said parcel one being recorded by deed of Wallace S. Hall to the Commonwealth of Massachusetts, dated November 30, 1918 and recorded with the registry of deeds in Norfolk county Book 1410, Page 239. Title to said parcel two being recorded as a portion of the deed from William J. Cook to the Commonwealth of Massachusetts, dated July 24, 1890, recorded with said registry of deeds, Book 640, Page 637.

Approved October 27, 1979.

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Chap. 664.      AN ACT MAKING CORRECTIVE CHANGES IN  
THE LAW RELATIVE TO POLITICAL PARTIES  
AND THE ELECTION OF WARD AND TOWN  
COMMITTEES.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately make corrective changes in the law relative to political parties and the election of



ward and town committees before the deadline for filing nomination papers by candidates for such 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 1. Section 9 of chapter 52 of the General Laws is hereby amended by striking out the second sentence, as amended by section 6 of chapter 600 of the acts of 1975, and inserting in place thereof the following sentence:- Notice of the number of committee members to be elected shall be given by the city or town committee, as the case may be, to the state secretary on or before November second of the year preceding the year in which said persons are to be elected.

SECTION 2. The second paragraph of section 70E of chapter 53 of the General Laws, as appearing in section 16 of said chapter 600, is hereby amended by striking out the second, third, and fourth sentences and inserting in place thereof the following three sentences:- The names of candidates for ward or town committee appearing in nomination papers containing three or more nominations shall next be placed upon said ballot, arranged in groups and in the same order as in the nomination papers. The order in which the groups shall appear shall be determined by lot in the manner provided in section thirty-four. The names of candidates appearing in nomination papers containing one or two nominations shall follow, alphabetically arranged.

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

Approved October 31, 1979.

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Chap. 665.      AN ACT AUTHORIZING THE DEPARTMENT OF  
PUBLIC WORKS TO ACQUIRE CERTAIN PUBLIC  
LANDS IN THE CITY OF MARLBOROUGH AND  
THE TOWN OF HUDSON BELONGING TO THE  
ASSABET VALLEY REGIONAL VOCATIONAL  
SCHOOL DISTRICT FOR HIGHWAY PURPOSES.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to authorize forthwith the acquisition of certain public lands by the department of public works for highway purposes, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

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 acquired and diverted consists of six parcels and are shown on a map entitled "The Commonwealth of Massachusetts Plan of Land in the City of Marlborough and in the Town of Hudson Middlesex County showing Portions of the Assabet Valley Regional Vocational School District Land Needed for State Highway Purposes January 29, 1979" which plan said department is hereby directed to file with the office of the chief engineer of said department, and are bounded and described as follows:-

Parcel 3-4 (Town of Hudson)

A certain parcel of land in the Town of Hudson, on the southeasterly side of a Boston & Maine Railroad right of way, bounded as follows:

Northwesterly by said railroad right of way about seven (7) feet;

Northerly and easterly by land now or formerly of Clifford R. and A. Maud Brigham, sixty-seven (67.00) feet and about eight (8) feet, respectively;

Southerly by the Town of Hudson line and the City of Marlborough line about seventy-four (74.00) feet.

Containing approximately five hundred and twelve (512.00) square feet of land more or less.

Said land is owned by the Assabet Valley Regional Vocational School District, is vacant land and is to be used by the department for the construction of Route 85 Connector, a highway purpose.

Parcel 3-6 (Town of Hudson)

A certain parcel of land in the Town of Hudson, on the westerly side of Fitchburg Street, bounded as follows:

Easterly by said Fitchburg Street, about fourteen (14.00) feet;

Southerly by the Town of Hudson line and the City of Marlborough line, about ninety (90.00) feet;

Northwesterly and northerly by land now or formerly of Clifford R. and A. Maud Brigham, about thirty-seven (37.00) feet, respectively.

Containing about nine hundred seventy (970.00) square feet of land, more or less.

Said land is owned by the Assabet Valley Regional Vocational School District, is vacant land and is to be used by the department for the construction of Route 85 Connector, a highway purpose.

Parcel 10-6 (City of Marlborough)

A certain parcel of land in the City of Marlborough, on the westerly side of Fitchburg Street, bounded as follows:

Easterly by said Fitchburg Street, about eleven (11.00) feet;

Southeasterly, southwesterly and again southeasterly, about seventy-six (76.00) feet, about twenty-five (25.00) feet and about seventy-five (75.00) feet, respectively, all by land now or formerly of the Assabet Valley Regional Vocational School District;

Northwesterly by land now or formerly of Clifford R. and A. Maud Brigham, about sixty (60.00) feet; and

Northerly by the City of Marlborough line and Town of Hudson line, about ninety (90.00) feet.

Containing about one thousand seven hundred-sixty (1,760) square feet of land, more or less.

Said land is owned by the Assabet Valley Regional Vocational School District, is vacant land is to be used by the department for the construction of Route 85 Connector, a highway purpose.

Parcel 10-7 (City of Marlborough)

A certain parcel of land in the City of Marlborough, on the southeasterly side of a Boston & Maine Railroad right of way, bounded as follows:

Northwesterly by said Railroad right of way, about eighty (80) feet;

Northerly by the City of Marlborough line and Town of Hudson line, about seventy-four (74) feet;

Northeasterly by land now or formerly of Clifford R. and A. Maud Brigham, about forty-one (41) feet; and

Southeasterly by land now or formerly of the Assabet Valley Regional Vocational School District, about one hundred twenty-eight (128) feet.

Containing about four thousand nine hundred twelve (4,912) square feet of land, more or less.

Said land is owned by the Assabet Valley Regional Vocational School District, is vacant land and is to be used by the department for the construction of Route 85 Connector, a highway purpose.

Parcel 11-1 (City of Marlborough)

A certain parcel of land in the City of Marlborough, on the southwesterly side of Fitchburg Street, bounded as follows:

Northeasterly in two courses and easterly in two courses, about three hundred sixteen (316) feet, about eighty-one (81) feet, about four hundred thirty (430) feet and two hundred twenty-nine and seventy-seven hundredths (229.77) feet, respectively, all by said Fitchburg Street;

Westerly about three hundred twenty-six (326) feet, southwesterly in two courses about three hundred thirty-six (336) feet and about three hundred seventy-seven (377) feet, respectively, all by land now or formerly of the Assabet Valley Regional Vocational School District; and

Northerly, by land now or formerly of the Assabet Valley Regional Vocational School District, about seventy-six (76) feet.

Containing about thirty-eight thousand nine hundred sixty-eight (38,968) square feet of land, more or less.

Said land is owned by the Assabet Valley Regional Vocational School District, is vacant land and is to be used by the department for the construction of Route 85 Connector, a highway purpose.

Parcel 11-2 (City of Marlborough)

A certain parcel of land in the City of Marlborough, on the northeasterly side of Fitchburg Street, bounded as follows:

Southwesterly in two courses by said Fitchburg Street, a total of about two hundred forty-eight (248) feet;

Northerly by land now or formerly of Clifford R. and A. Maud Brigham, about forty-five (45) feet;

Easterly and southeasterly by land now or formerly of the Assabet Valley Regional Vocational School District, about eighty (80) feet and about one

hundred seventy-one (171) feet, respectively.

Containing about five thousand eight hundred (5,800) square feet of land, more or less.

Said land is owned by the Assabet Valley Regional Vocational School District, is vacant land and is to be used by the department for the construction of Route 85 Connector, a highway purpose.

Approved October 31, 1979.

Chap. 666. AN ACT MAKING APPROPRIATIONS FOR THE FISCAL YEAR NINETEEN HUNDRED AND EIGHTY 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 ending June thirtieth, nineteen hundred and eighty.

PLYMOUTH COUNTY.

Item	Subtotal	Total
1. For interest on county debt.....		\$171,906 25
2. For reduction of county debt.....		795,540 00
3. For county commissioners, salaries and expenses.....		98,795 09
1. Personal services	\$94,845 09	
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
6. For county treasurer, salaries and expenses.....		91,282 00
1. Personal services	81,122 00	
2. Contractual services	4,150 00	
3. Supplies and materials	5,000 00	
4. Current charges and obligations	830 00	
5. Equipment	180 00	
7. For sheriff, salary and expenses.....		26,949 65
1. Personal services	25,474 65	
2. Contractual services	700 00	
3. Supplies and materials	630 00	
4. Current charges and obligations	145 00	
8. For registry of deeds, salaries and expenses.....		765,487 91
1. Personal services	600,438 39	
2. Contractual services	52,690 20	
3. Supplies and materials	33,050 00	
4. Current charges and obligations	79,309 32	
10. For highways, including state highways, bridges and land damages.....		80,625 00
2. Contractual services	59,925 00	
3. Supplies and materials	700 00	
4. Current charges and obligations	20,000 00	
15. For medical examiners.....		75,700 00
16. For jail and house of correction, maintenance and operation.....		1,426,404 12
1. Personal services	1,057,724 12	
2. Contractual services	95,000 00	
3. Supplies and materials	260,000 00	

Item	Subtotal	Total
4. Current charges and obligations	\$11,180 00	
5. Equipment	2,500 00	
18. For court houses and registry buildings, maintenance and operation.....		\$627,625 57
1. Personal services	389,730 57	
2. Contractual services	148,950 00	
3. Supplies and materials	81,095 00	
4. Current charges and obligations	7,000 00	
5. Equipment	850 00	
19. For construction of county buildings and/or purchase of land.....		25,000 00
20. For agricultural school or county cooperative extension service.....		236,421 34
1. Personal services	206,061 34	
2. Contractual services	18,400 00	
3. Supplies and materials	8,650 00	
4. Current charges and obligations	3,310 00	
24. For noncontributory pensions.....		115,000 00
25. For contributory retirement system and supervisory expenses.....		245,396 00
26. For miscellaneous and contingent expenses.....		99,681 74
27. For unpaid bills of previous years.....		50,000 00
28. For reserve fund.....		75,000 00
29. For advertising recreational, industrial and agricultural advantages of the county.....		110,000 00
31. For police radio system.....		20,900 00
33. For police training school and bureau of criminal investigation.....		124,013 82
37. For human services.....		16,500 00
38. For county airplane.....		9,785 00
39. For group insurance provided that no funds appropriated for this item shall be expended for the payment of abortions not necessary to prevent the death of the mother.....		255,000 00
41. For firefighters training school.....		4,680 00
45. For centralized purchasing department.....		29,245 00
Total amount of appropriations		\$5,578,138 49
Less estimated amount available for reduction of county tax.....		926,797 00
And the county commissioners of Plymouth county are hereby authorized to levy as the county tax of said county for the current year, in the manner provided by law, the sum of.....		\$4,651,341 49

The following sums are hereby appropriated for said fiscal year from federal revenue sharing funds, subject to the provisions of law regulating the disbursement of county funds and approval thereof.

Item	
2. For reduction of county debt.....	\$735,000 00

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

Approved October 31, 1979.

Chap. 667. AN ACT AUTHORIZING HAMPSHIRE COUNTY TO  
REFUND CERTAIN TEMPORARY NOTES.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section thirty-seven B of chapter thirty-five of the General Laws, temporary notes issued by Hampshire county in anticipation of the issue of serial bonds or notes under the provisions of chapter one hundred and twenty-six of the acts of nineteen hundred and seventy-seven, as amended by chapter five hundred and sixty-eight of the acts of nineteen hundred and seventy-nine, may be refunded by the issue of other temporary notes, provided that the period from the date of issue of the original temporary notes to the date of maturity of the refunding notes shall not be more than two years.

SECTION 2. This act shall take effect upon its passage.  
Approved November 1, 1979.

Chap. 668. AN ACT AUTHORIZING CITIES, TOWNS AND  
DISTRICTS TO BORROW IN EXCESS OF THE  
DEBT LIMIT IN ANTICIPATION OF REIMBURSE-  
MENT BY THE COMMONWEALTH FOR THE CON-  
STRUCTION OF DRINKING WATER FILTRATION  
PLANTS FOR THE TREATMENT OF PUBLIC WATER  
SUPPLY SYSTEMS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to eliminate delay in the commencement of construction of drinking water filtration plants for the treatment of publicly owned water supply systems, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience. \_\_\_\_\_

Be it enacted, etc., as follows:

Section 6A of chapter 44 of the General Laws, as most recently amended by section 1 of chapter 537 of the acts of 1978, is hereby further amended by inserting after the second paragraph the following paragraph:-

If a city, town or district has been allotted a sum of money by the department of environmental quality engineering for the purpose of constructing a drinking water filtration plant for the treatment of a public water supply system owned by said city, town or district, and if said city, town or district is required 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 department, 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 therefor 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 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.

Approved November 1, 1979.

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Chap. 669. AN ACT PROVIDING FOR ADVANCE FUNDING OF CERTAIN DEFICIENCIES IN THE BUDGETS OF HOUSING AUTHORITIES.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is, in part, to immediately improve public housing management practices by permitting advance funding of deficiencies in the budgest of housing authorities, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. The first paragraph of section 32 of chapter 121B of the General Laws, as amended by section 1 of chapter 1114 of the acts of 1971, is hereby further amended by striking out the fourth sentence and inserting in place thereof the following two sentences:- Any deficiency in the budget of a housing authority caused by such reduced rental shall be paid by the commonwealth to the housing authority in an amount equal to the difference between the tenant's rent and the prorated cost of operating that unit. The commonwealth, acting through the department, may make payments in advance on account of such deficiency in such amounts and at such times as it deems proper.

SECTION 2. Clause (e) of section 40 of said chapter 121B is hereby amended by striking out the third sentence, as appearing in section 12 of chapter 1215 of the acts of 1973, and inserting in place thereof the following two sentences:- Any deficiency in the budget of a housing authority caused by such reduced rental

shall be paid by the commonwealth and paid to the housing authority in an amount equal to the difference between the tenant's rent and the prorated cost of operating that unit. The commonwealth, acting through the department, may make payments in advance on account of such deficient at such times and in such amounts as it deems proper.

Approved November 1, 1979.

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Chap. 670.      AN ACT RELATIVE TO THE COMMUNITY  
                  ANTENNA TELEVISION COMMISSION.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is, in part, to facilitate the orderly development of cable television in the commonwealth, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience. \_\_\_\_\_

Be it enacted, etc., as follows:

SECTION 1. The first paragraph of section 1 of chapter 166A of the General Laws is hereby amended by striking out clause (a) as appearing in section 1 of chapter 1103 of the acts of 1971, and inserting in place thereof the following clause:-

(a) "Commission", the community antenna television commissioner appointed pursuant to section two.

SECTION 2. Section 2 of said chapter 166A, as most recently amended by section 3 of chapter 674 of the acts of 1975, is hereby further amended by striking out the first two paragraphs and inserting in place thereof the following two paragraphs:-

There shall be established in the executive office of consumer affairs a community antenna television commission which shall consist of a commissioner. The commissioner shall be appointed by the governor for a term coterminous with that of the governor, shall receive an annual salary of twenty-six thousand five hundred twenty-seven dollars, and shall serve at the pleasure of the governor. The commissioner shall devote full time during business hours to the duties of the office, and shall be a registered voter in the commonwealth.

The commissioner shall, subject to the approval of the governor, appoint an executive director who shall not be subject to the provisions of chapter thirty-one. The executive director shall perform such duties as the commissioner directs, shall serve at the pleasure of the commissioner, and shall receive an annual salary of twenty-four thousand four hundred seventeen dollars.

SECTION 3. Said chapter 166A is hereby further amended by striking out section 2A, as amended by section 2 of chapter 96 of the acts of 1972, and inserting in place thereof the following section:-

Section 2A. The commissioner shall preside at all hearings except as hereinafter provided. The consumer's council shall have the authority to represent the people of the commonwealth in all such hearings and shall be deemed an aggrieved party for the purposes of judicial or administrative review of any decision or ruling in such proceedings. Matters other than those of



formal or administrative character may be heard, examined and investigated by an employee of the commission designated and assigned thereto by the commissioner. Such employee shall make a report in writing on every such matter to the commissioner for the commissioner's decision thereon. For the purposes of hearing, examining and investigating any such matter such employee shall have all of the powers conferred upon a commissioner by section seventeen, and all pertinent provisions of said section shall apply to such proceedings.

Approved November 1, 1979.

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Chap. 671.      AN ACT AUTHORIZING THE DEPARTMENT OF PUBLIC WORKS TO ERECT SIGNS ON STATE HIGHWAYS INDICATING THE AVAILABILITY OF CERTAIN SERVICES FOR THE CONVENIENCE OF THE PUBLIC.

Be it enacted, etc., as follows:

Chapter 85 of the General Laws is hereby amended by striking out section 2D, inserted by chapter 862 of the acts of 1967, and inserting in place thereof the following section:-

Section 2D. The department may, upon application by an interested person or persons and upon payment of an appropriate fee to be established by the department, erect on state highways, signs indicating the availability of gas, food and lodging and telephone or other services convenient to the public. Said signs shall be erected at such locations and shall be of such size and color and contain such wording or symbol as the department deems proper for the public convenience, and such signs shall be maintained by the department. Any sign erected under this section shall not constitute a billboard or other advertising device, as defined in section thirty of chapter ninety-three. The department may make such rules and regulations as may be necessary to carry out the provisions of this section.

Any fees collected under this section shall be paid over to the state treasurer and credited to the Highway Fund.

Notwithstanding the provisions of section five of chapter thirty A, no rule, regulation, change of regulation, or condition of the public works commission promulgated pursuant to the provisions of this section shall take effect except as hereinafter provided.

A copy of every such rule, regulation or condition shall be filed with the clerks of the senate and the house of representatives and shall be forthwith referred by them to the joint committee on transportation.

Said committee shall file a written report with the clerks of the senate and house of representatives within sixty days after the filing of the copy thereof with said clerks 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 sixty days after the filing of the copy thereof with the

clerks of the senate and house of representatives unless the general court has prorogued within said sixty days.

If the general court prorogues within sixty days of the filing with the clerks of the senate and house of representatives of such rules, regulations and conditions, said clerks shall refer the same to said committee in the next session of the general court. Said committee shall report as hereinbefore provided, within sixty days of the first day of such session and such rules, regulations and conditions shall take effect sixty days after such first day of such session unless disapproved by the majority vote of both branches of the general court within such sixty days.

The clerks of the senate and house of representatives shall notify the commission of the action taken thereon by the general court.

Approved November 1, 1979.

Chap. 672. AN ACT INCREASING THE AMOUNT TRUST COMPANIES, SAVINGS BANKS AND CO-OPERATIVE BANKS MAY INVEST IN UNITS OF CONDOMINIUMS.

Be it enacted, etc., as follows:

SECTION 1. Section 51C of chapter 167 of the General Laws is hereby amended by striking out the second sentence, as most recently amended by chapter 74 of the acts of 1974, and inserting in place thereof the following two sentences:- The aggregate balance of principal of all such loans outstanding at any one time shall not exceed twenty per cent of the deposits of such bank. A bank shall maintain an annual record of each such mortgage which shall indicate whether such mortgage is on a unit in a structure originally constructed as a condominium, in a structure which had been converted to a condominium, or in a structure which is presently being converted to a condominium.

SECTION 2. The requirements for records on first mortgages on a unit of a condominium prescribed by section one of this act shall only be compiled on such mortgages made, acquired or participated in after the effective date of this act.

Approved November 1, 1979.

Chap. 673. AN ACT RELATIVE TO THE HANDLING OF SLASH.

Be it enacted, etc., as follows:

SECTION 1. Section 16 of chapter 48 of the General Laws is hereby amended by striking out section 16, as most recently amended by chapter 108 of the acts of 1973, and inserting in place thereof the following section:-

Section 16. For the purposes of this section and section sixteen A, the following words and phrases shall have the following meanings:

"Forest or woods road", any permanently maintained road that

is not a highway, the primary use of which is access to forest lands for the purpose of forest management or presuppression and suppression of forest fires.

"Highway", any state road or land maintained by the department of public works of the commonwealth or any municipal or county maintained road, or private road other than a forest or woods road, of sufficient width to permit the simultaneous passage of two or more vehicles.

"Slash", tops, branches, damaged trees, slabs, sawdust from milling operations, or debris left from logging or land clearing operations.

Every owner, lessee, tenant or occupant of lands, or any rights or interests therein, except electric, telephone and telegraph companies, who cuts or permits the cutting of brush, wood or timber on lands which border upon woodland of another, or upon a highway or railroad location, or upon any forest or woods road to which the public has authorized access, shall dispose of the slash caused by such cutting in accordance with the following manner:

(a) hardwood slash shall not remain more than two feet above the ground within forty feet of any woodland of another, or of any railroad location, or of the outer edge of the boundary of any highway, or twenty feet from the outer edge of any forest or woods road;

(b) softwood slash shall not remain on the ground within forty feet of any woodland of another, or of any railroad location, or of the outer edge of the boundary of any highway, and shall not lie more than two feet above the ground between forty feet and one hundred feet of the outer edge of the boundary of any highway, or twenty-five feet from the edge of any forest or woods road;

(c) all slash resulting from such cutting operations shall be disposed of in such a manner as to minimize the danger from fire. No slash shall be permitted within twenty-five feet of any continuously flowing brook or stream, pond, river or water supply. The director of the division of forests and parks may make exceptions to this procedure in the preparation or approval of cutting plans; provided, however, that any exceptions made on lands adjacent to a state highway shall be approved by the commissioner of the department of public works.

This section shall apply to cutting operations subject to the provisions of chapter one hundred and thirty-two.

SECTION 2. Said chapter 48 is hereby further amended by inserting after said section 16 the following section:-

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

scattered in such a manner as to minimize the danger from fire. Wherever multiple highway systems exist adjacent to cuttings, no slash shall be permitted within one hundred feet from the outer edge of the highway. No slash shall be permitted within twenty-five feet of any brook, stream, pond, river or water supply.

This section shall apply to cutting or clearing operations not subject to the provisions of chapter one hundred and thirty-two.

Approved November 1, 1979.

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Chap. 674. AN ACT FURTHER DEFINING AND REGULATING CLINICS SUBJECT TO LICENSURE.

Be it enacted, etc., as follows:

SECTION 1. Section 52 of chapter 111 of the General Laws, as most recently amended by section 3 of chapter 1186 of the acts of 1973, is hereby further amended by striking out the definition of "Clinic" and inserting in place thereof the following definition:-

"Clinic", any entity, however organized, whether conducted for profit or not for profit, which is advertised, announced, established, or maintained for the purpose of providing ambulatory medical, surgical, dental, physical rehabilitation, or mental health services. In addition, "clinic" shall include any entity, however organized, whether conducted for profit or not for profit, which is advertised, announced, established, or maintained under a name which includes the word "clinic", "dispensary", or "institute", and which suggests that ambulatory medical, surgical, dental, physical rehabilitation, or mental health services are rendered therein. With respect to any entity which is not advertised, announced, established, or maintained under one of the names in the preceding sentence, "clinic" shall not include a medical office building, or one or more practitioners engaged in a solo or group practice, whether conducted for profit or not for profit, and however organized, so long as such practice is wholly owned and controlled by one or more of the practitioners so associated, or, in the case of a not for profit organization, its only members are one or more of the practitioners so associated or a clinic established solely to provide service to employees or students of such corporation or institution. No matter how the clinic is named, "clinic" shall not include a clinic conducted by a hospital licensed under section fifty-one or by the federal government, the commonwealth, or a local health department.

SECTION 2. Said section 52 of said chapter 111 is hereby further amended by adding the following definition:-

"Practitioner", any individual who may diagnose and treat medical, surgical, dental, physical rehabilitation, or mental health problems without limitation within the confines of his profession.

SECTION 3. Section 53 of said chapter 111, as most recently amended by section 4 of chapter 1186 of the acts of 1973, is hereby further amended by striking out the last sentence and inserting in place thereof the following sentence:- The department or its agents may visit and inspect at any time any institu-

tion, entity, or unit subject to licensure under section fifty-one.

SECTION 4. Section 56 of said chapter 111, as amended by section 6 of chapter 891 of the acts of 1967, is hereby further amended by adding the following paragraph:-

The supreme judicial or superior court shall have jurisdiction upon the filing of a civil complaint by the department to restrain and enjoin any violation of sections fifty-one to fifty-six, inclusive, or any regulations promulgated thereunder, and to take such other action as equity and justice may require to enforce them.

Approved November 1, 1979.

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Chap. 675. AN ACT TO REGULATE PUBLIC EXPENDITURES  
TO HOSPITALS FOR EXPENSES INCURRED IN  
LABOR DISPUTES.

Be it enacted, etc., as follows:

SECTION 1. Section 32 of chapter 6A of the General Laws is hereby amended by inserting after the fourth paragraph the following paragraph:-

No hospital shall receive reimbursement or payment from any governmental unit for amounts paid to employees, as salary, or to consultant or other firms, as fees, where the primary responsibility of the employees or consultants is, either directly or indirectly, to persuade or seek to persuade the employees of the hospital to support or oppose unionization. Attorney's fees for services rendered in dealing directly with a union, in advising hospital management of its responsibilities under the National Labor Relations Act, or for services at an administrative agency or court or for services by an attorney in preparation for the agency or court proceeding shall not be deemed to be support or opposition to unionization.

SECTION 2. Section 37 of said chapter 6A, as appearing in section 4 of chapter 409 of the acts of 1976, is hereby amended by inserting after the second paragraph the following paragraph:-

No such modification of charges shall be approved if it includes funds which may be paid to employees, as salary, or to consultant or other firms, as fees, where the primary responsibility of the employees or consultants is, either directly or indirectly, to persuade or seek to persuade the employees of the hospital to support or oppose unionization. Attorney's fees for services rendered in dealing directly with a union, in advising hospital management of its responsibilities under the National Labor Relations Act, or for services at an administrative agency or court for services by an attorney in preparation for the agency or court proceeding shall not be deemed to be support or opposition to unionization.

SECTION 3. The provisions of this act shall not apply to reimbursements for salaries of any full time employee of a hospital personnel department, provided that such employee commenced such full time employment at least eighteen months prior to the date of any union representation election.

Approved November 1, 1979.

Chap. 676. AN ACT ESTABLISHING A MANDATORY PRISON TERM FOR ONE WHO INDUCES A MINOR TO BECOME A PROSTITUTE.

Be it enacted, etc., as follows:

Chapter 272 of the General Laws is hereby amended by inserting after section 4 the following two sections:-

Section 4A. Whoever induces a minor to become a prostitute, or who knowingly aids and assists in such inducement, shall be punished by imprisonment in the state prison for not more than five, nor less than three years, and by a fine of five thousand dollars. The sentence of imprisonment imposed under this section shall not be reduced to less than three years, nor suspended, nor shall any person convicted under this section be eligible for probation, parole or furlough or receive any deduction from his sentence for good conduct or otherwise until he shall have served three years of such sentence. Prosecutions commenced under this section shall not be continued without a finding nor placed on file.

Section 4B. Whoever lives or derives support or maintenance, in whole or in part, from the earnings or proceeds of prostitution committed by a minor, knowing the same to be earnings or proceeds of prostitution, or shares in such earnings, proceeds or monies, shall be punished by imprisonment in the state prison for not less than five years and by a fine of five thousand dollars. The sentence imposed under this section shall not be reduced to less than five years, nor suspended, nor shall any person convicted under this section be eligible for probation, parole or furlough or receive any deduction from his sentence for good conduct or otherwise until he shall have served five years of such sentence. Prosecutions commenced under this section shall not be continued without a finding nor placed on file.

Approved November 1, 1979.

Chap. 677. AN ACT PROVIDING FOR THE MORE ADEQUATE MANAGEMENT OF THE EXECUTIVE DEPARTMENT AND ESTABLISHING AN ADEQUATE SALARY SCHEDULE FOR THE EXECUTIVE AND LEGISLATIVE DEPARTMENTS.

Be it enacted, etc., as follows:

SECTION 1. Chapter 3 of the General Laws is hereby amended by striking out section 9, as most recently amended by chapter 159 of the acts of 1979, and inserting in place thereof the following section:-

Section 9. Except as hereinafter provided each member of the general court shall receive for each regular annual session, compensation equal to that which a state employee classified in Job Group XXI of the general salary schedule in section forty-six of chapter thirty would receive in a calendar year as follows: for the nineteen hundred and eighty session, step 4 of said job

group; for the nineteen hundred and eighty-one session, step 5 of said job group; for the nineteen hundred and eighty-two session, step 6 of said job group; for the nineteen hundred and eighty-three session and thereafter, step 7 of said job group. The president of the senate and the speaker of the house of representatives shall each receive for each regular session an amount equal to two and three-quarters times the compensation received by a member. The chairman of the senate committee on ways and means, the chairman of the house committee on ways and means, and the floor leaders of each of the major political parties in the senate and the house of representatives shall each receive twice the compensation received by a member. The assistant floor leader of each of the major political parties in the senate and the house of representatives, the second assistant floor leader of each of the major political parties in the senate and the house of representatives and the third assistant floor leader of the minority party in the senate and the house of representatives, the vice chairman of the house committee on ways and means and the vice chairman of the senate committee on ways and means and the senate chairman and house chairman of the committee on post audit and oversight shall each receive one and one-half times the compensation received by a member. The senate chairman and the house chairman of each of the joint standing committees not hereinbefore provided for and the senate and house chairmen of the committees on bills in the third reading and the house vice chairman of the committee on post audit and oversight and the assistant vice chairman of the house committee on ways and means shall receive one and one-third times the compensation received by a member, however, that no chairman of a joint standing committee on either branch who serves as chairman of more than one such committee shall receive more than the compensation established for a chairman of one of any such committees. Each member of the general court shall be entitled to be paid for his compensation for each such session at the rate of one-twelfth the amount of compensation for such session for each full month of the session. Such payment shall be paid to him, upon his request, on the last legislative day in which the general court is in session preceding the fifteenth day of each month and on the date preceding the last legislative day of each month, and shall be for an amount not exceeding the proportion then due at the aforesaid rate; provided, that the state treasurer may, during such regular session, make additional payments on account, in excess of such monthly rate, to any member making written request but the amount of such additional payments shall not exceed, in the aggregate, fifteen hundred dollars in any one such session, or two thousand dollars if such session continues beyond July first and in no event shall the amount of all payments under this section during such session to any member exceed, in the aggregate, the compensation of such member for such session.

SECTION 2. Chapter 6 of the General Laws is hereby amended by striking out section 1, as most recently amended by section 1 of chapter 835 of the acts of 1969, and inserting in place thereof the following section:-

Section 1. The governor shall receive a salary of sixty thousand dollars.

SECTION 3. Said chapter 6 is hereby further amended by striking out section 2, as most recently amended by section 22 of chapter 480 of the acts of 1976, and inserting in place thereof the following section:-

Section 2. The lieutenant governor shall receive a salary of forty thousand dollars; but if the office of governor shall be vacant for a period of more than thirty days he shall, for the time during which he performs the duties of governor, receive at the rate allowed to the governor.

SECTION 4. Section 16 of chapter 6A of the General Laws is hereby amended by adding the following paragraph:-

The secretary of human services may, notwithstanding the provisions of section forty-five of chapter thirty or chapter thirty-one, but subject to the approval of the governor and to appropriation, appoint such senior staff, including undersecretaries, deputy secretaries, assistant secretaries, a general counsel, a budget director and executive assistants, as the secretary determines to be appropriate; provided, however, that such appointments shall number no more than nine. Each person appointed to such senior staff position shall have experience and skill in the field or functions of such position; shall receive such salary as the secretary shall determine, subject to the approval of the governor; and, shall devote full time to the duties of the office.

SECTION 5. The first paragraph of section 4A of said chapter 7 is hereby amended by striking out the first sentence, as most recently amended by section 1B of chapter 514 of the acts of 1978, and inserting in place thereof the following two sentences:- The executive office for administration and finance shall include: 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 comptroller's division, in charge of a comptroller, who shall have the rank of deputy commissioner and shall be appointed by the governor for a term coterminous with that of the governor; 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; a central services division, headed by a deputy commissioner for central services; and a department of revenue, headed by the commissioner of revenue. Notwithstanding the provisions of section forty-five of chapter thirty or chapter thirty-one, the commissioner, subject to appropriation, may determine the salary, subject to the approval of the governor, of the comptroller, the personnel administrator, the deputy commissioner for fiscal affairs, the deputy commissioner for central services, and the commissioner of revenue.

SECTION 6. Said chapter 7 is hereby further amended by



striking out section 4B, as most recently amended by section 6 of chapter 835 of the acts of 1974, and inserting in place thereof the following section:-

Section 4B. There shall be within the fiscal affairs division a budget bureau, headed by a budget director; a management bureau, headed by a director of management; and such other administrative units as may be established in or assigned to the said division from time to time by the commissioner. The said budget director shall be a person of ability and experience; shall be appointed by the commissioner, with the approval of the governor, such position shall not be subject to the provisions of section forty-five of chapter thirty or chapter thirty-one; shall serve at the pleasure of the commissioner; shall receive such salary as the commissioner shall determine, with the approval of the governor; and shall devote his entire time to the duties of his office. The said director of management shall be a person of ability and experience; shall be appointed by the commissioner, with the approval of the governor, and may be removed, for cause, in like manner; shall devote his entire time to the duties of his office; and said office shall not be classified under chapter thirty-one.

SECTION 7. The first paragraph of section 4D of said chapter 7, as amended by section 7 of chapter 704 of the acts of 1969, is hereby further amended by adding the following two sentences:- The commissioner may, without regard to section forty-five of chapter thirty or chapter thirty-one, but subject to approval of the governor, appoint no more than two assistant secretaries. Each such assistant secretary shall be a person of ability and experience, shall devote his entire time to the duties of his office, and shall receive such salary as the commissioner shall determine, with the approval of the governor.

SECTION 8. Section 5 of said chapter 7, as appearing in section 4 of chapter 757 of the acts of 1962, is hereby amended by striking out the first sentence and inserting in place thereof the following two sentences:- The commissioner may, with the consent of the governor, appoint a first deputy commissioner of administration, who shall also serve as undersecretary. Said first deputy commissioner shall be a person of ability and experience; shall serve at the pleasure of the commissioner; shall receive such salary as the commissioner, with the approval of the governor, shall determine; and, shall devote his entire time to the duties of his office.

SECTION 9. Section 1 of chapter 9 of the General Laws is hereby amended by striking out the third sentence, as most recently amended by section 23 of chapter 480 of the acts of 1976, and inserting in place thereof the following sentence:- The state secretary shall receive a salary of forty thousand dollars.

SECTION 10. Section 1 of chapter 10 of the General Laws is hereby amended by striking out the second sentence, as most recently amended by section 24 of said chapter 480, and inserting in place thereof the following sentence:- The state treasurer

shall receive a salary of forty thousand dollars.

SECTION 11. Section 10 of chapter 11 of the General Laws is hereby amended by striking out the second sentence, as most recently amended by section 25 of said chapter 480, and inserting in place thereof the following sentence:- The state auditor shall receive a salary of forty thousand dollars and 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 and council.

SECTION 12. Section 1 of chapter 12 of the General Laws is hereby amended by striking out the second sentence, as most recently amended by section 14B of chapter 442 of the acts of 1978, and inserting in place thereof the following sentence:- The attorney general shall receive a salary of forty-seven thousand five hundred dollars.

SECTION 13. The second paragraph of section 2 of chapter 14 of the General Laws, as most recently amended by section 5B of chapter 514 of the acts of 1978, is hereby further amended by striking out the second sentence.

SECTION 14. Section one of this act shall take effect on January first, nineteen hundred and eighty and section fove of this act shall take effect as of September thirtieth, nineteen hundred and seventy-nine.

Approved November 3, 1979.

EMERGENCY LETTER November 7, 1979 @ 10:54 A.M.

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Chap. 678. AN ACT REQUIRING CERTAIN INFORMATION  
ON APPLICATIONS FOR REGISTRATION OF  
MOTOR VEHICLES AND TRAILERS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately require certain information on applications for registration of motor vehicles, therefore it is hereby feclared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

The first paragraph of section 2 of chapter 90 of the General Laws, as most recently amended by chapter 386 of the acts of 1978, is hereby further amended by striking out the fourth sentence and inserting in place thereof the following sentence:- 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, and shall also contain a statement by the applicant under the penalties of perjury that there are no outstanding excise tax liabilities on said motor vehicle which have been incurred by the applicant, any member of his immediate family who is a member of the applicant's household, or any business partner of the applicant.

Approved November 5, 1979.

Chap. 679. AN ACT AUTHORIZING THE CITY MANAGER OF THE CITY OF CAMBRIDGE 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 Cambridge 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 city manager 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 city manager of said city. Appointments from such list may, at the discretion of the appointing authority of said city, 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 Cambridge in any calendar year, shall be made under the provisions of this act. The city manager of the city of Cambridge 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 sixty-one 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 November 5, 1979.

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Chap. 680. AN ACT RELATIVE TO A CERTAIN CONTRACT MADE BY THE DEPARTMENT OF PUBLIC UTILITIES.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section twenty-nine A of chapter twenty-nine of the General Laws and any other general or special law, rule or regulation to the contrary, the effective date of the contract between William M. Cloran and the department of public utilities shall be August 20, 1979, and providing further that said contract shall be considered to have been filed with the comptroller on said date.

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

Approved November 5, 1979.

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Chap. 681. AN ACT CLARIFYING THE DEFINITION OF  
REGULAR COMPENSATION.

Be it enacted, etc., as follows:

Section 1 of chapter 32 of the General Laws is hereby amended by striking out the definition of "Regular compensation", as most recently amended by chapter 279 of the acts of 1973, and inserting in place thereof the following definition:-

"Regular compensation", during any period prior to January first, nineteen hundred and forty-six, shall mean the full salary, wages or other compensation in whatever form, lawfully determined for the individual service of the employee by the employing authority, from which regular deductions were made pursuant to the provisions of chapter thirty-two applicable from time to time prior to such date; provided, that if the amount of such salary, wages or other compensation has been reduced or increased during any such period as a general temporary adjustment due to the cost of living or to other economic conditions, and if the board has received from the appropriate authority a written notice of such fact or if the board is satisfied of such fact after an investigation which it shall make prior to July first, nineteen hundred and forty-six, or which it shall make thereafter and not later than six months after a system becomes operative for the employees of any governmental unit, such amount shall, for the purpose of any computations made under the provisions of sections one to twenty-eight, inclusive, involving the use of an annual or an average annual rate of regular compensation during any such period, but not for the purpose of affecting any regular deductions already made, remain unaffected by such general temporary adjustment. "Regular compensation", during any period subsequent to December thirty-first, nineteen hundred and forty-five, shall mean the salary, wages or other compensation in whatever form, lawfully determined for the individual service of the employee by the employing authority, not including bonus, overtime, severance pay for any and all unused sick leave, early retirement incentives, or any other payments made as a result of giving notice of retirement, but including evaluated maintenance as provided for in paragraph (c) of subdivision (1) of section twenty-two, and including any part of such salary, wages or other compensation derived from federal grants except as provided in clause (xi) of paragraph (a) of subdivision (2) of section three; provided, that during any period subsequent to June thirtieth, nineteen hundred and forty-eight, salary, wages or other compensation payable in the form of cost of living bonuses and cost of living pay adjust-

ments shall be included in such term. In the case of a teacher employed in a public day school who is a member of the teachers' retirement system, salary payable under the terms of an annual contract for additional services in such a school and also compensation for services rendered by said teacher in connection with a school lunch program or for services in connection with a program of instruction of physical education and athletic contests as authorized by section forty-seven of chapter seventy-one shall be regarded as regular compensation rather than as bonus or overtime and shall be included in the salary on which deductions are to be paid to the annuity savings fund of the teachers' retirement system. In the case of police officers, firefighters and employees of a municipal department who are employed as fire alarm signal operators or signal maintenance repairmen, money paid for holidays shall be regarded as regular compensation rather than as overtime and shall be included in the salary on which deductions are to be paid to the annuity savings fund. Regular compensation shall also include all premiums paid by any governmental unit for the purchase of an individual or group annuity contract as authorized by section eighteen A of chapter fifteen or section thirty-seven B of chapter seventy-one.

Approved November 5, 1979.

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Chap. 682.      AN ACT AUTHORIZING THE DIVISION OF  
WATER POLLUTION CONTROL TO MAKE  
CERTAIN GRANTS FOR MODIFICATION OF  
PROJECTS FOR TREATMENT WORKS.

•Whereas, The deferred operation of this act would tend to defeat its purpose, which is, in part, to eliminate, immediately, operational deficiencies existing within the Hoosac Water Quality District's secondary waste water treatment works, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public health. \_\_\_\_\_

Be it enacted, etc., as follows:

Notwithstanding the provisions of section thirty-three of chapter twenty-one of the General Laws, the division of water pollution control is hereby authorized and directed to include in its schedule of payment to districts as provided in said section thirty-three an amount not to exceed five hundred thousand dollars to reimburse the Hoosac Water Quality District for ninety per cent of all construction and engineering costs incurred and costs to be incurred in connection with the reconstruction of the two main influent sewers adjacent to and discharging into the Hoosac Water Quality District's waste water treatment facility.

Approved November 6, 1979.

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Chap. 683.      AN ACT EXEMPTING THE OFFICE OF SEALER  
OF WEIGHTS AND MEASURES IN THE TOWN OF  
LONGMEADOW FROM THE PROVISIONS OF THE  
CIVIL SERVICE LAW.

Be it enacted, etc., as follows:

SECTION 1. The office of the sealer of weights and measures in the town of Longmeadow shall be exempt from the provisions of chapter thirty-one of the General Laws, provided, however, that the sealer of weights and measures in said town may be removed from office at any time after a hearing by the board of selectmen, in accordance with the provisions of said chapter thirty-one.

SECTION 2. This act shall take effect upon its passage.  
Approved November 7, 1979.

Chap. 684. AN ACT AUTHORIZING THE METROPOLITAN DISTRICT COMMISSION TO GRANT AN EASEMENT TO THE TOWN OF WESTON.

Be it enacted, etc., as follows:

SECTION 1. The metropolitan district commission is hereby authorized to grant to the town of Weston a permanent easement for a sidewalk, footpath and bicycle path on land held by said commission and located on the easterly side of Ash street in said town. Said easement shall be ten feet wide, shall directly abut the present easterly sideline of said Ash street, and shall extend for the length of said Ash street abutting said commission land. Said easement shall be granted upon such terms as may be acceptable to said commission.

SECTION 2. This act shall take effect upon its passage.  
Approved November 7, 1979.

Chap. 685. AN ACT PROVIDING FOR THE TRANSFER OF CERTAIN LAND BY THE METROPOLITAN DISTRICT COMMISSION TO THE TOWN OF CLINTON.

Be it enacted, etc., as follows:

SECTION 1. The metropolitan district commission acting for and on behalf of the commonwealth is hereby authorized and directed to convey to the town of Clinton, by a deed, approved as to form by the attorney general, upon such terms and conditions as are mutually acceptable, a parcel of land situated in said town and described as follows:-

A certain parcel of land situated on the northerly side of Route 110 and in the southwesterly part of the Town of Clinton, Worcester County, Massachusetts containing 27.6 acres, more or less.

Beginning at a point in the northerly location line of the 1898 County layout of Route 110, said point being 1670 feet, more or less, easterly of the Sterling-Clinton Town line;

THENCE northerly 535 feet, more or less, by other land of the Commonwealth of Massachusetts to a point on the southerly line of the Boston & Maine Railroad;

THENCE easterly 575 feet, more or less, by said southerly location line of said railroad to a point;

THENCE easterly 150 feet, more or less, by land of said railroad to a point;

THENCE easterly 550 feet, more or less, by land of said railroad to a point;

THENCE easterly 70 feet, more or less, by land of said railroad to a point;

THENCE easterly 720 feet, more or less, by land of said railroad to a point;

THENCE northerly 90 feet, more or less, by land of said railroad to a point;

THENCE 330 feet, more or less, by said southerly line of said railroad to a point in the westerly sideline of South Meadow Road;

THENCE southerly 220 feet, more or less, by said westerly sideline of South Meadow Road to a point;

THENCE southerly 220 feet, more or less, by said westerly sideline of South Meadow Road to a point in the northerly location line of the 1898 County layout of Route 110;

THENCE south 50°45' west 1154 feet, more or less, by said northerly location line to stone monument #8;

THENCE by a curve to the right of 1116.28 feet radius 319.27 feet by said northerly location line of Route 110 to stone monument #7;

THENCE south 67°08' west 869 feet, more or less, by said northerly location line of Route 110 to point of beginning.

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

Approved November 7, 1979.

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Chap. 686.      AN ACT PROVIDING FOR CERTAIN EXPENSES  
FOR MEMBERS OF THE GENERAL COURT.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately provide for certain modifications in the expenses of the members of the general court, 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 9B of chapter 3 of the General Laws, as amended by section 5 of chapter 19 of the acts of 1969, is hereby further amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

Each member of the general court shall receive twenty-four hundred dollars annually for expenses to be paid as follows:- each member shall be entitled to receive two hundred dollars on the first day of each session and on the first day of each month thereafter until said sum of twenty-four hundred dollars shall have been paid; and on the last day of the session there shall be paid to each member of the general court the balance, if any, of said sum of twenty-four hundred dollars.

SECTION 2. Said section 9B of said chapter 3 is hereby further amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

A member of the general court who lives in the city or town of Arlington, Belmont, Boston, Brookline, Cambridge, Chelsea, Dedham, Everett, Lynn, Malden, Medford, Melrose, Milton, Nahant, Newton, Quincy, Revere, Saugus, Somerville, Stoneham, Wakefield, Waltham, Watertown, Winchester, Winthrop, or Woburn, shall receive a per diem allowance for mileage, meals and lodging of five dollars per day; a member of the general court who lives in the city or town of Abington, Andover, Avon, Bedford, Beverly, Billerica, Boxford, Braintree, Brockton, Burlington, Canton, Carlisle, Cohasset, Concord, Danvers, Dover, Easton, Framingham, Hamilton, Hanover, Hingham, Holbrook, Hull, Lexington, Lincoln, Lynnfield, Manchester, Marblehead, Medfield, Middleton, Millis, Natick, Needham, North Andover, North Reading, Norwell, Norwood, Peabody, Randolph, Reading, Rockland, Salem, Scituate, Sharon, Sherborn, Stoughton, Sudbury, Swampscott, Tewksbury, Topsfield, Walpole, Wayland, Wellesley, Wenham, Weston, Westwood, Weymouth, Whitman, or Wilmington, shall receive a per diem allowance for mileage, meals and lodging of nine dollars per day; a member of the general court who lives in the city or town of Acton, Ashland, Ayer, Bellingham, Blackstone, Bolton, Boxborough, Bridgewater, Carver, Chelmsford, Dracut, Dunstable, Duxbury, East Bridgewater, Essex, Foxborough, Franklin, Georgetown, Gloucester, Groton, Groveland, Halifax, Hanson, Harvard, Haverhill, Holliston, Hopedale, Hopkinton, Hudson, Ipswich, Kingston, Lakeville, Lawrence, Littleton, Lowell, Mansfield, Marlborough, Marshfield, Maynard, Medway, Mendon, Methuen, Middleborough, Milford, Millville, Newbury, Newburyport, Norfolk, Northborough, Norton, Pembroke, Plainville, Plympton, Raynham, Rockport, Rowley, Shirley, Southborough, Stow, Tyngsborough, Upton, Westborough, West Bridgewater, Westford, West Newbury, or Wrentham, shall receive a per diem allowance for mileage, meals and lodging of thirteen dollars per day; a member of the general court who lives in the city or town of Acushnet, Amesbury, Ashby, Attleboro, Auburn, Berkley, Berlin, Boylston, Clinton, Dighton, Douglas, Fall River, Fitchburg, Freetown, Grafton, Holden, Lancaster, Leicester, Leominster, Lunenburg, Marion, Mattapoisett, Merrimac, Millbury, Northbridge, North Attleborough, Oxford, Paxton, Pepperell, Plymouth, Princeton, Rehoboth, Rochester, Rutland, Salisbury, Seekonk, Shrewsbury, Somerset, Sterline, Sutton, Swansea, Taunton, Townsend, Uxbridge, Wareham, Webster, West Boylston, Westminster, or Worcester, shall receive a per diem allowance for mileage, meals and lodging of eighteen dollars per day; a member of the general court who lives in the city or town of Ashburnham, Barre, Bourne, Brookfield, Charlton, Dartmouth, Dudley, East Brookfield, Fairhaven, Gardner, Hubbardston, New Bedford, New Braintree, North Brookfield, Oakham, Sandwich, Southbridge, Spencer, Sturbridge, Templeton, Warren, West Brookfield, Westport, or Winchendon, shall receive a per diem allowance for mileage, meals and lodging of twenty-two dollars and fifty cents per day; a member of the general court who lives in the city or town of Athol, Barnstable, Belchertown, Brimfield, Dennis, Falmouth, Hardwick, Holland, Mashpee, Monson, New Salem, Orange, Palmer, Petersham, Phillipston, Royalston, Wales, Ware, or Yarmouth, shall receive a per diem allowance for mileage,



meals and lodging of twenty-five dollars per day; a member of the general court who lives in the city or town of Amherst, Brewster, Chatham, Chicopee, Eastham, East Longmeadow, Erving, Gill, Granby, Hadley, Hampden, Harwich, Leverett, Longmeadow, Ludlow, Montague, Northfield, Orleans, Pelham, Shutesbury, South Hadley, Springfield, Sunderland, Warwick, Wendell, or Wilbraham, shall receive a per diem allowance for mileage, meals and lodging of thirty dollars per day; a member of the general court who lives in the city or town of Agawam, Bernardston, Conway, Deerfield, Easthampton, Greenfield, Hatfield, Holyoke, Leyden, Montgomery, Northampton, Shelburne, West Springfield, Whately, or Williamsburg, shall receive a per diem allowance for mileage, meals and lodging of thirty-three dollars per day; a member of the general court who lives in the city or town of Ashfield, Blandford, Buckland, Charlemont, Chester, Chesterfield, Colrain, Cummington, Goshen, Granville, Hawley, Heath, Huntington, Plainfield, Provincetown, Russell, Tolland, or Worthington, shall receive a per diem allowance for mileage, meals and lodging of thirty-seven dollars per day; a member of the general court who lives in the city or town of Becket, Dalton, Florida, Hinsdale, Lee, Middlefield, Monroe, Monterey, Otis, Peru, Rowe, Sandisfield, Savoy, Tyringham, Washington, or Windsor, shall receive a per diem allowance for mileage, meals and lodging of forty-one dollars per day; a member of the general court who lives in the city or town of Adams, Alford, Cheshire, Chilmark, Clarksburg, Edgartown, Egremont, Gay Head, Gosnold, Great Barrington, Hancock, Lanesborough, Lenox, Mount Washington, New Ashford, New Marlborough, North Adams, Oak Bluffs, Pittsfield, Richmond, Sheffield, Stockbridge, Tisbury, West Stockbridge, West Tisbury, or Williamstown, shall receive a per diem allowance for mileage, meals and lodging of forty-five dollars per day; a member of the general court who lives in the town of Nantucket shall receive a per diem allowance for mileage, meals and lodging of fifty dollars per day.

Whenever the general court is not in session, but not having prorogued, each members shall also receive such per diem allowance for each weekday, excluding holidays, for travel from his place of residence to the state house and return therefrom, while in the performance of his official duties, upon certification to the state treasurer that he was present at the state house.

Each member of the general court shall also be paid such per diem allowance after prorogation of the general court for each weekday, excluding holidays, for travel from his place of residence to the state house and return therefrom while in the performance of his official duties upon certification to the state treasurer that he was present at the state house.

SECTION 3. Notwithstanding the provisions of section nine B of chapter three of the General Laws, each member of the general court shall, for the period commencing July first, nineteen hundred and seventy-nine and ending December thirty-first, nineteen hundred and seventy-nine, on the first day of each month receive the sum of two hundred dollars until the sum of eighteen hundred dollars has been paid; and on the last day of the session there shall be paid to each member of the general

court the balance, if any, of said sum of eighteen hundred dollars.

SECTION 4. Section one of this act shall take effect on January first, nineteen hundred and eighty. Section three of this act shall take effect as of July first, nineteen hundred and seventy-nine, and shall become inoperative on December thirty-first, nineteen hundred and seventy-nine.

Approved November 7, 1979.

Chap. 687. AN ACT RELATIVE TO THE REGISTRATION OF LAND SURVEYORS.

Be it enacted, etc., as follows:

Subsection (2) of section 81J of chapter 112 of the General Laws, as appearing in section 5 of chapter 707 of the acts of 1970, is hereby amended by adding the following clause:-

(f) A person, with a record of at least twenty years of lawful practice in land surveying work, of which at least ten years he has been responsible for major land surveying work, of a grade and character which indicates to the board that the person may be competent to practice land surveying and who has passed an oral or written examination in the principles and practice of land surveying, and is otherwise qualified, shall be registered to practice land surveying in the commonwealth.

Approved November 7, 1979.

Chap. 688. AN ACT AUTHORIZING THE DEPARTMENT OF PUBLIC WORKS TO ACQUIRE CERTAIN PUBLIC LANDS IN THE TOWN OF DUNSTABLE 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, 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 consists of five parcels and are shown on a map entitled "Plan Public Lands in the Town of Dunstable to be taken for highway purposes, July 1978" which plan said department is hereby directed to file with the office of the chief engineer of said department, and are bounded and described as follows:-

Parcel 1-D-8

A certain parcel of land owned by the Town of Dunstable and being used by it for conservation purposes and is vacant land and to be diverted by the department of public works for construction of Massachusetts auto route 113 for highway purposes,

being more fully described as follows:

Beginning at a point adjoining the southerly location line of Groton Road, southerly of Station 102 of the location line of Pleasant Street, and being bounded northerly by said location line about forty (40) feet; westerly about twenty (20) feet by other land of the Town of Dunstable; southerly about forty (40) feet by other land of the Town of Dunstable; easterly about twenty (20) feet by other land of the Town of Dunstable; containing approximately two one hundredths (0.02) acres of land, more or less.

Parcel 1-TE-1

A certain parcel of land owned by the Town of Dunstable and being used by it for its water works and is vacant land and to be diverted by the department of public works for construction of Massachusetts auto route 113 for highway purposes, being more fully described as follows:

Beginning at a point adjoining the northerly location line of Pleasant Street at a point opposite Station 136 and bounded southerly by said location line four hundred nine (409) feet; westerly about sixteen (16) feet by land now or formerly of Adolph Constrom and Olga Constrom, northerly about four hundred (400) feet by other land of the Town of Dunstable; easterly about twenty (20) feet by land now or formerly of James K. Matteson and Diane L. Matteson, containing approximately sixteen one hundredths (0.16) acres of land, more or less.

Parcel 1-TE-2

A certain parcel of land owned by the Town of Dunstable and being used by it for conservation purposes and is vacant land and to be diverted by the department of public works for construction of Massachusetts auto route 113 for highway purposes, being more fully described as follows:

Beginning at a point adjoining the southerly location line of Pleasant Street, at a point opposite Station 110.50 and bounded northerly by said location line one hundred (100) feet; westerly about six hundred ninety-six (696) feet by the easterly location line of Groton Road; southerly about twenty-five (25) feet by other land of the Town of Dunstable; easterly about seven hundred sixty-five (765) feet by other land of the Town of Dunstable; southerly about fifteen (15) feet by other land of the Town of Dunstable; easterly about fifty-six (56) feet by other land of the Town of Dunstable; and westerly about forty-seven (47) feet by Salmon Brook, containing approximately forty-five hundredths (0.45) acres of land, more or less.

Parcel 1-TS-61

A certain parcel of land owned by the Town of Dunstable and being used by it for school purposes and is vacant land and to be diverted by the department of public works for construction of Massachusetts auto route 113 for highway purposes, being more fully described as follows:

Beginning at a point adjoining the southerly location line of Pleasant Street, at a point opposite Station 146 and bounded northerly by said location line about one hundred sixty-six (166) feet; easterly about five (5) feet by land, now or formerly of

the Evangelical Congregational Church; southerly by other land of the Town of Dunstable about one hundred sixty-six (166) feet; westerly about five (5) feet by land now or formerly of David F. Giza and Bonita N. Giza, and containing approximately two one hundredths (0.02) acres of land, more or less.

Parcel 1-TS-63

A certain parcel of land owned by the Town of Dunstable and being used by it for the town yard and is vacant land and to be diverted by the department of public works for construction of Massachusetts auto route 113 for highway purposes, being more fully described as follows:

Beginning at a point adjoining the southerly location line of Pleasant Street, at a point opposite Station 126.70 and bounded by said location line about forty-three (43) feet; westerly about ten (10) feet by other land of the Town of Dunstable; northerly about forty-three (43) feet by other land of the Town of Dunstable; easterly about ten (10) feet by land now or formerly of Louis A. Chartier and Dorothea L. Chartier, containing approximately one one hundredths (0.01) acres of land, more or less.

Parcel 1-TE-3

A certain parcel of land owned by the Town of Dunstable and being used by it for its water works and is vacant land and to be diverted by the department of public works for construction of Massachusetts auto route 113 for highway purposes, being more fully described as follows:

Beginning at a point adjoining the southerly location line of Pleasant Street, at a point opposite Station 136 and bounded northerly by said location line about one hundred thirty (130) feet; easterly about twenty-five (25) feet by land now or formerly of Evelyn B. Wells; southerly about one hundred thirty (130) feet by other land of said Town of Dunstable; westerly about twenty-five (25) feet by other land of said Town of Dunstable, containing approximately seven one hundredths (0.07) acres of land, more or less.

Approved November 7, 1979.

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Chap. 689.      AN ACT AUTHORIZING THE TRANSFER OF  
CERTAIN LAND HELD BY THE DEPARTMENT  
OF EDUCATION AND LOCATED IN THE TOWN  
OF WAREHAM TO THE DEPARTMENT OF PUBLIC  
WORKS FOR HIGHWAY PURPOSES.

Be it enacted, etc., as follows:

Chapter 617 of the acts of 1971 is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

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, November 4, 1970", which said department is hereby directed to file in the office of the state secretary and which said secretary is hereby authorized to receive for filing, and are identified as follows:

For the construction of Route 25 in the town of Wareham.

1. In the town of Wareham, approximately three and fifty-four hundredths acres of land, owned by the commonwealth, and under the control of the department of education, used for agricultural experimental purposes, and consisting of seven parcels of land, more particularly described as follows:

Parcel No. 7-27

Beginning at a point on the northerly location line of Route 25 and extending thence westerly along said location line about forty-four (44) feet; thence leaving said location line easterly about forty-two (42) feet to a point; thence northerly about six (6) feet to the point of beginning. Said parcel of land contains about one hundred thirty (130) square feet of land.

Parcel No. 7-30

Beginning at a point at the edge of Union Pond and extending thence southwesterly along the edge of said Pond about fifty-two (52) feet; thence leaving the edge of said Pond northwesterly about two hundred ninety-one (291) feet to a point; thence northwesterly about thirty-six (36) feet to a point on the easterly street line of Old Glen Charlie Way; thence northeasterly along said Way about eighty-four (84) feet, about one hundred and six (106) feet, and about two hundred eighty-seven (287) feet to a point on the easterly street line of Glen Charlie Road; thence leaving said Way northerly along said Road about two hundred and seven (207) feet to a point; thence westerly about ten (10) feet to a point; thence northerly about two hundred and twenty-two feet (222) to a point on the northerly location line of Route 25; thence leaving said street line and along said location line northeasterly about sixty-eight (68) feet; thence southerly about five hundred and ninety-one (591) feet, about one hundred thirty-two (132) feet, and about fifty-three (53) feet to a point; thence southeasterly about one hundred thirteen (113) feet to a point; thence leaving said location line, northwesterly about eighty-seven (87) feet to a point; thence southwesterly about one hundred thirty-one (131) feet to a point; thence southeasterly about three hundred and nine (309) feet to the point of beginning. Said parcel of land contains about one and forty-five hundredths (1.45) acres of land.

Parcel No. 7-31

Beginning at a point on the northerly location line of Route 25 and extending thence northwesterly along said location line about three hundred sixty-five (365) feet to a point; thence leaving said location line southeasterly about one hundred fifty-seven (157) feet to a point; thence southeasterly one hundred one (101) feet and about one hundred one (101) feet to a point; thence northeasterly about seventy-seven (77) feet to the point of beginning. Said parcel of land contains about forty hundredths (0.40) acres of land.

Parcel No. 7-49

Beginning at a point on the westerly street line of Glen Charlie Road and extending thence northeasterly along said street line about fifty (50) feet; thence leaving said street line northwesterly about four hundred and nine (409) feet to a point at the edge of

Agawam River-Mill Pond; thence along the edge of said Pond southwesterly about fifty (50) feet to a point; thence leaving the edge of said Pond southeasterly about four hundred eleven (411) feet to the point of beginning. Said parcel of land contains about forty-six hundredths (0.46) acres of land.

Parcel No. 7-3-T

Beginning at a point on the northerly location line of Route 25 and extending thence northwesterly along said location line about three hundred sixty-five (365) feet; thence leaving said location line northerly about forty-five (45) feet to a point; thence northwesterly about ninety-nine (99) feet to a point on said location line; thence along said location line about one hundred thirteen (113) feet to a point; thence northeasterly about fifty-three (53) feet to a point; thence leaving said location line southeasterly about six hundred thirty-two (632) feet to a point; thence southwesterly about fifteen feet (15) and about forty-five (45) feet to the point of beginning. Said parcel of land contains about sixty-eight hundredths (0.68) acres of land.

Parcel No. 7-6-T

Beginning at a point on the northerly location line of Route 25 and extending thence southwesterly along said location line about sixty-eight (68) feet, said point also being on the easterly street line of Glen Charlie Road; thence leaving said location line and along said street line northerly about five hundred sixty-three (563) feet; thence leaving said street line southerly about five hundred twenty-five (525) feet to the point of beginning. Said parcel of land contains about thirty-five hundredths (0.35) acres of land.

Parcel No. 7-10-T

Beginning at a point on the northerly location line of Route 25 and extending thence westerly along said location line about forty-four (44) feet to a point; thence leaving said location line northwesterly about one hundred eighty-four (184) feet to a point; thence northerly about fifteen (15) feet to a point; thence easterly about two hundred twenty-three (223) feet to a point; thence southerly about fifty-one (51) feet to the point of beginning. Said parcel of land contains about nineteen hundredths (0.19) acres of land.

The above parcels of land are shown on a plan of land identified as "Commonwealth of Massachusetts-Experimental Station Parcel Plan, October 1978" which plan shall be kept on file in the office of the chief engineer in the department of public works.

2. In the town of Wareham, approximately six and five tenths acres of Union Pond, a great pond.

3. In the town of Wareham, approximately five and five tenths acres of Cedar Pond, a great pond.

Approved November 7, 1979.

Be it enacted, etc., as follows:

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

Section 9G. Any employee of the commonwealth who qualifies as a member of a team representing the United States in any World athletic or Olympic competition shall be granted a leave of absence with pay for the purpose of engaging in competition. Paid leave shall be limited to the period of the official training camp and competition combined, or for a period of sixty calendar days whichever is shorter. The word "team" shall include the group leader, coach, official and any athletes who comprise the official delegation of the United States to the World or Olympic competition.

Approved November 7, 1979.

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Chap. 691.      AN ACT PROVIDING FOR THE MANAGEMENT  
OF THE STATE FOREST IN THE TOWN OF  
NANTUCKET.

Be it enacted, etc., as follows:

The department of environmental management is hereby authorized to enter into a contract with the town of Nantucket for the maintenance by said town of the state forest in said town, consisting of 136.9 acres more or less, as a forest for the use of the general public.

Approved November 7, 1979.

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Chap. 692.      AN ACT OFFERING A PERIOD OF PRAYER IN  
PUBLIC SCHOOLS.

Be it enacted, etc., as follows:

Chapter 71 of the General Laws is hereby amended by striking out section 1A, as most recently amended by chapter 621 of the acts of 1973, and inserting in place thereof the following section:-

Section 1A. At the commencement of the first class of each day in all grades in all public schools the teacher in charge of the room in which each such class is held shall announce that a period of prayer may be offered by a student volunteer, and during any such period an excusal provision will be allowed for those students who do not wish to participate.

Approved November 7, 1979.

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Chap. 693.      AN ACT EXEMPTING CERTAIN AGRICULTURAL  
OR AQUACULTURAL PROJECTS FROM THE  
WETLANDS PROTECTION ACT.

Be it enacted, etc., as follows:

Section 40 of chapter 131 of the General Laws is hereby amended by striking out the seventeenth paragraph, as amended by section 2 of chapter 363 of the acts of 1975, and inserting in

place thereof the following paragraph:-

The provisions of this section shall not apply to any mosquito control work done under the provisions of clause (36) of section five of chapter forty, of chapter two hundred and fifty-two or of any special act; to maintenance of drainage and flooding systems of cranberry bogs, to work performed for normal maintenance or improvement of land in agricultural use or in aquacultural use; or to any project authorized by special act prior to January first, nineteen hundred and seventy-three.

Approved November 7, 1979.

Chap. 694. AN ACT PERMITTING CREDIT UNIONS TO COLLECT PAYMENTS ON UTILITY COMPANY BILLS.

Be it enacted, etc., as follows:

Chapter 171 of the General Laws is hereby amended by inserting after section 3 the following section:-

Section 3A. A credit union, with written approval of the commissioner and a utility company doing business in the commonwealth, may at its main office or at any branch office collect payments on bills representing indebtedness to the said utility company.

Approved November 7, 1979.

Chap. 695. AN ACT AUTHORIZING THE TOWN OF SHARON TO RELEASE A CONSERVATION RESTRICTION ON CERTAIN LAND IN SAID TOWN IN CONSIDERATION OF THE CONVEYANCE OF ANOTHER SIMILAR CONSERVATION RESTRICTION TO SAID TOWN.

Be it enacted, etc., as follows:

The town of Sharon is hereby authorized to release the conservation restriction and easement on a parcel of land known as parcel A containing 6.018 acres more or less granted by Lawrence E. Peck to the town of Sharon by deed, dated March 28, 1972, recorded in the registry of deeds in Norfolk county, Book 4844, Page 531 as shown on a plan entitled "Compiled Plan of Land in Sharon, Massachusetts" dated January 26, 1979, prepared by Perkins Engineering, Inc., and in consideration of said release said town is hereby authorized to accept in exchange thereof from the said Lawrence E. Peck a similar conservation restriction and easement in perpetuity on Parcel B, containing 6.018 acres, more or less, shown on the aforesaid "Compiled Plan of Land in Sharon, Massachusetts" and a permanent easement granting the same rights to enter, pass and repass upon said Parcel B as are contained in the conservation restriction dated March 28, 1972 and recorded in said registry of deeds, Book 4844, Page 531.

Approved November 7, 1979.

Chap. 696. AN ACT DESIGNATING THE BRIDGE ON PAW-



TUCKET STREET IN THE CITY OF LOWELL AS  
THE VURGAROPULOS MEMORIAL BRIDGE.

Be it enacted, etc., as follows:

The bridge numbered L-15-13 over the Boston and Maine railroad on Pawtucket street in the city of Lowell shall be known and designated as the Vurgaropulos Memorial bridge in memory of First Lieutenant James Vurgaropulos and First Lieutenant John Vurgaropulos, brothers, who were killed in action while members of the United States Army Air Force during World War II. A suitable marker bearing such designation shall be attached thereto by the department of public works in compliance with the standards of said department and as authorized by the federal highway administration.

Approved November 7, 1979.

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Chap. 697. AN ACT RELATIVE TO THE DATE FOR FILING  
NOMINATION PAPERS FOR NONPARTISAN PRE-  
LIMINARY ELECTIONS IN THE TOWN OF  
FRAMINGHAM.

Be it enacted, etc., as follows:

Section 4 of chapter 34 of the acts of 1979 is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- Nomination papers shall be filed with the town clerk not later than five o'clock in the afternoon of the twenty-eighth day preceding the preliminary election.

Approved November 8, 1979.

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Chap. 698. AN ACT PROVIDING THAT CERTAIN PART-TIME  
EMPLOYEES OF THE COMMONWEALTH SHALL BE  
ELIGIBLE FOR THE GROUP LIFE AND HEALTH  
INSURANCE COVERAGE APPLICABLE TO PERSONS  
IN THE SERVICE OF THE COMMONWEALTH.

Be it enacted, etc., as follows:

Paragraph (e) of section 2 of chapter 32A of the General Laws, inserted by section 2 of chapter 582 of the acts of 1956, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- A person is deemed to work a regular work week or permanent employment when he meets the applicable requirements of section five of chapter eight, sections thirty and thirty A of chapter one hundred and forty-nine, or any general or special law pertaining to a regular work week of permanent employment; or whose duties require no less than eighteen and three-quarters hours, regularly, in the service of the commonwealth during the regular work week in a position for which the established regular work week is thirty-seven and one-half hours; or whose duties require no less than twenty hours, regularly, in the service of the commonwealth during a regular work week in a position for which the established regular work week is forty hours.

Approved November 8, 1979.

Chap. 699. AN ACT AUTHORIZING THE CONVEYANCE OF A CERTAIN PARCEL OF LAND IN THE CITY OF BOSTON TO THE UNITED STATES OF AMERICA.

Be it enacted, etc., as follows:

SECTION 1. The city of Boston, acting by and through its parks and recreation commission, is hereby authorized to convey a certain parcel of land, as hereinafter described, to the United States of America acting through the National Park Service of the Department of the Interior.

Said land is described as follows:

The land situated in that part of Boston called Dorchester, being shown as "Park Department (Dorchester Heights)" on a plan entitled: "City of Boston Public Works Department Engineering Division, Thomas Park, South Boston," dated April 20, 1979, by Angelo J. Ialuna, Division Engineer, and containing 237,371 square feet, according to said plan.

SECTION 2. The conveyance authorized by section one shall be on the condition that said land, designated by the ninety-fifth Congress of the United States as an addition to the Boston National Historical Park by Public Law 95-625, approved November tenth, nineteen hundred and seventy-eight, is to be preserved exclusively as a national historical park for the use and enjoyment of the people of the United States as the area possesses outstanding natural, historic and scenic values. In the event the United States of America ceases to use the hereinbefore described Dorchester Heights for Boston National Historical Park purposes, legal title to and equitable ownership of said Dorchester Heights shall revert to the city of Boston.

SECTION 3. The city of Boston shall retain concurrent jurisdiction with the United States of America in and over the hereinbefore described property for purposes of civil and criminal process.

Approved November 8, 1979.

Chap. 700. AN ACT EXEMPTING INSULIN AND CERTAIN INSULIN ITEMS FROM THE SALES TAX.

Be it enacted, etc., as follows:

Paragraph (1) of section 6 of chapter 64H of the General Laws, as appearing in section 1 of chapter 757 of the acts of 1967, is hereby amended by striking out, in line 1, the words "on prescriptions of registered physicians" and inserting in place thereof the words: - , insulin needles and insulin syringes on prescriptions of registered physicians and sales of insulin.

Approved November 8, 1979.

Chap. 701. AN ACT RELATIVE TO THE FIRST ASSISTANT CLERK FOR EQUITABLE RELIEF IN THE SUPERIOR COURT DEPARTMENT FOR CIVIL BUSINESS IN THE COUNTY OF SUFFOLK.

Be it enacted, etc., as follows:

Section 94 of chapter 221 of the General Laws, as most recently amended by section 257 of chapter 478 of the acts of 1978, is hereby further amended by inserting after the second paragraph, under the caption SUPERIOR COURT DEPARTMENT FOR CIVIL BUSINESS IN THE COUNTY OF SUFFOLK the following paragraph:-

First Assistant Clerk for Equitable Relief (so designated by the clerk).- A sum equivalent to eighty-seven and one-half per cent of the salary of the clerk,- and by striking out the fourth paragraph, under the said caption.

Approved November 8, 1979.

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Chap. 702. AN ACT TRANSFERRING THE CRIMINAL HISTORY SYSTEM BOARD TO THE EXECUTIVE OFFICE OF PUBLIC SAFETY.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to balance potential conflicts between the demands of individual rights of privacy and the need to make certain information available to the public, 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 168 of chapter 6 of the General Laws is hereby amended, by striking out the first paragraph, as most recently amended by section 5 of chapter 478 of the acts of 1978, and inserting in place thereof the following paragraph:-

There shall be a criminal history systems board hereinafter called the board, consisting of the following persons: the attorney general, the secretary of public safety, the chairman of the Massachusetts defenders committee, the chairman of the parole board, the commissioner of the department of correction, the commissioner of the department of public safety, the commissioner of the department of youth services, the commissioner of probation, the executive director of the committee on criminal justice, and the police commissioner of the city of Boston, or their designees, all of whom shall serve ex officio; and three other persons to be appointed by the governor for a term of three years, one of whom shall represent the Massachusetts district attorneys association, one of whom shall represent the Massachusetts chiefs of police association, and one of whom shall represent the county commissioners and sheriffs association. Upon the expiration of the term of any appointive member, his successor shall be appointed in a like manner for a term of three years.

SECTION 2. Said section 168 of said chapter 6 is hereby further amended by striking out the third paragraph, as appearing in section 1 of chapter 805 of the acts of 1972, and inserting in place thereof the following paragraph:-

The board, after giving the security and privacy council an opportunity to present its advice and recommendations, shall, with the approval of two-thirds of the board members or their designees present and voting, promulgate regulations regarding

the collection, storage, access, dissemination, content, organization, and use of criminal offender record information. Rules and regulations shall not be adopted by the board until a hearing has been held in the manner provided by section two of chapter thirty A. The board shall have the authority to issue orders enforcing its rules and regulations after notice and hearing as provided by applicable law.

SECTION 3. The fourth paragraph of said section 168 of said chapter 6 is hereby amended by striking out the third sentence, as so appearing, and inserting in place thereof the following three sentences:- The secretary of public safety shall appoint and fix the salary of an executive director, after reviewing final applicants with and securing the approval of the board. Such executive director shall not be subject to the provisions of chapter thirty-one or section nine A of chapter thirty. Said director shall be responsible for all data processing, for the management of the automated criminal offender record information and teleprocessing system, for the supervision of all personnel associated with that system and for the appointment of all such personnel except as otherwise provided by the board.

SECTION 4. Said section 168 of said chapter 6, is hereby amended by striking out the sixth and seventh paragraphs, as so appearing, and inserting in place thereof the following paragraph:-

The board 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 5. Section one hundred and sixty-nine of said chapter six is hereby repealed.

SECTION 6. Section 170 of said chapter 6 is hereby amended by striking out the first paragraph, as appearing in section 1 of chapter 805 of the acts of 1972, and inserting in place thereof the following paragraph:-

There shall be a security and privacy council, hereinafter referred to as the council, consisting of the chairman and one other member of the board, chosen by the board, and seven other members appointed by the governor, to include representatives of the general public, state and local government, and one representative of the criminal justice community. Of the seven members initially appointed by the governor, two shall be appointed for a period of one year, two shall be appointed for a period of two years, two shall be appointed for a period of three years, one shall be appointed for a period of four years. Thereafter, each of the appointments shall be for a period of four years. Each member appointed by the governor shall serve until his successor is appointed and has qualified. The chairman of

the council shall be elected by and from within the council to serve for a term of two years. The board shall provide such clerical and other assistance as the council may require. The council shall meet at the call of the governor, its chairman, or any three of its members and shall conduct a continuing study and review and to make recommendations concerning questions of individual privacy and system security in connection with the collection, storage, dissemination, and usage of criminal offender record information. Council members shall receive no compensation for their services on the council but shall receive their expenses necessarily incurred in the performance of official duties.

SECTION 7. Said chapter 6 is hereby further amended by striking out section 178, as so appearing, and inserting in place thereof the following section:-

Section 178. Any person who willfully requests, obtains or seeks to obtain criminal offender record information under false pretenses, or who willfully communicates or seeks to communicate criminal offender record information to any agency or person except in accordance with the provisions of sections one hundred and sixty-eight to one hundred and seventy-five, inclusive, or any member, officer, employee or agency of the board, the council or any participating agency, or any person connected with any authorized research program, who willfully falsifies criminal offender record information, or any records relating thereto, shall for each offense be fined not more than five thousand dollars, or imprisoned in a jail or house of correction for not more than one year, or both.

SECTION 8. Section 18 of chapter 6A of the General Laws is hereby amended by striking out the first paragraph, as most recently amended by section 8 of chapter 806 of the acts of 1974, and inserting in place thereof the following paragraph:-

The following state agencies are hereby declared to be within the executive office of public safety: the department of public safety and all other state agencies within said department, including the several boards established by sections eleven A, thirteen A and fourteen of said chapter; the boards established by sections seventy-one A and seventy-one H of chapter one hundred and forty-three, and the board of schoolhouse structural standards established by section one of chapter six hundred and seventy-five of the acts of nineteen hundred and fifty-five; the registry of motor vehicles; the governor's highway safety committee; the Massachusetts Criminal Justice Training Council; the criminal history systems board; and the security and privacy council.

SECTION 9. Section 4G of chapter 7 of the General Laws is hereby amended by striking out the first paragraph, as most recently amended by section 2 of chapter 514 of the acts of 1978, and inserting in place thereof the following paragraph:-

The following agencies are hereby declared to be within the executive office of 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; and the group insurance commission.

SECTION 10. All books, papers, records, documents, equipment, lands, interests in land, buildings, facilities, and other property, both personal and real, which immediately prior to the effective date of this act, are in the custody of the secretary of administration and finance or any other agency from which powers and duties are transferred to the executive office of public safety by the provisions of this act, and which relate to or are maintained for the purpose of the exercise of such powers or the performance of such duties, are hereby transferred to the secretary of public safety.

All questions regarding the identification of such property and to whom custody thereof is so transferred shall be determined by the secretary of public safety.

SECTION 11. All monies heretofore appropriated by the criminal history systems board and the security and privacy council or to the secretary of administration and finance on behalf of said board or council from which or from whom powers and duties are transferred by the provisions of this act which relate to the exercise of such powers or the performance of such duties, and remaining unexpended on the effective date of this act, are hereby transferred to, and shall be available for expenditure by the secretary of public safety.

All questions regarding the identification of such monies shall be determined by the secretary of public safety.

SECTION 12. All duly existing contracts, leases and obligations of the criminal history systems board and the security and privacy council, or of the secretary of administration and finance on behalf of said board or council, from which, or from whom, powers and duties are transferred to the executive office of public safety by this act, which relate to the exercise of such powers or the performance of such duties, and which are in force immediately prior to the effective date of this act, shall thereafter be performed by said board and council as so transferred and the secretary of public safety, as the case may be. 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 the secretary of public safety.

All questions regarding the identification of such contracts, leases and obligations and of the agency or executive office to which the performance thereof is so transferred shall be determined by the secretary of public safety.

SECTION 13. All petitions, hearings and other proceedings duly brought before, and all prosecutions and legal and other proceedings duly begun by, the secretary of administration and finance with reference to the functions of the criminal history systems board or the security and privacy council, which are pending immediately prior to the effective date of this act shall

continue unabated and remain in force notwithstanding the passage of this act, and, to the extent that the power to determine or bring such proceedings is transferred by this act to the secretary of public safety, they shall be completed before or by said secretary unless a contrary intent clearly appears.

All petitions, hearings and other proceedings duly brought before, and all prosecutions and legal or other proceedings duly begun by the criminal history systems board or the security and privacy council, or any person holding an office therein, which are pending immediately prior to said effective date shall continue unabated and remain in force notwithstanding the passage of this act, and shall be completed before or by said board or council as so transferred, unless a contrary intent clearly appears.

SECTION 14. All orders, rules and regulations duly made by the secretary of administration and finance with reference to the functions of the criminal history systems board and the security and privacy council, which are in force immediately prior to the effective date of this act shall continue in force, and, to the extent that the power to make such orders, rules and regulations is transferred by this act to the secretary of public safety, they shall thereafter be enforced, until superseded, revised, rescinded or canceled in accordance with law, by said secretary unless a contrary intent clearly appears.

All orders, rules and regulations duly made by the criminal history systems board and security and privacy council, or any person holding an office therein, which are in force immediately prior to said effective date, shall thereafter be enforced, until superseded, revised, rescinded or canceled in accordance with law, by said board or council, as so transferred.

All questions regarding the identification of such petitions, hearings, prosecutions, proceedings, orders, rules, regulations, licenses, permits, certificates and approvals, and to whom the completion or enforcement thereof is so transferred, shall be determined by the secretary of public safety.

SECTION 15. All employees of the criminal history systems board and the security and privacy council who, immediately prior to the effective date of this act, held positions classified under chapter thirty-one of the General Laws or had tenure in their positions by reason of section nine A of chapter thirty of the General Laws shall continue on said board or council without impairment of civil service status, seniority, retirement and other rights of the employees, without interruption of their service within the meaning of said chapter thirty-one or said section nine A of said chapter thirty, and without reduction in their compensation and salary grades. All such employees who, immediately prior to the effective date of this act, are not classified under the provisions of said chapter thirty-one, or are not subject to said section nine A of said chapter thirty, shall continue to serve in their respective offices or positions without impairment of their retirement, seniority or other rights and they shall not be lowered in rank or compensation.

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.

Approved November 9, 1979.

Chap. 703. AN ACT PROHIBITING THE MASSACHUSETTS PORT AUTHORITY FROM IMPLEMENTING CERTAIN RULES AND REGULATIONS RELATIVE TO THE TOWING OR PUSHING OF CERTAIN AIRCRAFT.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of paragraph (g), of section 3 of chapter 465 of the acts of 1956, or any other general or special law to the contrary, the Massachusetts Port Authority is hereby prohibited from adopting or enforcing any rule or regulation which would have the effect of requiring the towing or pushing of any aircraft for any part of a movement on the ground to or from a runway or taxiway in connection with a takeoff or landing, or which would have the effect of requiring the enplaning or deplaning of passengers at places other than fixed passenger terminal facilities.

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

SECTION 2A. Upon the rescision of Article V of the Logan Airport Noise Rules and Regulations, Eastern Airlines shall construct a suitable sound suppressing barrier for the purpose of providing airport noise abatement for the residents of Jeffries Point in the East Boston district of the City of Boston, and to beautify same.

Approved November 9, 1979.

Chap. 704. AN ACT REGULATING THE GENERATION, TRANSPORTATION, STORAGE, TREATMENT AND DISPOSAL OF HAZARDOUS WASTE.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is, in part, to provide adequate safeguards from the point of generation through handling, processing, and final disposition of certain hazardous wastes which threaten the public health and safety or animal health and the environment, and to establish a statewide program to provide for the safe management of hazardous wastes, 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. Sections fifty-two, fifty-seven, and fifty-eight of chapter twenty-one of the General Laws are hereby repealed.

SECTION 2. The General Laws are hereby amended by inserting after chapter 21B the following chapter:-

#### CHAPTER 21C.

MASSACHUSETTS HAZARDOUS WASTE MANAGEMENT ACT.



Section 1. This chapter shall be known and may be cited as the "Massachusetts Hazardous Waste Management Act".

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

"Collect", to gather at a place or places away from the premises of a licensee.

"Commissioner", the commissioner of the department.

"Department", the department of environmental quality engineering.

"Disposal", the discharge, deposit, injection, dumping, spilling, leaking, incineration or placing of any hazardous waste into or on any land or water so that such hazardous waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground waters.

"Division", the division of hazardous waste within the department of environmental quality engineering.

"Facility", a site or works for the storage, treatment, dewatering, refining, incinerating, reclamation, stabilization, solidification, disposal or other processes where hazardous wastes can be stored, treated or disposed of; however, not including a municipal or industrial waste water treatment facility if permitted under section forty-three of chapter twenty-one.

"Generator", a person who produces hazardous waste.

"Hazardous waste", a waste, or combination of 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, safety or welfare or to the environment when improperly treated, stored, transported, used or disposed of, or otherwise managed, however not to include solid or dissolved material in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permits under section 402 of the Federal Water Pollution Control Act of 1967 as amended, or source, special nuclear, or byproduct material as defined by the Atomic Energy Acts of 1954.

"Hazardous waste advisory committee", the committee established by section three of this chapter.

"Hazardous waste licensee", a person licensed under this chapter to undertake the collection, transportation, storage, treatment, use or disposal of hazardous wastes.

"Hazardous waste management", the systematic control of the collection, source separation, storage, transportation, processing, treatment, recovery and disposal of hazardous wastes.

"Manifest", the department approved form used for identifying the quantity, composition, and the origin, routing and destination of hazardous waste from the point of generation to the point of disposal, treatment or storage.

"Person", any agency or political subdivision of the federal government or the commonwealth, any state, public or private corporation or authority, individual, trust, firm, joint stock company, partnership, association, or other entity, and any

officer, employee or agent of said person, and any group of said persons.

"Storage", the actual or intended containment of hazardous waste on a temporary basis or for a period not exceeding nine months or another period set by regulation or the department, in a manner which does not constitute disposal.

"Transfer station", the intermediate point in the transport of hazardous wastes where such wastes are brought, stored and transferred to vehicles for movement to other intermediate points or to the point of ultimate storage, treatment or disposal.

"Transport", the movement of hazardous wastes from the point of generation to any intermediate points or to the point of ultimate storage, treatment, recovery or disposal.

"Treatment", any method, technique or process, including neutralization, incineration, stabilization or solidification, designed to change the physical, chemical or biological character or composition of any hazardous waste so as to neutralize such waste or so as to render such waste less hazardous, non-hazardous, safer to transport, amenable to storage, or reduced in volume, except such method or technique as may be included as an integral part of a manufacturing process at the point of generation.

"Underground drinking water source", an aquifer supplying drinking water for human consumption, an aquifer in which groundwater contains less than ten thousand parts per liter total dissolved solids, or an aquifer designated as such by the department or the municipality.

"RCRA", the federal Resource Conservation and Recovery Act of 1976, Public Law 94-580.

Section 3. There is hereby established within the department a hazardous waste advisory committee to provide consultation to the department concerning matters covered by this chapter. The committee shall review the development of standards, rules, and regulations for hazardous waste management, and shall supply recommendations concerning methods by which existing hazardous waste management practices and the laws regulating them may be supplemented and improved and their administration financed.

The committee shall consist of at least nine members appointed by the governor, one of whom shall be a representative of the Massachusetts Municipal Association, one of whom shall be a representative of the Massachusetts Health Officers Association, one of whom shall be a representative of the Massachusetts Public Health Association, one of whom shall be a representative of the Massachusetts Association of Conservation Commissions, one of whom shall be a representative of the Associated Industries of Massachusetts, one of whom shall be a representative of the Massachusetts Mayors Association, one of whom shall be a representative from a regional planning agency, one of whom shall be a representative of the City Solicitors and Town Counsel's Association, and at least one of whom shall be a representative of the public knowledgeable in environmental affairs and shall have no financial interest in any of the recommendations or studies of the committee. Such financial interest shall include, but not be limited to, service as a consultant to any person

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specializing in waste disposal, or as an attorney of a party with a direct financial interest in hazardous waste disposal. Any member shall be eligible for reappointment. In making initial appointments to said committee, the governor shall appoint two members for terms of one year, three members for terms of two years, three members for terms of three years, and one member for a term of four years. Upon the expiration of the term of any such member, his successor shall be appointed for a term of four years. Persons appointed to fill vacancies shall serve for the unexpired term of said vacancy.

Section 4. The department shall establish a division of hazardous waste which shall be administered by a director appointed by the commissioner and who shall serve at the pleasure of the commissioner. The appointment of said director shall not be subject to the provisions of chapter thirty-one or section nine A of chapter thirty. The department shall adopt rules, regulations, procedures and standards as may be necessary for the implementation of this chapter. Such regulations, procedures and standards shall be developed by the department with input and review by interested and affected persons and agencies as determined by the department including, but not limited to, the hazardous waste advisory committee, the department of public health and representatives of local health officials, and shall, where practicable, be consistent with those promulgated under the RCRA.

The responsibilities of the department shall include the developing and establishing of: (a) a list of hazardous wastes; (b) criteria and standards for the identification of hazardous wastes; (c) provisions for waiver by the department for any waste which the department determines is insignificant as a potential hazard to public health, safety, welfare of the environment, or the handling, treating, storing, use, processing, or disposal of which is adequately regulated by another governmental agency, consistent with regulations promulgated under RCRA; (d) standards and requirements for the treating, storing, transporting, use and disposal of such hazardous waste; and (e) for the recovery of resources from such hazardous waste.

The department shall take all action necessary or appropriate to secure for the commonwealth the benefits of RCRA, cooperate and enter into agreements and contracts with federal agencies, other states, interstate agencies, other agencies of the commonwealth or its political subdivisions, or private or nonprofit organizations in matters related to this chapter and RCRA, and may receive from, and dispense to, such agencies such funds as may be available for such matters.

The department shall conduct programs of public participation to assure that, before undertaking actions of programmatic and policy level significance, interested and potentially affected members of the public are afforded an opportunity to be heard regarding such actions. There shall be no less than six public hearings throughout the state, before the initial adoption of such actions or the promulgation of regulations.

The department shall adopt standards and procedures and shall establish fees for a hazardous waste licensing program of not less than one nor more than five hundred dollars, integrate with other laws pertaining to air, land and water resources all the

provisions of this chapter for the purposes of administration and enforcement, avoiding duplication or inconsistency to the maximum extent practicable. Such integration shall be effected only to the extent that it can be done in a manner consistent with the provisions of this chapter and other laws pertaining to air, land and water resources. Any disposal or facility permitted by a valid permit issued pursuant to section forty-three of chapter twenty-one shall not be subject to the provisions of this chapter.

The department shall conduct a survey and prepare and publish a list of sites in the commonwealth where hazardous waste has been deposited or abandoned.

The department shall establish a manifest system that conforms with the requirements of RCRA.

The department shall be responsible for the supervision of the maintenance and operation of all facilities in order to ensure the public health, safety, welfare and the environment and shall coordinate research and development regarding methods of hazardous waste handling, storage, use, processing, and disposal and shall conduct appropriate studies relating to hazardous wastes.

The department shall require that a licensee obtain and maintain in effect a contract of liability insurance, a surety bond or other evidence of financial responsibility in favor of the commonwealth sufficient to assure financial responsibilities in the event of damages resulting from accidents or negligence.

The department shall furnish a copy of each permit or license application for the collection, storage, treatment, or disposal of hazardous waste to the local board of health, which shall be responsible for notifying the local governing authorities of any municipality within whose territorial jurisdiction a hazardous waste facility or activity is or will be located.

The department shall furnish, on an annual basis, to the local board of health, which shall be responsible for notifying the local governing authority of the municipality, information identifying the types and quantities of hazardous waste generated, stored, treated or disposed within the municipality unless exempted by the commissioner under the provision of section twelve.

The department shall provide for appropriate surveillance of hazardous waste processing, use, handling, storage, and disposal practices in the state and shall determine existing and expected rates of production of hazardous waste.

The department may: maintain a technical reference center on hazardous waste disposal recycling practices, and related information for public and private use; render technical assistance to state and local agencies in the planning and operation of hazardous waste programs; coordinate research and study in technical and managerial aspects of management and use of hazardous wastes, and recycling and recovery of resources from hazardous wastes; investigate market potential and the feasibility of use of hazardous wastes and recovery of resources from hazardous wastes; promote recycling and recovery of resources from hazardous wastes; conduct studies for the purpose of improving departmental operations; encourage the reduction or exchange, or both, of hazardous waste; and establish and maintain an information clearinghouse, which shall consist of a record of wastes which may be recyclable, and require every generator of hazardous

waste to supply the department with the information for the clearinghouse while assuring each generator that the information shall be made available in such a way that the trade secrets of the generator are protected.

Section 5. No person shall collect, transport, store, dispose of, treat, use or transport hazardous waste in a manner which could endanger human health, safety or welfare, or the environment, or in a manner inconsistent with any provision of this chapter, or of any regulation standard, license, or order issued pursuant to this chapter.

No person shall collect, transport, store, treat, use or dispose of hazardous waste unless that person is in possession of a valid license issued pursuant to this chapter and, when in possession of such waste shall have a valid manifest; provided, however, that the department, by regulation, may exempt from this prohibition the short term containment of hazardous waste on the premises of the person who generated said waste, for a period not exceeding nine months, or another period set by regulation of the department in a manner which does not constitute disposal.

No person who generates or who otherwise comes into possession of hazardous waste shall transfer custody or possession of such waste to any person who does not have a valid hazardous waste license, and such generator must prepare a manifest precisely descriptive of the waste.

No person shall violate, or allow or suffer any employee, agent or contractor to violate any provision of this chapter or any regulation, license, approval or order issued hereunder.

No person shall act in the capacity of, or advertise as, or assume to act as a hazardous waste licensee unless such person is in possession of a valid hazardous waste license issued under this chapter.

No person shall use a motor vehicle for the transportation of hazardous wastes on any way unless there has been issued for said vehicle a vehicle identification device, issued under the provisions of this chapter, and said device is attached to a cab card which is carried in the operators compartment of said vehicle where it is accessible to the operator of said vehicle.

Section 6. The department shall establish such regulations concerning the collection, storage, treatment, use or disposal of hazardous wastes at the site of generation as it deems necessary to protect public health, safety and welfare and the environment, and to implement the provisions of this chapter and RCRA.

Said regulations shall include requirements that generators maintain records and report to the division and to other agencies regarding the quantity and type of hazardous wastes which they have generated, stored, treated, disposed of or transferred to another person, and such other requirements as the division deems necessary.

Section 7. The department may license persons to undertake the collection, transportation, treatment and disposal of hazardous waste. After a site has been assigned under the provisions of section one hundred and fifty A of chapter one hundred and eleven, a person shall apply to the department for a license to

construct and operate a facility upon such site. The application shall contain such information as the department shall require, including, but not limited to, detailed engineering plans, specifications, operating and maintenance procedures, a description of the applicant's qualifications to manage and operate such a facility, a plan for the closure and post closure care of the facility and site, a financial statement, and a statement of the amounts and types of waste to be received at the facility.

The department shall require a hydrogeological study of the site area if, in the opinion of the department, a potential exists for groundwater contamination.

The department may issue a license subject to such terms, restrictions and requirements as it deems necessary to comply with this chapter, including a condition that the applicant shall remain responsible for the long term care of the site until the department certifies that any hazardous waste remaining on the site does not constitute a danger to public health, safety or welfare or a threat to the environment.

The department shall not issue a license to persons to undertake the transport of hazardous waste unless the applicant has furnished a certification issued by the department of public utilities that said applicant has conformed to all of the requirements of chapter one hundred and fifty-nine B.

The department shall issue vehicle identification devices to any person licensed under this section. Such vehicle identification devices may be issued for a period not to exceed one year, shall not be transferred to any vehicle other than the one for which it has been issued, and shall not be issued unless the applicant therefor has paid an annual fee of two hundred dollars for each vehicle.

The department shall consult with the department of public utilities with respect to the adoption, amendment, or repeal of such regulations relating to the transportation of hazardous waste.

The department may deny, suspend or revoke a license at any time, if it determines that any of the terms or conditions thereof have been violated, that the holder of or applicant for the license has violated any provision of this chapter, of the RCRA, or of any regulation, standard, order, license or approval issued thereunder, or that the holder of, or applicant for, the license is not competent with respect to the licensed activity. Any person whose license is suspended, revoked or denied hereunder shall also be subject to such other penalties, sanctions or liabilities as may be provided by law. The department may on its own initiative, or upon request by a board of health, or upon request by a licensee, or municipal authority, modify a license where necessitated by a proposed change in the scope or method of the licensee's operation or by a change in applicable federal or state law or regulations or where necessitated by the receipt of evidence that the terms and conditions of such license are not providing the necessary protection of human health and the environment.

The denial, suspension or revocation of a license for any class of hazardous waste or category of hazardous waste license may be grounds for the denial, suspension or revocation of a license

to that licensee for all other hazardous waste classes and license categories. Any person whose license renewal is denied or whose license is revoked for cause shall be barred from applying for any class or category of license issued under this section for a period of not more than five years. The term during which reapplication is barred shall be established as part of the determination or decision of the department in the proceedings relative to the denial or revocation.

Each license issued pursuant to this section shall be valid only for the person to whom it is issued and may not be transferred. All licenses shall be for a period not to exceed five years, unless a shorter term be specified therein by the division, or unless sooner revoked or suspended by the division. Every facility shall be inspected at least once a year.

Before any license to dispose of hazardous wastes shall be granted, the applicant shall prepare a detailed set of maps of the disposal site and the surrounding area as determined by the department. The maps shall be drawn to a scale of one hundred feet to one inch and shall include but not be limited to the names and locations of all streams, creeks, above and below ground water systems, including all aquifers, and shall also include a detailed statement describing the quality and chemical analysis of the water in the area where the proposed site is to be located.

No person shall establish, construct, or operate a facility for the landfill disposal of hazardous waste in a location overlying an actual, planned, or potential underground drinking water source as described on the groundwater maps of pertinent United States Geological Studies and the Massachusetts water resources commission.

Section 8. Personnel or authorized agents of the department may at all reasonable times enter any premises, public or private, for the purpose of investigating, sampling or inspecting any records, condition, equipment, practice or property relating to activities subject to this chapter, and may at any time enter such premises for the purpose of protecting the public health or safety, or to prevent damage to the environment. For the purposes of such entries no warrant shall be required provided, however, that upon demand by the owner or person in control of such premises, a warrant authorizing such entry and inspection shall be sought after such demand. Any court, judge, or justice authorized to issue warrants in criminal cases may issue such warrants.

Personnel of the department of public utilities appointed under section twelve F of chapter twenty-five shall have the authority to enforce the criminal, civil and administrative sanction provisions of this chapter and the regulations adopted thereunder as they relate to the transportation of hazardous waste and shall have the powers granted to them under section fourteen of chapter one hundred and fifty-nine B.

Section 9. Whenever it appears that there is a violation of any provision of this chapter or any license, order, approval or regulation issued or adopted thereunder, the department may issue to a person causing or contributing, or likely to cause or

contribute, to such violation or potential violation an order requiring the production or analysis of samples and the production of records, or imposing such restraints on or requiring such action by said persons, as it deems necessary to abate or prevent such hazard or violation. The department also may issue such orders as it deems necessary to secure compliance with any license. Issuance of an order under this section shall not preclude, and shall not be deemed an election to forego, any action to recover damages, or, to seek civil penalties, criminal fines and penalties or injunctive relief.

Section 10. Any violation of this chapter, or of any regulation, order, license, or approval made thereunder shall be presumed to constitute irreparable harm to the public health, welfare, safety and to the environment. Such presumption may be rebutted by the introduction of competent evidence. Any person who violates any provision of this chapter, or any regulation, order, license or approval issued or adopted thereunder: (a) shall be punished by a fine of not more than twenty-five thousand dollars, or by imprisonment for not more than five years, or both, for each such violation; or (b) shall be subject to a civil penalty not to exceed twenty-five thousand dollars for each such violation. Each day each such violation occurs or continues shall be a separate offense.

The superior court shall have jurisdiction to enjoin violations of, or grant such additional relief as it deems necessary or appropriate to secure compliance with, the provisions of this chapter, or any order, license, approval or regulation issued or adopted thereunder upon the petition of the attorney general, commissioner, or a city or town.

Section 11. Any person aggrieved by a determination by the department to issue, deny, modify, revoke or suspend any license or approval, or to issue an order, under the provisions of this chapter, may request an adjudicatory hearing before the department under the provisions of chapter thirty A. Any such determination shall contain a notice of this right to request a hearing and may specify a time limit, not to exceed twenty-one days, within which said person shall request said hearing. If no such request is timely made, the determination shall be deemed assented to. If a timely request is received, the department shall within a reasonable time act upon a request in accordance with the provisions of said chapter thirty A.

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 threat to the public health or safety, or to the environment could result pending the conclusion of the adjudicatory hearing requested thereon, the department may order that the determination become provisionally effective and enforceable immediately upon issuance, and shall remain so notwithstanding and until the conclusion of any adjudicatory hearing procedures.

A person aggrieved by a final decision in an adjudicatory hearing held under the provisions of this section may obtain judicial review thereof pursuant to the provisions of chapter



thirty A.

Section 12. Notwithstanding the provisions of any law to the contrary, any information, record, or particular part thereof, obtained by the department pursuant to the provisions of this chapter, shall, upon request, be kept confidential and not considered to be public record when it is deemed by the commissioner that such information, record, or report relates to secret processes, methods of manufacture, or production or that such information, record, or report if made public would divulge a trade secret. This section shall not prevent disclosure of any information necessary for an enforcement action or to comply with RCRA.

SECTION 3. Section seventeen A of chapter two hundred and seventy is hereby repealed.

SECTION 4. There is hereby established a special commission to consist of three members of the senate, one of whom shall be a co-chairman, five members of the house of representatives, one of whom shall be a co-chairman, the commissioner of environmental quality engineering or his designee, the commissioner of environmental management or his designee, the commissioner of public health or his designee, the secretary of environmental affairs or his designee, the secretary of economic affairs or his designee, the secretary of public safety or his designee and five persons to be appointed by the governor, one of whom shall represent the local government bodies, one of whom shall represent local boards of health, one of whom shall represent local health officers, one of whom shall represent industry, and one of whom shall be a member of the general public, knowledgeable in environmental protection.

Said commission shall:

- (a) investigate alternative procedures to be utilized by the authorities in granting local and state approval of sites for hazardous waste facilities;
- (b) investigate policies for creating a positive economic climate for the siting of hazardous waste disposal, transfer station and reclamation facilities;
- (c) investigate the development of guidelines and criteria for the siting of disposal, transfer station and reclamation facilities;
- (d) investigate the prohibition of siting hazardous waste landfills over aquifers, aquifer recharge zones, or groundwater flows supplying water to a municipality;
- (e) consider the transfer of the present power and duties of the bureau of solid waste disposal, established by sections eighteen to twenty-five, inclusive, of chapter sixteen of the General Laws to the department of environmental quality engineering; and
- (f) consider the prohibition of land disposal of hazardous waste when another reasonable alternative exists.

Said commission shall report to the general court the results of its investigation and study, and its recommendations, 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 June, nineteen

hundred and eighty.

SECTION 5. All orders, rules and regulations, licenses and approvals duly issued, made or adopted pursuant to the authority of the laws repealed by sections one and three of this act, and which are in force prior to the effective date of this act, shall continue in force and effect and shall be enforceable until they expire or until suspended, revised, rescinded or otherwise modified in accordance with the provisions of section two of this act. The department of environmental quality engineering is hereby authorized to repeal the regulations adopted by the former hazardous waste board.

SECTION 6. Any suit, action, cause of action or other proceedings lawfully commenced or arising prior to the effective date of this act 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 environmental quality engineering.

SECTION 7. Any person licensed for the storage or disposal of hazardous wastes under the authority of sections fifty-seven and fifty-eight of chapter twenty-one of the General Laws in effect prior to the effective date of this act shall be deemed to be a fully approved facility and shall retain the rights of such approval so long as the person who owns or operates said facility continues to be licensed under the hazardous waste licensing program administered under this act. Said approval shall terminate in the event that said division revokes or refuses to renew said license.

SECTION 8. All employees of the division of water pollution control whose duties are transferred to the department of environmental quality engineering by this act shall be transferred to the department without any loss or impairment of any rights of said employees.

SECTION 9. The department of environmental management shall not exercise its eminent domain authority as authorized by section nineteen of chapter sixteen of the General Laws relative to the acquisition of sites for hazardous waste disposal before January first, nineteen hundred and eighty-one. Said authority may be exercised at an earlier date only if regulations, guidelines, standards and criteria promulgated by the department of environmental quality engineering relating to hazardous waste siting have been approved by the general court.

SECTION 10. Sections one and three of this act shall take effect on January first, nineteen hundred and eighty.

Approved November 9, 1979.

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Chap. 705. AN ACT RELATING TO EMERGENCY SITUATIONS  
CAUSED BY SPILLS AND DISCHARGES OF OIL  
AND HAZARDOUS MATERIALS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide forthwith for the common-

wealth an immediate capability for responding to emergency situations involving spills and discharges of oil and hazardous materials, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of public health and safety.

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Be it enacted, etc., as follows:

SECTION 1. Section 26A of chapter 21 of the General Laws, as most recently amended by section 1 of chapter 557 of the acts of 1979, is hereby further amended by inserting after the definition "FWPCA" the following definition:-

"Hazardous material", includes, but is not limited to, any material, including any discarded or waste material, in whatever form which, because of its quantity, concentration, chemical, corrosive, flammable, reactive, toxic, infectious or radioactive characteristics, either separately or in combination with any other substance or substances, constitutes a present or potential hazard to human health, safety or welfare, or to the environment, when improperly treated, stored, transported, disposed of, or otherwise managed.

SECTION 2. Section 27 of said chapter 21, as most recently amended by section 3 of chapter 546 of the acts of 1973, is hereby further amended by striking out clause (14) and inserting in place thereof the following clause:-

(14) Undertake immediately whenever there is spillage, seepage or other discharge of oil or hazardous material into or proximate to any of the waters of the commonwealth or into any offshore waters which may result in damage to the waters, shores or natural resources utilized or enjoyed by citizens of the commonwealth to cause said spillage, seepage or discharge to be contained and removed by whatever method it considers best. Chemicals shall not be used in the cleanup operation of oil or hazardous material spills unless their use has been authorized by the division, and if a public water supply or shellfish beds may be affected, by the department of public health. In this clause, the word "oil" shall mean insoluble or partially soluble oils of any kind or origin or in any form including, but not limited to, crude or fuel oils, lube oil or sludge, asphalt, insoluble or partially insoluble derivatives of mineral, animal or vegetable oils.

The division shall determine the person responsible for causing such spillage, seepage or discharge and the names of all persons who owned or controlled the oil or hazardous material or who owned or controlled or leased the vessel, tank, pipe, hose or other container in which the oil or hazardous material was located when the spillage, seepage or discharge occurred. Said persons shall be jointly and severally liable to the commonwealth for all costs and expenses incurred by the division in making such investigation, and in containing and removing the oil or hazardous material, and shall be jointly and severally liable to the commonwealth for all damages done to natural and recreational resources, including all costs of restoring damaged areas to their original condition, and to any other person for any damages to his real and personal property. The person responsible for causing such

spillage, seepage or discharge shall be punished by a fine of not more than ten thousand dollars for each day such spillage, seepage or discharge continues, or by imprisonment for not more than two years or both.

Upon request of the director, the attorney general shall bring an action to recover all costs and expenses incurred for such investigation, containment, removal, and restoration.

Such costs and expenses shall be recovered in an action of tort, and shall be credited to the account from which said sums of money had been advanced and may, subject to appropriation, be expended by the division for the purposes set forth in this clause. In any such action the commonwealth may also seek recovery for all loss and damage to the natural and recreational resources of the commonwealth.

Any owner or operator of a vessel, vehicle, railroad car or facility used for the production processing, transportation, transfer or storage of oil or hazardous material shall, as soon as he has knowledge of any such spillage, seepage or discharge of oil or hazardous material into or proximate to waters of the commonwealth, promptly notify the director of the division or his representative of such discharge. Any person who fails so to notify the director or his representative of such discharge shall be punished by a fine of not more than five thousand dollars.

Any person who removes oil as defined in this clause, or hazardous material, as defined in section twenty-six A, from the waters of the commonwealth or adjoining shorelines shall be entitled to reimbursement from any other person for the reasonable costs expended for such removal, if such oil or hazardous material resulted from the negligence of two or more persons, each shall be liable to the others for his pro rata share of the costs or removal.

Any person who gratuitously renders assistance at the request of a duly authorized officer in removing oil or hazardous material from the waters of the commonwealth or adjoining shorelines shall not be held liable, notwithstanding any other provision of law, for civil damages as a result of any act of omission by him in removing such oil or hazardous material, except acts or omissions amounting to gross negligence or willful or wanton misconduct.

SECTION 3. Section 40 of said chapter 21 is hereby amended by adding the following paragraph:-

In carrying out its responsibilities under clause (14) of section twenty-seven as to the spillage, seepage or discharge of oil, the division or its authorized contractors, upon a finding by the director that a spillage, seepage or discharge of oil constitutes a present or potential threat to the public health, safety or the environment, may enter upon any property, public or private, and may provide for the removal, neutralization, containment, treatment and disposal of such oil as may be found thereon. In carrying out its responsibilities under said clause (14), as to the spillage, seepage or discharge of hazardous materials, the division or its authorized contractors, upon a finding by the director approved by the commissioner of environmental quality engineering that a spillage, seepage or discharge of hazardous materials constitutes a present or potential threat to the public health,

safety or the environment, may enter upon any property, public or private, and may provide for the removal, neutralization, containment, treatment and disposal of such hazardous materials.

SECTION 4. Section 4 of chapter 648 of the acts of 1968 is hereby amended by striking out the first sentence, as amended by section 3 of chapter 827 of the acts of 1970, and inserting in place thereof the following sentence:- To meet the expenditures necessary for carrying out the provisions of sections one and two of this act, the director of the division is authorized to expend a sum not to exceed three hundred thousand dollars in any one fiscal year provided that any unexpended balance from fiscal year nineteen hundred and sixty-eight forward and any sums recovered to reimburse the commonwealth under clause (10) of section twenty-seven of chapter twenty-one of the General Laws may be carried over, and the division of water pollution control may expend such additional sums.

SECTION 5. Section 5 of chapter 747 of the acts of 1970, added by chapter 466 of the acts of 1978, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- 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 three 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.

Approved November 9, 1979.

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Chap. 706. AN ACT RELATIVE TO WEIGHT LIMITATIONS  
FOR MOTOR VEHICLES HAULING REFUSE.

Be it enacted, etc., as follows:

Chapter 90 of the General Laws is hereby amended by striking out section 19A, as most recently amended by section 10 of chapter 494 of the acts of 1975, and inserting in place thereof the following section:-

Section 19A. Any provision of sections thirty and thirty A of chapter eighty-five to the contrary notwithstanding, a motor vehicle having two axles, which vehicle with its load weighs not more than forty-six thousand pounds, and a motor vehicle, trailer, semitrailer or semitrailer unit having three or more axles, which unit or vehicle with its load weighs not more than eighty thousand pounds, may travel on a public way without a permit as required by sections thirty and thirty A of chapter eighty-five; provided, that no such motor vehicle, trailer, semitrailer or semitrailer unit, the weight on any axle of which, measured at the ground, exceeds twenty-two thousand four hundred pounds, or, in the case of axles spaced less than six feet apart, eighteen thousand pounds, shall so travel without

such a permit; provided, further, that in any event such a motor vehicle, trailer, semitrailer or semitrailer unit may travel on a public way without such a permit if the overall gross weight on a group of two or more consecutive axles thereof does not exceed the gross weight produced by application of the following formula:

$$W = 500 \frac{LN}{N-1} + 12N + 36$$

where W = overall gross weight on any group of two or more consecutive axles to the nearest 500 pounds, L = distance in feet between the extreme of any group of two or more consecutive axles, and N = number of axles in group under consideration except that two consecutive sets of tandem axles may carry a gross load of 34,000 pounds each providing the overall distance between the first and last axles of such consecutive sets of tandem axles is thirty-six feet or more: Provided, that such overall gross weight may not exceed eighty thousand pounds.

Every operator of a motor vehicle operated on a way shall, upon request or direction of any officer authorized to enforce the provisions of this chapter, operate such motor vehicle with any trailer which may be attached thereto to and upon the nearest scales available to the commonwealth within a distance of not more than five miles and permit the weighing thereof together with its load. Whoever refuses to comply with the request or direction of such officer shall be punished by a fine of not less than three hundred nor more than five hundred dollars and the registrar may suspend such operator's license for not more than ninety days. Whenever such vehicle has been so weighed and is found to weigh in excess of the limits provided by this chapter, no person shall further operate it upon a way unless the gross weight shall have been reduced to comply with said limits by removal of the excess weight.

No motor vehicle, trailer, semitrailer or semitrailer unit shall be operated, nor shall the owner or bailee thereof require or permit such operation, when the gross weight of such motor vehicle, trailer, semitrailer or semitrailer unit exceeds either the weight provided by this chapter or that specified in any permit issued by the commissioner of public works under sections thirty and thirty A of chapter eighty-five, whichever is the greater, but in no event in excess of the gross weight for which such vehicle is registered; nor shall any person load or cause to be loaded such vehicle in excess of such weights. If the gross weight of any such motor vehicle, trailer, semitrailer or semitrailer unit does not exceed one hundred and five per cent of the maximum gross weight provided by said permit, such motor vehicle, trailer, semitrailer or semitrailer unit shall not be deemed to be operating in violation of the provisions of sections thirty and thirty A of chapter eighty-five; but if the gross vehicle weight of such motor vehicle, trailer, semitrailer or semitrailer unit does exceed the said one hundred and five per cent of the maximum gross weight provided by said permit, any penalty provided in this chapter shall be determined on the difference between the actual gross weight of such motor vehicle, trailer, semitrailer or semitrailer unit and the weight permitted by this

section or the weight permitted by the said permit for such motor vehicle, trailer, semitrailer or semitrailer unit, whichever is the greater, at the time of such violation.

In the weighing of any motor vehicle or trailer or semitrailer unit under this chapter, portable scales may be used; provided, that such scales have been approved by the director of standards under section twenty-nine of chapter ninety-eight; and provided, further, that such scales shall be inspected at least once in each year by the director of standards or his inspectors. No officer authorized to enforce the provisions of this chapter shall detain for weighing on portable scales more than two motor vehicles, with or without trailers or semitrailers attached thereto, at any one place at any one time.

In any prosecution for a violation of this section or of section nineteen or section thirty of chapter eighty-five, a signed certificate on oath of any person appointed under section eighty-seven A of chapter forty-one of the weight of any motor vehicle or trailer or semitrailer shall be admissible in evidence without further proof, and shall constitute prima facie evidence of the weight of the motor vehicle or trailer or semitrailer described in such certificate. The said certificate shall be in such form as the registrar shall prescribe and shall be signed and sworn to by a person appointed under said section eighty-seven A and present at the weighing of such motor vehicle or trailer or semitrailer, and the court shall take judicial notice of the signature of such person and that he is so appointed.

In any claim for bodily injuries or for damage to property arising out of such direction to a scale location or such weighing, any officer or employee of the commonwealth authorized to enforce the provisions of this chapter may file a written request with the attorney general that the attorney general defend him against an action for damages for bodily injuries, including death, or for damage to property arising out of such officer's enforcement of this section, and the provisions of section three B of chapter twelve shall apply to such action as if it had arisen out of the operation of a motor vehicle.

Notwithstanding the foregoing provisions of this section, nor any contrary provisions of section thirty of chapter eighty-five, a construction type motor vehicle or a motor vehicle designed and used for the hauling of refuse having two axles, which vehicle with its load weighs not more than twenty-three tons, or a motor vehicle carrying bulk feed, or a construction type semitrailer unit or motor vehicle having three axles, or a semitrailer unit or motor vehicle having three axles while carrying liquid petroleum products, or a motor vehicle having three axles and designed and used for the hauling of refuse, which vehicle with its load weighs not more than thirty tons, may travel on a way while engaged in hauling construction materials or liquid petroleum products or bulk feed or refuse without a permit as required by said section thirty of said chapter eighty-five; provided, that the gross weight of such vehicle as operated does not exceed the gross vehicle weight rating as established by the original manufacturer of the chassis; and provided, further, that the vehicle is duly registered in this commonwealth for such weight. The operator of such a vehicle shall at all times comply

with the speed limitations as provided by section seventeen.  
Approved November 9, 1979.

Chap. 707. AN ACT RELATIVE TO THE APPOINTMENT OF  
CERTAIN MEMBERS OF HOUSING AUTHORITIES.

Be it enacted, etc., as follows:

The sixth paragraph of section 5 of chapter 121B of the General Laws is hereby amended by striking out the first sentence, as most recently amended by chapter 426 of the acts of 1974, and inserting in place thereof the following sentence:- In a city, one of the four members of a housing authority appointed by the mayor shall be a resident of that city and shall be a representative of organized labor who shall be appointed by the mayor from a list of not less than two or more than five names, representing different unions submitted by the Central Labor Council, AFL-CIO and the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America of the city or of the district within which the city is included.

Approved November 9, 1979.

Chap. 708. AN ACT RELATIVE TO THE DRAINING OF  
CERTAIN PUBLIC OUTDOOR INGROUND SWIMMING  
POOLS.

Be it enacted, etc., as follows:

Section 206 of chapter 140 of the General Laws is hereby amended by striking out the second paragraph, as appearing in section 1 of chapter 253 of the acts of 1976, and inserting in place thereof the following paragraph:-

Every outdoor inground swimming pool open to the public, other than a public inground swimming pool fed by a spring or stream shall be drained or covered within seven days of closing.

Approved November 9, 1979.

Chap. 709. AN ACT PROVIDING FOR PUBLIC HEARINGS ON  
CERTAIN PROPOSED ALTERATIONS OF AIRCRAFT  
FLIGHT PATTERNS AT PROPERTIES CONTROLLED  
BY THE MASSACHUSETTS PORT AUTHORITY.

Be it enacted, etc., as follows:

Chapter 465 of the acts of 1956 is hereby amended by inserting after section 3 the following section:-

Section 3A. The authority, no less than thirty days prior to requesting from the Federal Aviation Administration any significant alteration of flight patterns arriving or departing from any airport owned by the authority, shall advertise in a newspaper or newspapers of general circulation in any city or town which would be affected by such alteration.

If the authority receives, within thirty days of said advertising, a petition signed by no fewer than fifty persons who are residents



of the affected cities and towns, the authority, prior to requesting said alteration, shall hold a public hearing in the city or town where the greatest number of petitioners reside.

The authority shall, after considering the testimony at said public hearing, and at least seven days prior to requesting said alteration, issue a report, which shall be a public record, maintaining its intent to request said alteration, or making modifications thereto, and the reasons therefor.

For the purposes of this section significant alteration of flight patterns shall be those alterations proposed to be effective for a period of thirty days or longer, and shall not include any alterations necessitated by weather, equipment failure, or other emergency conditions.

Approved November 9, 1979.

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Chap. 710.      AN ACT FURTHER DEFINING THE ACCEPTANCE  
                    OF FAMILIES WITH CHILDREN IN HOUSING DE-  
                    VELOPMENTS.

Be it enacted, etc., as follows:

SECTION 1. Section 1 of chapter 151B of the General Laws is hereby amended by adding the following subsection:-

15. The term "housing development" means multi-apartment units operated as contiguously located housing accommodations.

SECTION 2. Subsection 11 of section 4 of said chapter 151B is hereby amended by adding the following paragraph:-

This subsection shall not apply to housing developments containing one hundred or more apartments, if said development shall at such time be the residence for a number of children equal to fifty per cent of the number of apartments in the development, and in such exempted development children may be restricted to specific types of apartments or buildings. For the purposes of this paragraph, a child shall be defined as a person sixteen years of age or less. This paragraph shall not apply to publicly assisted or publicly subsidized developments, buildings, or apartments designated by the administering public agency for persons over sixty-two years of age or handicapped persons or both.

SECTION 3. No family living in any such apartment contained in the development prior to the effective date of this act shall be evicted or otherwise have its tenancy affected as a result of this act.

SECTION 4. The department of community affairs shall conduct a study of the housing needs of persons with children and the effects of this subsection, if any, on the availability of housing to persons with children. The department shall issue its report within two years from the effective date of this act and shall file a copy of the same with the clerk of the house of representatives.

Approved November 9, 1979.

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Chap. 711.      AN ACT AUTHORIZING THE TREASURER OF

WORCESTER COUNTY TO ADJUST THE BOOKS  
OF THE WORCESTER COUNTY HOSPITAL FOR  
MONEY STOLEN FROM SAID HOSPITAL.

Be it enacted, etc., as follows:

The county treasurer of Worcester county is hereby authorized to adjust the record books of the Worcester County Hospital to reflect the loss of three thousand one hundred seventy-six dollars and thirty-eight cents, which is the balance not recovered from a larceny which occurred at said hospital in the year nineteen hundred and seventy-three.

Approved November 9, 1979.

Chap. 712. AN ACT REQUIRING THE INSTALLATION OF  
SMOKE DETECTORS IN CERTAIN RESIDENTIAL  
BUILDINGS AND STRUCTURES.

Be it enacted, etc., as follows:

SECTION 1. Chapter 148 of the General Laws is hereby amended by inserting after section 26C the following three sections:-

Section 26D. As used in this section and sections twenty-six E and twenty-six F the following terms shall have the following meanings unless the context clearly indicates otherwise:-

"Approved smoke detector", shall be a smoke detector which may be activated by a battery power source or which may be activated by being permanently wired to a source of alternating current electric power or connected to a source of alternating current electric power by an underwriter's laboratory approved cord with a strain relief and plug retainer.

"Common hallway", a common corridor or space separately enclosed which provides common access to the required exitways of the residential building or structure.

"Separate sleeping area", shall mean the area or areas of the dwelling unit in which the bedrooms, or sleeping rooms, are located. Bedrooms, or sleeping rooms, separated by other use areas such as kitchens or living rooms, but not bathrooms, shall be considered as separate sleeping areas.

Section 26E. In any city or town which accepts this section, buildings or structures occupied in whole or in part for residential purposes, and not regulated by sections twenty-six A, twenty-six B, or twenty-six C shall, within one year of the date of such acceptance, be equipped with approved smoke detectors. For buildings or structures occupied in whole or in part for residential purposes and containing a maximum of two dwelling units, one approved smoke detector shall be installed on each level of habitation and on the basement level. Such approved smoke detector shall be installed in the following manner: an approved smoke detector shall be installed on the ceiling of each stairway leading to the floor above, near the base of, but not within each stairway and an approved smoke detector shall be installed outside of each separate sleeping area. For buildings or structures occupied in whole or in part for residential purposes and containing not less than three nor more than five dwelling units, an approved smoke

detector shall be installed in each dwelling unit outside each separate sleeping area and in all common hallways of said residential building or structure.

The head of the fire department shall enforce the provisions of this section. The provisions of section thirty shall not apply to this section.

Section 26F. All buildings or structures occupied in whole or in part for residential purposes and not regulated by sections twenty-six A, twenty-six B or twenty-six C shall, upon the sale or transfer of such building or structure, be equipped by the seller with approved smoke detectors as provided in section twenty-six E.

The head of the fire department shall enforce the provisions of this section. The provisions of section thirty shall not apply to this section.

SECTION 2. Section twenty-six F of chapter one hundred and forty-eight of the General Laws, inserted by section one of this act, shall take effect on January first, nineteen hundred and eighty-two.

Approved November 9, 1979.

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Chap. 713. AN ACT RELATIVE TO THE TAXATION OF OPEN LAND USED FOR RECREATIONAL PURPOSES.

Be it enacted, etc., as follows:

SECTION 1. The General Laws are hereby amended by inserting after chapter 61A the following chapter:-

CHAPTER 61B.  
CLASSIFICATION AND TAXATION OF RECREATIONAL LAND.

Section 1. Land not less than five acres in area shall be deemed to be recreational land if it is retained in substantially a natural, wild, or open condition or in a landscaped condition in such a manner as to allow to a significant extent the preservation of wildlife and other natural resources, including but not limited to, ground or surface water resources, clean air, vegetation, rare or endangered species, geologic features, high quality soils, and scenic resources. Land not less than five acres in area shall also be deemed to be recreational land which is devoted primarily to recreational use and which does not materially interfere with the environmental benefits which are derived from said land, and is available to the general public or to members of a non-profit organization including a corporation organized under chapter one hundred and eighty.

For the purpose of this chapter, the term recreational use shall be limited to the following: hiking, camping, nature study and observation, boating, golfing, horseback riding, hunting, fishing, skiing, swimming, picnicking, private non-commercial flying, including hang gliding, archery and target shooting.

Such recreational use shall not include horse racing, dog racing, or any sport normally undertaken in a stadium, gymnas-

ium or similar structure.

Section 2. The value of land classified under the provisions of this chapter shall be determined under section thirty-eight of chapter fifty-nine solely on the basis of its use. The board of assessors shall assess such land at valuations based upon the guidelines established under the provisions of chapter fifty-eight, but in no event shall such valuation exceed twenty-five per cent of its fair cash value as determined pursuant to chapter fifty-nine.

Section 3. Eligibility of land for valuation, assessment and taxation under this chapter shall be determined separately for each tax year. Application therefor shall be submitted to the board of assessors of each city or town in which such land is situated not later than October first of the year preceding each tax year for which such valuation, assessment and taxation is being sought. Application shall be made on a form prescribed by the commissioner of revenue and provided for the use of applicants by said board of assessors. Such form shall provide for the reporting of information pertinent to the provisions of this chapter and for certification by the applicant that he will immediately notify the board of assessors in writing of any subsequent circumstance within his control or knowledge which may cause a change in use of the land covered by such form prior to October first next following. Any application submitted under this section and covering leased land shall be accompanied by a written statement signed by the lessee of his intent to use such land for the purposes set forth in said application. A certification by a landowner that the information set forth in his application is true may be prescribed by said commissioner to be in lieu of a sworn statement to that effect. An application so certified shall be considered as if made under oath and subject to the same penalties as provided by law for perjury.

Section 4. If a change in use of land maintained as recreational land as defined in section one occurs between October first and December thirty-first of the year preceding the tax year, the board of assessors shall disallow or nullify the application filed under authority of section three, and, after examination and inquiry, shall determine the full and fair value of said land under the valuation standard applicable to other land and shall assess the same according to such value. If, notwithstanding such change of use, the land is valued, assessed and taxed under the provisions of this chapter in the ensuing year, upon notice thereof said board shall enter an assessment and the amount of the increased tax resulting from such assessment, as an added assessment and tax against such land, for the particular year involved in the manner prescribed in section seventy-five of chapter fifty-nine. The amount of the added assessment shall be equal to the difference, if any, between the assessment imposed under this chapter and the assessment which would have been imposed had the land been valued and assessed as other land. The enforcement and collection of additional taxes resulting from any additional assessment so imposed shall be as provided by said chapters fifty-nine and sixty.

Section 5. In any city or town in which a program of revaluation of all property therein has been or shall be undertaken and completed in time to be reflected in the assessments for the next succeeding tax year but not in sufficient time to permit landowners to make application prior to October first of the year preceding the tax year for the valuation, assessment and taxation of their lands for the ensuing tax year on the basis of being maintained in recreational use, any such application filed with the board of assessors after October first and not more than thirty days following the mailing of the tax bill containing the new valuation shall be deemed to have been timely made for the tax year of the revaluation program, notwithstanding any provision of this chapter to the contrary. If such application is approved and the lands qualify for valuation, assessment and taxation as lands maintained for recreational use in the ensuing tax year, the portion of any tax assessed for such year which is in excess of the tax which would have been assessed on such lands had such application been timely made and approved shall be abated.

Section 6. An application for valuation, assessment and taxation of land under the provisions of this chapter shall be allowed or disallowed by the board of assessors of the city or town in which such land is located within three months of the filing thereof. An application for valuation, assessment and taxation of land under the provisions of this chapter shall be disallowed by the board of assessors of the city or town in which such land is located if, in their judgment such land, in whole or in part, does not qualify thereunder. If any board of assessors shall determine that any such application is submitted for the purpose of evading payment of full and proper taxes, such board shall disallow such application. The failure of a board of assessors to allow or disallow any such application within three months following the filing thereof, shall be deemed a disallowance of such application. The board of assessors shall, within ten days of an allowance, or disallowance, send written notice of such allowance, or disallowance, by certified mail to the applicant and shall set forth therein the reason or reasons for disallowance together with a statement advising the applicant of his right to appeal therefrom as provided in section fourteen. In the case of a partial disallowance, the applicant shall be permitted to file an amendment to the original application.

With respect to the first application relating to a parcel of land which has been approved, and any subsequent such applications after a lapse of time when such land has not been valued, assessed and taxed under this chapter or after a change of record ownership of such land, the board of assessors shall forthwith cause to be recorded in the registry of deeds of the county or district in which the city or town is situated a statement of their action which shall constitute a lien upon the land covered by such application for such taxes as may be levied under the provisions of this chapter. The statement shall name the owner or owners of record and shall include a description of the land adequate for identification. Unless such a statement is recorded the lien shall not be effective with respect to a bona fide purchaser or other transferee without actual knowledge of such lien.

Upon application of any record owner, such liens shall be released by the board of assessors with respect to any parcel of land as hereinafter provided upon the applicable facts being established by records, affidavits or otherwise.

All liens for conveyance tax under section seven shall be released upon its being 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 seven or that any such taxes which have become due have been paid.

All liens for roll-back taxes under section eight, other than roll-back taxes based on change of use after the date of such release, shall be released upon its being so established that no roll-back taxes have become due or that any such taxes which have become due have been paid.

The board of assessors shall also have the power and authority to release any such liens to correct any errors or omissions. Any release under this section shall be recorded with the registry of deeds.

When any land which has been valued, assessed and taxed under this chapter ceases to be so valued, assessed and taxed the board of assessors shall forthwith record in the said 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 7. Any recreational land which is valued, assessed and taxed under the provisions of this chapter, if sold for other use within a period of ten years from the beginning of the fiscal year in which it was first so classified shall be subject to a conveyance tax applicable to the total sales price of such land, which tax shall be in addition to such taxes as may be imposed under any other provision of law. Said conveyance tax shall be at the following rate: ten per cent if sold within the first five years of ownership; and, five per cent if sold within the sixth through 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, however, 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 board of assessors an affidavit by the purchaser that such land is being purchased for recreational use, no conveyance tax shall be payable by the seller by reason of such sale, but if such land is not in fact continued in such use, the purchaser shall be liable for any conveyance tax that would have been payable on such sale as a sale for other use.

A nonexempt transfer subsequent to any exempt transfer or transfers shall be subject to the provisions of this section.

Upon such nonexempt transfer the date of acquisition by the grantor, for purposes of this section, shall be deemed to be the date of the last preceding transfer not excluded by the foregoing provisions from application of this section; except that in the case of transfer by a grantor who has acquired the property from a foreclosing mortgagee the date of acquisition shall be deemed to be the date of such acquisition. 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. 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 classified recreational land which is valued, assessed and taxed under the provisions of this chapter, if changed by the owner thereof to another use within a period of ten years from the date of its acquisition by said owners, 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 land for the purpose of determining a total sales price shall be fair market value as determined by the board of assessors of the city or town involved for all other property.

Section 8. Whenever land which is valued, assessed and taxed under this chapter no longer qualifies as classified recreational land it shall be subject to additional taxes, hereunder referred to as roll-back taxes, in the current tax year in which it is disqualified and in such of the nine immediately preceding tax years in which the land was so valued, assessed and taxed; provided, however, 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 seven and, in such case, the land shall not be subject to the conveyance tax imposed under said section seven; and provided, further, that no roll-back taxes shall be applicable if the land 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 the provisions of this chapter and the taxes that would have been paid or payable had the land been valued, assessed and taxed without regard to such provisions. If, at the time during a tax year when a change in land use has occurred, the land was not then valued, assessed and taxed under the provisions of this chapter, then such land shall be subject to roll-back taxes only for such of the ten immediately preceding years in which the land was valued, assessed and taxed thereunder. In determining the amount of roll-back taxes on land which has undergone a change in use, the board of assessors shall have ascertained the following for each of the roll-back tax years involved:

(a) the full and fair value of such land under the valuation standard applicable to other land in the city or town;

(b) the amount of the land assessment for the particular tax year;

(c) the amount of the additional assessment on the land for the particular tax year by deducting the amount of the actual assessment on the land for that year from the amount of the land assessment determined under clause (a); and,

(d) the amount of the roll-back tax for that tax year by multiplying the amount of the additional assessment determined under clause (c) by the general property tax rate of the city or town applicable for that tax year.

Interest on roll-back taxes shall be payable, and shall be computed at the rate of interest provided by section fifty-seven of chapter fifty-nine over the period of the tax roll-back.

Section 9. Land which is valued, assessed and taxed on the basis of its recreational use under an application filed and approved pursuant to this chapter shall not be sold for or converted to residential, industrial or commercial use while so valued, assessed and taxed unless the city or town in which such land is located has been notified of intent to sell for or convert to such other use provided, however, that the discontinuance of the use of such land for recreational purposes shall not be deemed a conversion. Specific use of land for a residence for the owner or his spouse or a parent, grandparent, child, grandchild, or brother or sister of the owner, or the surviving husband or wife of any deceased such relative, or for living quarters for any persons actively employed full time in the recreational use of such land, shall not be deemed to be a conversion for purposes of this section; and a certificate of the board of assessors, recorded with the registry of deeds, shall conclusively establish that a particular use is such a use. For a period ninety days subsequent to such notification, said city or town shall have, in the case of intended sale, a first refusal option to meet a bona fide offer to purchase said land, or, in the case of intended conversion not involving sale, an option to purchase said land at full and fair market value to be determined by impartial appraisal. Such notice of intent shall be sent by the landowner via certified mail to the mayor and city council of a city, or to the board of selectmen of a town, to its board of assessors and to its planning board and conservation commission, if any, and said option period shall run from the day following the latest date of deposit of any such notices in the United States mails. No sale or conversion of such land shall be consummated unless and until either said option period shall have expired or the landowner shall have been notified in writing by the mayor or board of selectmen of the city or town in question that said option will not be exercised. Such option may be exercised only by written notice signed by the mayor or board of selectmen, mailed to the landowner by certified mail at such address as may be specified in his notice of intention and recorded with the registry of deeds, within the option period. An affidavit by a notary public that he has so mailed such a notice of intent on behalf of a landowner shall conclusively establish the manner and time of the giving of such notice; and such an affidavit, and such a notice that the option will not be exercised, shall be recorded with the registry of deeds. Each such notice of intention, notice of exercise of the option and notice that the option will not be



exercised shall contain the name of the record owner of the land and a description of the premises so to be sold or converted adequate for identification thereof; and each such affidavit by a notary public shall have attached to it a copy of the notice of intention to which it relates. Such notices of intention shall be deemed to have been duly mailed to the parties above specified if addressed to them in care of the town or city clerk; and in the case of notice to a city council or a board or commission, addressed to it as such entity. The provisions of this section shall not be applicable with respect to a mortgage foreclosure sale; but the holder of a mortgage shall, at least forty-five days before a foreclosure sale, send written notice of the time and place of such sale to the parties and in the manner above provided in this section for notice of intent to sell or convert, and the giving of such notice may be established by an affidavit of a notary public as above set forth.

Section 10. All building located on land which is valued, assessed and taxed on the basis of its recreational use in accordance with the provisions of this chapter and all land occupied by a dwelling or regularly used for family living shall be valued, assessed and taxed by the same standards, methods and procedures as other taxable property.

Section 11. Continuance of land valuation, assessment and taxation under the provisions of this chapter shall depend upon continuance of such land in recreational use and compliance with other requirements of this chapter and not upon continuance in the same owner of title to such land. Liability to roll-back taxes, determined pursuant to section eight shall attach when such land no longer qualifies as recreational land actively and shall be the obligation of the then owner of the land. For purposes relating to roll-back taxes such qualification shall depend on the actual use of such land, and not on the filing of application under section three for any year.

Section 12. If, by conveyance or other action of the owner thereof, a portion of land which is valued, assessed and taxed under the provisions of this chapter is separated for a use which does not qualify as recreational land, the land so separated shall be subject to liability for conveyance or roll-back taxes applicable thereto, but such separation shall not impair the right of the remainder of such land to continuance of valuation, assessment and taxation thereunder; provided, however, that such remaining land continues to so qualify.

Section 13. Land qualifying for valuation, assessment and taxation under this chapter shall be subject to special assessments or betterment assessments to such pro rata extent as the service or facility financed by such assessment is used for improving the recreational use capability of said land or for the personal benefit of the owner thereof. Any such assessment may however, upon application, be suspended during the time the land is in classified recreational use; provided, however, that the interest thereon shall be paid annually.

Section 14. The assessment, collection, apportionment and

payment over of the roll-back taxes imposed by section 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. Any person aggrieved by any determination or assessment by the board of assessors under this chapter may within sixty days of the date of notice thereof apply in writing to the assessors for modification or abatement thereof. Any person aggrieved by the refusal of the assessors to modify such a determination or make such an abatement or by their failure to act upon such an application may appeal to the appellate tax board within thirty days after the date of notice of their decision or within three months of the date of the application, whichever date is later. It shall be a condition of such appeal with respect to the annual general property tax that the asserted tax be paid, but no payment shall be required as a condition of such appeal with respect to any asserted conveyance tax or roll-back tax. If any payment of any tax imposed by this chapter should be made and as the result of any such modification or abatement by the board of assessors or decision by the appellate tax board it shall appear that any such tax has been overpaid, such excess payment shall be reimbursed by the town treasurer with interest at the rate of six per cent per annum from time of payment. Collection of any conveyance or roll-back taxes, by sale or taking or otherwise, may be stayed by the appellate tax board while any such appeal is pending. Any partial payment of the asserted tax that may be required by the appellate tax board in connection with such tax shall not exceed one-half of the asserted tax.

Section 15. In connection with any proposed or completed sale or other transfer of any land which has been valued, assessed and taxed under the provisions of this chapter, the owner of record of the land may apply to the board of assessors for a certificate of the amount of conveyance tax and roll-back tax, if any, payable by reason of such sale or other transfer, or that no such tax is payable and stating the amount of any conveyance or roll-back taxes that are payable with respect to such land. Such certificate shall be provided to the applicant within twenty days after application therefor. Such certificate may be recorded with the registry of deeds, and upon such recording of such a certificate become payable, or a certificate by the collector of taxes that the amount of tax stated in such certificate of the board of assessors has been paid, all liens on such land for taxes under this chapter shall terminate, except that any liens for any roll-back taxes assessed by reason of land ceasing to qualify for valuation, assessment and taxation under this chapter after the date of such sale or other transfer, shall continue. In connection with the issuance of such a certificate, the board of assessors may rely upon their own records, affidavits and such other information as they may deem appropriate. The board of assessors shall charge six dollars for each certificate so issued,

and the money so received shall be paid into the town treasury.

Section 16. In determining the equalization required by section nine of chapter fifty-nine the commissioner of revenue shall determine the value of such land on the basis of its recreational use.

Section 17. The factual details to be shown on the tax list of a board of assessors with respect to land which is valued, assessed and taxed under this chapter shall be the same as those set forth by said board with respect to other taxable property in the same city or town.

Section 18. 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 2. Section 6 of chapter 58A of the General Laws, as most recently amended by section 10 of chapter 580 of the acts of 1978, is hereby further amended by striking out the first sentence and inserting in place thereof the following sentence:-

The board shall have jurisdiction to decide appeals under the provisions of section forty-two E of chapter forty; of sections two and fourteen of chapter fifty-eight; of clauses Seventeenth and Twenty-second of section five of chapter fifty-nine; chapter fifty-nine A; of sections seven, seven A, thirty-nine, sixty-four, sixty-five, sixty-five B, seventy-three and eighty-one of said chapter fifty-nine; of section two of chapter sixty A; section fourteen of chapter sixty-one B; of sections thirty-nine, sixty-seven and sixty-eight of chapter sixty-two C; of section two of chapter sixty-three; of section twenty-six of chapter sixty-five; of section four of chapter sixty-five A; and under any other provision of law wherein such jurisdiction is or may be expressly conferred.

SECTION 3. Section 5 of chapter 59 of the General Laws is hereby amended by adding after clause Forty-seventh, added by section 1 of chapter 339 of the acts of 1979, the following clause:-

Forty-eighth, Land classified under chapter sixty-one B, except from taxes provided for in said chapter.

SECTION 4. Notwithstanding the provisions of section three of chapter sixty-one B, inserted by section one of this act, applications for said recreational classification for the fiscal year ending June thirtieth, nineteen hundred and eighty-one shall be filed no later than April first, nineteen hundred and eighty.

SECTION 5. The provisions of this act shall apply to fiscal years ending June thirtieth, nineteen hundred and eighty-one and thereafter.

Approved November 9, 1979.

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Chap. 714.      AN ACT PROVIDING FOR ADDITIONAL HOUSING  
FOR CERTAIN HANDICAPPED PERSONS.

Be it enacted, etc., as follows:

SECTION 1. Section 8 of chapter 4 of the acts of 1976, as amended by section 1 of chapter 996 of the acts of 1977, is hereby further amended by striking out, in line 2, the word "seventy-two" and inserting in place thereof the word:- eighty-seven.

SECTION 2. Section 10 of said chapter 4, as amended by section 2 of said chapter 996, is hereby further amended by striking out, in line 9, the word "seventy-two" and inserting in place thereof the word:- eighty-seven.

SECTION 3. Section 41A of chapter 121B of the General Laws is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:- The total amount of grants so contracted for under this section shall not exceed twenty-five million dollars in the aggregate.

SECTION 4. Said section 41A of said chapter 121B is hereby further amended by striking out the fourth sentence and inserting in place thereof the following sentence:- The total amount of all notes guaranteed pursuant to this section shall not exceed twenty-five million dollars, exclusive of notes which may be issued for refunding purposes.

Approved November 9, 1979.

Chap. 715. AN ACT AUTHORIZING A CERTAIN REBATE OF FUNDS BY THE TOWN OF PALMER TO CERTAIN EMPLOYEES OF SAID TOWN.

Be it enacted, etc., as follows:

SECTION 1. The town of Palmer is hereby authorized to pay, from any available funds, to certain employees of said town, who were participants in the Blue Cross - Blue Shield health insurance group plan in said town during the period January first, nineteen hundred and seventy-seven, through December thirty-first, nineteen hundred and seventy-seven, a rebate of a portion of the forty-two thousand nine hundred and eighty-eight dollars received by said town for said period in accordance with the provisions of section eight A of chapter thirty-two B of the General Laws. The town treasurer is hereby authorized to make use of available funds in the treasury without any further appropriation or action by the town meeting to accomplish the purposes of this legislation.

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

Approved November 13, 1979.

Chap. 716. AN ACT RELATIVE TO THE REQUIREMENT THAT A PUBLIC CHARITY REGISTER AND FILE ANNUAL REPORTS WITH THE DIVISION OF PUBLIC CHARITIES OF THE DEPARTMENT OF THE ATTORNEY GENERAL.

Be it enacted, etc., as follows:

Chapter 12 of the General Laws is hereby amended by striking

out sections 8 through 8K, and inserting in place thereof the following new sections:-

Section 8. The attorney general shall enforce the due application of funds given or appropriated to public charities within the commonwealth and prevent breaches of trust in the administration thereof.

Section 8A. Definitions. As used in this section and in sections eight B to eight M, inclusive, the following words and phrases shall, unless a different meaning is plainly required by the context, have the following meanings:-

"Director", the director of public charities appointed pursuant to the provisions of section eight C.

"Division", the division of public charities established under section eight B.

Section 8B. There shall be in the department of the attorney general a division of public charities which shall, under the direction and control of the attorney general, perform the duties imposed upon him by the provisions of section eight to eight M, inclusive.

Section 8C. The executive and administrative head of the division shall be an assistant attorney general designated by the attorney general to act as the director of public charities.

Section 8D. The director may appoint and remove, subject to the approval of the attorney general, such accounting, investment, clerical and other experts and assistants as the work of the division may require.

Section 8E. Every public charity established, organized or chartered under the laws of the commonwealth or under the laws of any other state, 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, register with the division by filing a copy of its charter, articles of organization, agreement of association or instrument of trust, and a true copy of its constitution and by-laws, together with such other information as the director may require. Every public charity registered with the division shall also file with the division any amendments to its charter, articles of organization, agreement of association, instrument of trust or constitution, within thirty days after adoption.

If a public charity willfully fails to comply with the requirements of this section, every officer and every agent who authorizes or transacts business on behalf of such public charity in this commonwealth shall be assessed a civil penalty of not more than five hundred dollars. The attorney general may bring an action in the superior court to restrain a public charity from violating this section and to restrain a public charity from trans-

acting any business while such violation continues.

Section 8F. The trustee or trustees or the governing board of every public charity shall annually, at a time to be determined by the director, file with the division a written report for its last preceding fiscal year. Such report shall be filed on forms prescribed by the director and shall contain such financial and other information as the director may require. A public charity which is required by law to file accounts in a probate court of the commonwealth may file a copy of such account for any year with the division in lieu of the annual report, but each such public charity shall supply to the director, upon request, such additional information as the director may require.

A public charity, other than one which files its annual probate account with the division in lieu of the annual report, which received more than one hundred thousand dollars in gross support and revenue during the fiscal year covered by its report must submit a complete audited financial statement together with its annual report. For purposes of this section, gross support and revenue shall not include any gains or losses from the sale of a capital asset. The audited financial statement shall be prepared in accordance with such generally accepted accounting principles and reporting practices as may from time to time be prescribed by the American Institute of Certified Public Accountants, or its successor organization, and shall be examined by an independent certified public accountant in accordance with generally accepted auditing standards for the purpose of expressing an opinion thereon. The director may, by regulation, exempt certain types or classes of organizations from the audit requirement or from completing any portions of the annual report if the director determines that such exemption would be in the public interest.

The annual reports and any other documents prescribed by the director shall be signed by an authorized officer of the public charity and shall be verified under oath. There shall be a filing fee of twenty-five dollars for each such report, to be paid to the division at the time of filing. In the event that any public charity shall fail to file a report required hereunder, the division may bring an action to restrain the charity from transacting any business in the commonwealth or may take such other action as may be appropriate to compel compliance with the provisions of this section.

This section shall not apply to any property held for any religious purpose by any public charity, incorporated or unincorporated.

Any public charity, or the responsible officer or agent of a public charity, who willfully fails to file a written report for any year shall be assessed a civil penalty of not more than five hundred dollars. Any public charity, or any officer or agent of a public charity, who willfully makes, executes or files a report false in any material representation shall be punished by a fine of not more than five thousand dollars or by imprisonment for not more than one year or both.

Section 8G. The attorney general shall be made a party to all judicial proceedings in which he may be interested in the performance of his duties under the provisions of sections eight to

eight M, inclusive, and service upon or notice to the director in any such proceeding shall be deemed sufficient service upon or notice to the attorney general.

Section 8H. (1) The attorney general, whenever he believes that charitable funds have not been or are not being applied to charitable purposes or that breaches of trust have been or are being committed in the administration of a public charity, may conduct an investigation upon application to and with the approval of a judge of the trial court. In conducting such investigation the attorney general may: (a) take testimony under oath; (b) examine or cause to be examined any documentary material of whatever nature relevant to such alleged misapplication of charitable funds or breach of trust; and (c) require attendance during such examination of documentary material of any person having knowledge of the documentary material and take testimony under oath or acknowledgment in respect of any such documentary material. Such testimony and examination shall take place in the county where such person resides or has a place of business or, if the parties consent or such person is a non-resident or has no place of business within the commonwealth, in Suffolk county. (2) Notice of the time, place and cause of such taking of testimony, examination or attendance shall be given by the attorney general at least ten days prior to the date of such taking of testimony or examination. (3) Service of any such notice may be made by (a) delivering a duly executed copy thereof to the person to be served or to a partner or to any officer or agent authorized by appointment or by law to receive service of process on behalf of such person; (b) delivering a duly executed copy thereof to the principal place of business in the commonwealth of the person to be served; or (c) mailing by registered or certified mail a duly executed copy thereof addressed to the person to be served at the principal place of business in the commonwealth or, if said person has no place of business in the commonwealth, to his principal office or place of business. (4) Each such notice shall: (a) state the time and place for the taking of testimony or the examination and the name and address of each person to be examined, if known, and, if the name is not known, a general description sufficient to identify him or the particular class or group to which he belongs; (b) state the statute and section thereof, if any, the alleged violation of which is under investigation and state the general subject matter of the investigation; (c) describe the class or classes of documentary material to be produced thereunder with reasonable specificity, so as fairly to indicate the material demanded; (d) prescribe a return date within which the documentary material is to be produced; and (e) identify the members of the attorney general's staff to whom such documentary material is to be made available for inspection and copying. (5) No such notice shall contain any requirement which would be unreasonable or improper if contained in a subpoena duces tecum issued by a court of the commonwealth; or require the disclosure of any documentary material which would be privileged or which for any other reason would not be required by a subpoena duces tecum issued by a court of the commonwealth. (6) Any documentary material or other informa-

tion produced by any person pursuant to this section shall not, unless otherwise ordered by a court of the commonwealth for good cause shown, be disclosed to any person other than the authorized agent or representative of the attorney general, unless with the consent of the person producing the same. (7) The superior court for the county of Suffolk or for any county in which any person served in accordance with this section resides or has his usual place of business may, at any time prior to the date specified in the notice, or within twenty-one days after the notice has been served, whichever period is shorter, upon motion for good cause shown, extend such reporting date or modify or set aside the notice provided for in this section.

This section shall not be applicable to any criminal proceeding nor shall information obtained under the authority of this section be admissible in evidence in any criminal prosecution for substantially identical transactions.

Section 8I. A person upon whom a notice is served pursuant to the provisions of section eight H shall comply with the terms thereof unless otherwise provided by the order of a court of the commonwealth. Any person who fails to appear, or with intent to avoid, evade, or prevent compliance, in whole or in part, with any civil investigation under this chapter, removes from any place, conceals, withholds, or destroys, mutilates, alters, or by any other means falsifies any documentary material in the possession, custody or control of any person subject to any such notice, or knowingly conceals any relevant information, shall be assessed a civil penalty of not more than five thousand dollars.

The attorney general may file in the superior court of the county in which such person resides or has his principal place of business, or in the superior court of Suffolk county if such person is a non-resident or has no principal place of business in the commonwealth, and serve upon such person, in the same manner as provided in section eight H, a petition for an order of such court for the enforcement of this section and section eight H. Any disobedience of any final order entered under this section by any court shall be punished as a contempt thereof.

Section 8J. The director shall from time to time formulate such reasonable rules and regulations as may be necessary to carry out the provisions of sections eight to eight M, inclusive, and such rules and regulations shall thereafter govern all such matters.

Section 8K. A gift made for a public charitable purpose shall be deemed to have been made with a general intention to devote the property to public charitable purposes, unless otherwise provided in a written instrument of gift.

Section 8L. Every public charity required to file written annual reports with the division pursuant to section eight F shall, in accordance with rules and regulations prescribed by the division, keep true fiscal records as to its activities within the commonwealth in such form as will enable it accurately to provide the information required by said section. Upon demand, such records shall be made available to the division for inspection. Such records shall be retained for a period of at least three



years after the end of the period to which the annual report relates.

Section 8M. Except as otherwise provided in this chapter, all registration statements, annual reports and all other information required to be filed under sections eight to eight M, inclusive, or by the division, shall be public records in the office of the division and shall be open to the general public for inspection at such time and under such conditions as the division may prescribe.

Approved November 13, 1979.

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Chap. 717. AN ACT FURTHER REGULATING CERTAIN PROVISIONS OF THE PUBLIC EDUCATION LAWS.

Be it enacted, etc., as follows:

SECTION 1. Section 15 of chapter 10 of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:- The state treasurer may also receive from said trustees the unclaimed money paid over under section twenty-three A of chapter one hundred and twenty which shall be held by him as a single fund, the income of which shall be expended as directed by said trustees for the purpose of securing special training or education for or otherwise aiding and assisting their meritorious wards.

SECTION 2. Chapter 71 of the General Laws is hereby amended by striking out section 26A, as appearing in section 1 of chapter 165 of the acts of 1946, and inserting in place thereof the following section:-

Section 26A. If the school committee of a town determines that sufficient need exists therein for extended school services for children, between three and fourteen years of age, of parents who are employed, and whose employment is determined by said committee to be necessary for the welfare of their families, said school committee, subject to section twenty-six B, and with the approval of the city council or selectmen may establish and maintain such services.

SECTION 3. Section twenty-nine of said chapter seventy-one is hereby repealed.

SECTION 4. Said chapter 71 is hereby further amended by striking out section 40, as most recently amended by section 15 of chapter 52 of the acts of 1973, and inserting in place thereof the following section:-

Section 40. The compensation of every teacher employed in any public day school in the commonwealth, except persons in training and those employed as temporary substitutes, shall be at a rate of not less than five thousand seven hundred and fifty dollars for the school year. The compensation paid to such teachers shall be deemed to be fully earned at the end of the school year, and proportionately earned during the school year. Payment of such compensation may be deferred to the extent that equal payments may be established for a twelve-month period

including amounts payable in July and August subsequent to the end of the school year.

SECTION 5. Chapter 74 of the General Laws is hereby amended by striking out section 7, as amended by section 4 of chapter 475 of the acts of 1978, and inserting in place thereof the following section:-

Section 7. Residents of towns in the commonwealth not maintaining approved independent distributive occupations, industrial, agricultural, vocational home economics and allied health occupations training schools offering the type of education desired, or children placed in such a town by the commissioner of social services or by the trustees of the Massachusetts training schools, may, upon the approval of the commissioner under the direction of the state board, be admitted to a school in another town. In making his decision, the commissioner under the direction of the state board shall take into consideration the opportunities for free vocational training where the applicant resides, the financial status of such place, the age, preparation, aptitude and previous record of the applicant, and other relevant circumstances.

SECTION 6. Said chapter 74 is hereby further amended by striking out section 52, as appearing in the Tercentenary Edition, and inserting in place thereof the following section:-

Section 52. A town may establish and maintain, upon shore or upon vessels at the election of the school committee, one or more schools for training young persons in nautical duties. School committees may excuse persons attending such schools from attendance at other schools.

SECTION 7. Chapter 76 of the General Laws is hereby amended by striking out section 3, as most recently amended by chapter 344 of the acts of 1974, and inserting in place thereof the following section:-

Section 3. Every minor between sixteen and eighteen who does not meet the requirements for the completion of the sixth grade of the public schools of the town where the minor resides shall, except as otherwise provided herein, attend some public evening school, if any, in the town of the minor's residence, for the whole time during which the public evening schools are in session, unless the minor attends a public day school, or a private school approved as provided in section one by the school committee, or unless the minor's physical or mental condition is such as to render the minor's attendance harmful or impractical. Any such minor may, with the consent of the school committee of the town in which the minor resides, attend a public evening school in the town where the minor is employed, upon such terms as may be agreed upon by the school committees of such towns. Wilful violations of this section by such a minor shall be punished by a fine of not less than five dollars; failure for six sessions within a period of one month by any person in control of such a minor to cause the minor's attendance shall, on complaint by a supervisor of attendance, be punished by a fine of not more than twenty dollars.

Approved November 13, 1979.

Chap. 718. AN ACT RELATIVE TO THE FILING OF NOTICES OF INTENTION TO MARRY AND CERTIFICATES OF MARRIAGE.

Be it enacted, etc., as follows:

SECTION 1. Chapter 207 of the General Laws is hereby amended by striking out sections 19 and 20 and inserting in place thereof the following two sections:-

Section 19. Persons intending to be joined in marriage in the commonwealth shall, not less than three days before their marriage, jointly cause notice of their intention to be filed in the office of the clerk or registrar of any city or town in the commonwealth, and pay the fee provided by clause (42) of section thirty-four of chapter two hundred and sixty-two. In computing the three day period specified in this section and in determining the third day referred to in section twenty-eight, Sundays and holidays shall be counted.

Section 20. The clerk or registrar shall require written notice of intention of marriage, on blanks furnished by the commissioner of public health, containing such information as is required by law and also a statement of absence of any legal impediment to the marriage, to be given before such clerk or registrar under oath by both of the parties to the intended marriage; provided, that if a registered physician makes affidavit to the satisfaction of the clerk or registrar that a party is unable, by reason of illness, to appear, such notice may be given on behalf of such party, by his or her parent or legal guardian, or, in case there is no parent or legal guardian competent to act, by the physician certifying to the illness, or by the other party. In case of persons, one or both of whom are in the armed forces, such notice may be given by either party, provided that one is domiciled within the commonwealth. The oath to such notice shall be to the truth of all the statements contained therein whereof the party subscribing the same could have knowledge, and may be given before the clerk or registrar or before a regularly employed clerk in his office designated by him in writing and made a matter of record in the office. No fee shall be charged for administering such oath. In towns having an assistant clerk or registrar, he may administer the oath.

SECTION 2. Said chapter 207 is hereby further amended by striking out section 40, as most recently amended by section 4 of chapter 81 of the acts of 1968, and inserting in place thereof the following section:-

Section 40. Every justice of the peace, minister, rabbi, secretary of a Spiritual Assembly of the Baha'is, leader of an Ethical Culture Society, and clerk or keeper of the records of a meeting wherein marriages among Friends or Quakers are solemnized shall make and keep a record of each marriage solemnized by him, or in such meeting, and of all facts relative to the marriage required to be recorded by section one of chapter forty-six. He shall also return each certificate issued under section twenty-eight, no later than the tenth day of the month following each month in which marriages are solemnized by him, to the clerk or registrar

who issued the same. Each certificate and copy so returned shall contain a statement giving the place and date of marriage, attested by the signature of the person who solemnized the same or of said secretary of a Spiritual Assembly of the Baha'is or of said leader of an Ethical Culture Society, or of said clerk or keeper of the records of a Friends or Quaker meeting. The person who solemnized the marriage shall add the title of the office by virtue of which the marriage was solemnized, as "justice of the peace", "minister of the gospel", "clergyman", "priest", "rabbi", "authorized representative of a Spiritual Assembly", or "leader of an Ethical Culture Society", and his residence. All certificates or copies so returned shall be recorded by the clerk or registrar receiving them.

Approved November 13, 1979.

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Chap. 719.      AN ACT AUTHORIZING THE METROPOLITAN DISTRICT COMMISSION TO LEASE TO THE TOWN OF HUBBARDSTON A CERTAIN PARCEL OF LAND IN SAID TOWN FOR THE PURPOSE OF EXTENDING THE PRESENT LANDFILL FACILITY.

Be it enacted, etc., as follows:

Notwithstanding any general or special law to the contrary, the metropolitan district commission is hereby authorized to lease to the town of Hubbardston a parcel of land two acres in size on the westerly side of New Templeton road in said town for the purpose of extending the present landfill facility. Prior to the approval of said lease, the secretary of environmental affairs shall conduct an environmental impact review to determine the suitability of said site for a sanitary landfill and shall either approve or disapprove the proposed site. If the secretary approves, the land shall be leased to said town upon receipt of approval by said commission and the department of environmental quality engineering. Said parcel being bound and described as follows:-

Beginning at a point at the northwesterly corner of land situated on New Templeton Road, Hubbardston, Worcester County, presently allotted to said Town for sanitary landfill purposes; thence S. 59° 16' W. 300 feet more or less to the easterly side of a way (cart road) which runs from said New Templeton Road along the southerly boundary of said land presently allotted for sanitary landfill purposes; thence running along the easterly side of said way (cart road) for a distance of 520 feet more or less to the southwesterly corner of said land presently allotted for sanitary landfill purposes; thence N. 25° 56' W. 387.90 feet to the place of the beginning.

Containing 2.50 acres more or less

Being shown as the locus on a plan entitled "Sketch showing the location of land requested by the Town of Hubbardston for sanitary landfill purposes, Scale 1" = 200 feet, July 18, 1979, R. H. Longergan R.L.S. 9329".

Approved November 13, 1979.

Chap. 720. AN ACT FURTHER CLARIFYING THE PATIENTS' BILL OF RIGHTS.

Be it enacted, etc., as follows:

Section 70E of chapter 111 of the General Laws, inserted by chapter 214 of the acts of 1979, is hereby amended by inserting after the word "Massachusetts", in line 12, the words:- and any facility set forth in section one of chapter nineteen.

Approved November 13, 1979.

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Chap. 721. AN ACT RELATIVE TO LICENSES FOR THE SALE OF ALCOHOLIC BEVERAGES.

Be it enacted, etc., as follows:

Section 12 of chapter 138 of the General Laws is hereby amended by striking out the seventh paragraph, as appearing in section 1 of chapter 468 of the acts of 1935, and inserting in place thereof the following paragraph:-

No person, firm, corporation, association or other combination of persons, directly or indirectly, or through any agent, employee, stockholder, officer or other person, or any subsidiary whatsoever, licensed under the provisions of sections eighteen or nineteen shall be granted a license under this section.

Approved November 13, 1979.

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Chap. 722. AN ACT RELATIVE TO THE CONSTRUCTION AND MAINTENANCE OF DAMS.

Be it enacted, etc., as follows:

Chapter 253 of the General Laws is hereby amended by striking out sections 44 to 47, inclusive, and inserting in place thereof the following four sections:-

Section 44. In this section and in sections forty-five to forty-seven, inclusive, the term commissioner shall mean the commissioner of the department of environmental quality engineering or his designee. The term dam, as used in sections forty-five to forty-seven, inclusive, shall mean any artificial barrier, including appurtenant works, which impounds or diverts water, and which (1) is twenty-five feet or more in height from the natural bed of the stream or watercourse measured at the downstream toe of the barrier, or from the lowest elevation of the outside limit of the barrier, if it is not across a stream channel or watercourse, to the maximum water storage elevation, or (2) has an impounding capacity at maximum water storage elevation of fifty acre-feet or more. As used in this section the term dam shall not mean any barrier which is not in excess of six feet in height, regardless of storage capacity, or which has a storage capacity at maximum water storage elevation not in excess of fifteen acre-feet, regardless of height. Any other dam, the breaching of which could endanger property or safety which is designated by the commissioner under criteria established by regulations promulgated by the commissioner shall be subject to the provisions of sections

forty-four to forty-seven, inclusive. Said regulations shall classify dams according to the potential for damage to life or property, taking into consideration factors such as height, type of structure, condition of structure, volume of the impoundment, extent of development downstream and other factors deemed appropriate by the commissioner.

Section 45. No person shall construct or materially alter a dam without a permit from the commissioner, which permit shall be recorded in the registry of deeds prior to construction. The application for a permit shall be accompanied by plans, specifications and related documents certified by a registered professional civil engineer approved by the commissioner. Construction of the dam shall be performed under the supervision of a registered professional civil engineer retained by the applicant. The commissioner may require said engineer to submit periodic construction reports and as-built drawings, so called, upon completion. If, after investigation of such periodic construction reports, the commissioner determines that construction does not conform to such plans and specifications, the said commissioner may order the discontinuance of the project until such time as he is satisfied that the work shall be performed in accordance with such plans. The engineer shall certify, upon completion of the work, that the dam has been constructed in accordance with the permit.

Section 46. Every dam shall be inspected visually by the commissioner, according to a schedule established by regulations. After such inspection, the commissioner may order the owner of the dam to cause a thorough examination of the dam, including such tests as the commissioner may require to be made by a registered professional civil engineer, who shall certify as to the condition, adequacy and safety of the dam, within a period of time fixed by the commissioner. The commissioner may make examinations and tests he determines necessary.

Section 47. If the owner fails to certify as to the condition adequacy or safety of the dam after being ordered to do so by the commissioner, the said commissioner may order said owner to immediately take necessary corrective action, including alteration, repair or removal of the dam or drawing down of the impounded water, to abate a threat to safety and property. If the owner fails to take the action ordered by the commissioner, or if the owner of the dam cannot be determined, the commissioner may take such action as he deems necessary to abate such threat to safety or property. Any emergency action taken by the owner of a dam pursuant to the commissioner's order, or any emergency action taken by the commissioner, may be taken without any prior filing with the conservation commission under section forty of chapter one hundred and thirty-one. If water has been drawn off or the structure has been altered pursuant to an order by the commissioner, the impoundment shall not be refilled without approval of the commissioner.

Personnel of the department who are authorized by the commissioner, may enter private property to take action to enforce the provisions of sections forty-four to forty-seven, inclusive. The commissioner may enter into contracts to take actions, draw off

water or make temporary repairs without complying with competitive bidding requirements, if such action is necessary to abate a threat to safety or property. The commissioner shall adopt regulations subject to the provisions of chapter thirty A for the enforcement of the provisions of sections forty-four to forty-seven, inclusive.

Approved November 13, 1979.

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Chap. 723. AN ACT AUTHORIZING THE DEPARTMENT OF ENVIRONMENTAL MANAGEMENT TO CONVEY CERTAIN LAND IN THE TOWN OF PLYMOUTH, TO THE A.D. MAKEPEACE COMPANY.

Be it enacted, etc., as follows:

SECTION 1. The department of environmental management is hereby authorized to convey in the name of and on behalf of the commonwealth to the A.D. Makepeace Company by a deed, approved as to form by the attorney general, a certain parcel of land in the town of Plymouth, containing one hundred and fifty-one acres more or less, and being bounded and described as follows:

Beginning at a point marking the northeast corner of the parcel herein described and the southwest corner of land of the Commonwealth of Massachusetts; thence N 83° 30' W a distance of 2540 feet more or less along land of the A.D. Makepeace Co. to a point; thence S 8° 00' W a distance of 2630 feet more or less along land of said Makepeace to a point; thence S 82° 30' E a distance of 2400 feet more or less along land of said Makepeace to a point; thence N 9° 30' E a distance of 2700 feet to the point of beginning.

SECTION 2. This act shall take effect upon the conveyance by A.D. Makepeace Company to the commonwealth of a parcel of land in the town of Plymouth that includes the parcel described in section one and containing two hundred and twelve acres more or less.

Approved November 13, 1979.

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Chap. 724. AN ACT DIRECTING THE METROPOLITAN DISTRICT COMMISSION TO PROVIDE WATER TO THE TOWN OF HOLDEN IN EMERGENCY SITUATIONS.

Be it enacted, etc., as follows:

SECTION 1. In an emergency situation as shall be determined by the town manager, the board of selectmen and the board of health with the concurrence of the commissioner of the department of environmental quality engineering, the metropolitan district commission is hereby directed to provide the town of Holden with water in an amount not to exceed one and a half million gallons per day. Said town shall reimburse the metropolitan district commission for any water provided under this act in the manner prescribed by the commission.

SECTION 2. This act shall take effect as of July first, nine-

teen hundred and seventy-nine.

Approved November 13, 1979.

Chap. 725. AN ACT PROVIDING THAT VITO A. PISCITELLI A FORMER PROVISIONAL CAPITOL POLICE OFFICER BE APPOINTED AS A PERMANENT CAPITOL POLICE OFFICER.

Be it enacted, etc., as follows:

Notwithstanding any general or special law, or any rule or regulation to the contrary regulating the maximum age of applicants for appointment as a police officer, Vito A. Piscitelli, a former provisional capitol police officer shall be appointed as a capitol police officer provided he meets all other physical requirements for appointments; and provided, further, that said Vito A. Piscitelli pass a qualifying examination for such position administered by the division of personnel administration.

Approved November 13, 1979.

EMERGENCY LETTER December 10, 1979 @ 10:20 A.M.

Chap. 726. AN ACT PROVIDING FOR THE LISTING OF ENDANGERED WILDLIFE AND WILD PLANTS SPECIES.

Be it enacted, etc., as follows:

SECTION 1. Section 4 of chapter 131 of the General Laws is hereby amended by inserting after clause (13) the following clause:-

(13A) Conduct investigations into non-game species of wildlife and wild plants to obtain information relating to population, distribution, habitat requirements, limiting factors, and other biological and ecological parameters deemed necessary to understand the status of such biota and based upon such investigations to promulgate rules and regulations, subject to the provisions of chapter thirty A, listing those species of wildlife and wild plants which are determined to be endangered, and such list shall include, but not be limited to, the United States List of Endangered and Threatened Wildlife and Wild Plants.

SECTION 2. Section 26A of said chapter 131 is hereby amended by striking out the first paragraph, as amended by section 1 of chapter 127 of the acts of 1972, and inserting in place thereof the following paragraph:-

No person shall sell or offer for sale within the commonwealth any species of fish, bird, mammal, reptile, or amphibian, or any part of the skin or body, whether raw or processed, of such species, if such fish, bird, mammal, reptile or amphibian is included in the list of endangered species prepared by the director pursuant to clause (13A) of section four, unless such animal, skin or body, or part thereof, shall be lawfully possessed by a person holding a state license issued under section twenty-three and, if applicable, a license issued by the United States



## Fish and Wildlife Service.

SECTION 3. The seventh paragraph of section 90 of said chapter 131 is hereby amended by striking out the first sentence, as amended by section 2 of chapter 224 of the acts of 1970, and inserting in place thereof the following sentence:- Whoever violates any provision of section twenty-six A, sixty-five, sixty-six, sixty-seven or eighty-six shall be punished by a fine of not less than fifty nor more than one thousand dollars, or by imprisonment for not more than one year, or both.

Approved November 13, 1979.

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Chap. 727. AN ACT EQUALIZING THE RIGHTS OF HUSBAND AND WIFE IN PROPERTY HELD AS TENANTS BY THE ENTIRETY.

Be it enacted, etc., as follows:

Chapter 209 of the General Laws is hereby amended by striking out section 1, as most recently amended by section 14 of chapter 423 of the acts of 1971, and inserting in place thereof the following section:-

Section 1. The real and personal property of any person shall, upon marriage, remain the separate property of such person, and a married person may receive, receipt for, hold, manage and dispose of property, real and personal, in the same manner as if such person were sole. A husband and wife shall be equally entitled to the rents, products, income or profits and to the control, management and possession of property held by them as tenants by the entirety.

The interest of a debtor spouse in property held as tenants by the entirety shall not be subject to seizure or execution by a creditor of such debtor spouse so long as such property is the principal residence of the nondebtor spouse; provided, however, both spouses shall be liable jointly or severally for debts incurred on account of necessities furnished to either spouse or to a member of their family.

Approved November 13, 1979.

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Chap. 728. AN ACT AUTHORIZING A CITY OR TOWN TO OFFER A REWARD FOR INFORMATION TO DETECT OR SECURE THE ARREST OF A PERSON WHO ASSASSINATES OR ATTEMPTS TO ASSASSINATE POLICE OFFICERS EMPLOYED BY SAID CITY OR TOWN.

Be it enacted, etc., as follows:

Section 10 of chapter 276 of the General Laws, as most recently amended by chapter 57 of the acts of 1971, is hereby further amended by adding the following paragraph:-

In a city, the mayor, with the approval of the city council or, in a town, the selectmen, may offer a reward of not more than five thousand dollars, in any one case, to be paid by the town or city to any person who, in consequence of such offer, detects

or secures the arrest and conviction of a person who assassinates or attempts to assassinate a police officer employed by such city or town. Such reward shall be paid by the treasurer upon the warrant of the mayor or selectmen. If more than one claimant applies for the payment of such reward, the mayor or selectmen shall determine to whom it shall be paid, and if to more than one person, in what proportion to each, and said determination shall be final.

Approved November 13, 1979.

Chap. 729. AN ACT PROVIDING THAT THE PERSON ELECTED CITY COUNCILLOR FROM WARD 7 IN THE CITY OF MALDEN MAY HOLD SAID OFFICE WHEN A VACANCY OCCURS.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any provision of law to the contrary, the person elected city councillor from Ward 7 in the city of Malden on November sixth, nineteen hundred and seventy-nine for a term of two years beginning the first Monday of January, nineteen hundred and eighty, shall serve for the remainder of any unexpired term of his predecessor as the city councillor from said Ward 7 immediately after a vacancy in said position has been declared and he is qualified and if said vacancy is declared prior to November twentieth, nineteen hundred and seventy-nine.

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

Approved November 13, 1979.

Chap. 730. AN ACT AUTHORIZING THE TERMINATION OF WEEKLY OR DAILY TENANCIES IN ROOMING HOUSES UPON SEVEN DAYS NOTICE.

Be it enacted, etc., as follows:

SECTION 1. Section 13 of chapter 186 of the General Laws is hereby amended by striking out the first sentence, as most recently amended by chapter 294 of the acts of 1976, and inserting in place thereof the following sentence:- Whenever a tenancy at will of premises occupied for dwelling purposes, other than a room or rooms in a hotel, is terminated, without fault of the tenant, either by operation of law or by act of the landlord, except as provided in section twelve, no action to recover possession of the premises shall be brought, nor shall the tenant be dispossessed, until after the expiration of a period, equal to the interval between the days on which the rent reserved is payable or thirty days, whichever is longer, from the time when the tenant receives notice in writing of such termination; but such tenant shall be liable to pay rent for such time during the said period as he occupies or retains the premises, at the same rate as theretofore payable by him while a tenant at will; provided, that in the case of a rooming house, an action to recover posses-

sion of premises occupied for dwelling purposes may be brought seven days after written notice if the rent is payable on either a weekly or daily basis.

SECTION 2. Section 17 of said chapter 186, as most recently amended by chapter 500 of the acts of 1978, is hereby further amended by striking out the first sentence and inserting in place thereof the following sentence:- 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; provided, however, that if the rent for occupancy in such premises is payable either daily or weekly, seven days written notice to the occupant shall be sufficient to terminate the tenancy where the tenant is committing or permitting to exist a nuisance in or is causing substantial damage to the rental unit, or is creating substantial damage to the rental unit, or is creating a substantial interference with the comfort, safety, or enjoyment of the landlord or other occupants of the accommodation; and provided, further, that the notice shall specify the nuisance or interference.

Approved November 13, 1979.

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Chap. 731. AN ACT RELATIVE TO THE SALE OF PREPAID MONTHLY PASSES FOR USE ON MASS TRANSIT FACILITIES.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately provide for wider distribution of prepaid mass transportation passes, 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 161A of the General Laws is hereby amended by inserting after section 5 the following section:-

Section 5A. Any bank, as defined in section one of chapter one hundred and sixty-seven, or any credit union, as defined in section one of chapter one hundred and seventy-one, is hereby authorized, subject to agreement entered into with the Massachusetts Bay Transportation Authority, or any regional transit authority established pursuant to the provisions of this chapter, to sell prepaid monthly passes, authorized by the authority and approved by the advisory board, for use on the facilities of the Massachusetts Bay Transportation Authority or such regional transit authorities.

Approved November 14, 1979.

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Chap. 732. AN ACT AUTHORIZING WATER SUPPLY DISTRICT OF ACTON TO BORROW MONEY FOR WATER PURPOSES.

Be it enacted, etc., as follows:

SECTION 1. The Water Supply District of Acton is hereby authorized to borrow from time to time for a term not to exceed fifteen years a sum not exceeding, in the aggregate, three hundred and fifty thousand dollars for the purpose of conducting a hydrogeological study including but not limited to the following: determining location of aquifers, water recharge areas, other sensitive areas related to water supply and conducting water favorability studies and test well exploration within and for said district. Said district may issue bonds or notes therefor, which shall bear on their face the words Water Supply District of Acton Water Loan, Act of 1979. Indebtedness incurred under this act, except as otherwise provided herein, shall be subject to provisions of chapter forty-four of the General Laws.

SECTION 2. This act shall take effect upon its passage.  
Approved November 14, 1979.

Chap. 733. AN ACT RELATIVE TO THE RETIREMENT BENEFITS OF FERNANDO MOTTA AND IRENE F. SOUSA, MEMBERS OF THE BRISTOL COUNTY RETIREMENT SYSTEM.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, Fernando Motta, a member of the Bristol county retirement system, shall be entitled to creditable service in said county retirement system for the period from October sixteenth, nineteen hundred and seventy-two to January, nineteen hundred and seventy-seven during which he rendered service as an employee of the court diversion unit of the second district court of Bristol county, and he shall pay into the annuity savings fund of said retirement system, in one sum, or in installments upon such terms and conditions as the Bristol county retirement board may prescribe, payment in a sum equal to the amounts which would have been withheld from his compensation for said service had he been an employee of said county and a member of the Bristol county retirement system, together with interest thereon. Upon completion of such installment payments, he shall receive the same credit for services so rendered as would have been allowed had such services been recognized by the Bristol county retirement board as rendered by an employee of the county of Bristol. In the event any retirement allowance becomes effective prior to the completion of such installment payments, he shall, in addition to credit for his actual membership service, be entitled to credit for that proportion of service rendered by him as aforesaid which the total amount of such payments, together with interest thereon to the date his retirement allowance becomes effective, bears to the total amount of such installment payments, together with interest thereon to such latter date, would have been had he made payment thereof in one sum on such latter date.

SECTION 2. Notwithstanding the provisions of any general or

special law to the contrary, Irene F. Sousa, a member of the Bristol county retirement system, shall be entitled to creditable service in said county retirement system for the period from October sixteenth, nineteen hundred and seventy-two to June, nineteen hundred and seventy-seven during which she rendered service as an employee of the court diversion unit of the second district court of Bristol county, and she shall pay into the annuity savings fund of said retirement system, in one sum, or in installments upon such terms and conditions as the Bristol county retirement board may prescribe, payments in a sum equal to the amounts which would have been withheld from her compensation for said service had she been an employee of said Bristol county and a member of the Bristol county retirement system, together with interest thereon. Upon completion of such installment payments, she shall receive the same credit for services so rendered as would have been allowed had such services been recognized by the Bristol county retirement board as rendered by an employee of the county of Bristol. In the event any retirement allowance becomes effective prior to the completion of such installment payments, she shall, in addition to credit for her actual membership service, be entitled to credit for that proportion of service rendered by her as aforesaid which the total amount of such installments payments, together with regular interest thereon to the date her retirement allowance becomes effective, bears to the total amount of what such installments payments, together with regular interest thereon to such latter date, would have been had she made payment thereof in one sum on such latter date.

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

Approved November 14, 1979.

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Chap. 734.      AN ACT AUTHORIZING THE TOWN OF READING TO CONSTRUCT AN INTERCEPTOR SEWER IN THE TOWN OF READING AND THE CITY OF WOBURN, TO ENTER INTO AGREEMENTS WITH THE CITY OF WOBURN WITH RESPECT TO SEWERAGE AND TO BORROW MONEY TO FINANCE SUCH CONSTRUCTION AND THE CONSTRUCTION OF SEWERS IN THE TOWN OF READING AND THE CITY OF WOBURN.

Be it enacted, etc., as follows:

SECTION 1. The town of Reading and the city of Woburn, in addition to any other authority heretofore or hereafter given, are each authorized to enter into such contracts and agreements as may be necessary in order to provide for the construction of an interceptor sewer connecting the town of Reading municipal sewerage system with the city of Woburn municipal sewerage system to be located in the town of Reading and the city of Woburn which shall have sufficient capacity to serve the town of Reading, and to provide for the acquisition, maintenance and operation of said sewer by the town of Reading after its satisfactory completion. The town of Reading is hereby authorized to

construct said interceptor sewer and may connect its sewerage systems with such interceptor sewer in accordance with the terms of any such contracts and agreements between the town of Reading and the city of Woburn.

SECTION 2. The town of Reading may, subject to the written assent of the city of Woburn acting by and through its mayor, take by eminent domain under chapter seventy-nine of the General Laws, or acquire by lease, purchase or otherwise and hold in the city of Woburn such lands, rights-of-way or other easements, public or private, shown on a plan entitled, "Easement Through Private Property for Drainage and Sewerage Purposes, Border Road, Reading, Richards Circle, Woburn", dated May, 1978, Town of Reading, Board of Public Works, Engineering Division, E. Roger Louanis, Superintendent, and described as follows:

Permanent Easement

Beginning at a point said point being on the boundary line between the Town of Reading and the City of Woburn said point being N-21°-37'-32"W, 183.53 feet from a point, said point being S-68°-22'-28"W, 125.8 feet from a Town Bound located on Border Road (formerly known as South Street) in Reading; thence S-68°-22'-28"W, a distance of 100.00 feet along a property line to a point, said point being on the sideline of Richards Circle in Woburn; thence S-21°-37'-32"E, a distance of 20.00 feet along said Richards Circle to a point; thence N-68°-22'-28"E, a distance of 100.00 feet to a point; thence N-21°-37'-32"W, a distance of 20.00 feet, to point of beginning.

Said permanent easement containing 2,000 square feet of land, more or less.

Temporary Construction Easement

Beginning at a point said point being on the boundary line between the Town of Reading and the City of Woburn said point being N-21°-37'-32"W, 163.53 feet from a point said point being S-68°-22'-28"W, 125.8 feet from a Town Bound located on Border Road (formerly known as South Street) in Reading; thence S-68°-22'-28"W, a distance of 100.00 feet to a point, said point being on the sideline of Richards Circle in Woburn; thence S-21°-37'-32"E, a distance of 10.00 feet along said Richards Circle to a point; thence N-68°-22'-28"E, a distance of 100.00 feet to a point; thence N-21°-37'-32"W, a distance of 10.00 feet, to point of beginning.

Said Temporary Construction Easement containing 1,000 square feet of land, more or less.

The town of Reading may, in accordance with the terms of any contracts and agreements entered into between the town of Reading and the city of Woburn pursuant to this act, construct and maintain on such land or interests in such land such sewers, connections, pumping stations or other works under or over any such land, watercourse, electric or gas transmission line, private way, boulevard or other public way, or within the location of any electric or gas transmission line, and may enter upon and dig up any such private land, public land, private way, public way, or electric or gas transmission line location, for the purpose of laying such sewers and of maintaining and repairing the same,

and may do any other thing proper or necessary for the purposes of this act; provided that it shall not enter upon or construct any such sewer within the location of any electric or gas transmission line corporation except at such time and in such manner as it may agree upon with such corporation, or, in case of a failure to agree, as may be approved by the department of public utilities.

SECTION 3. The town of Reading may borrow, subject to the provisions of chapter forty-four of the General Laws, such sums as are necessary to accomplish the purposes of this act.

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

Approved November 14, 1979.

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Chap. 735. AN ACT RELATIVE TO THE ESTABLISHMENT OF THE WESTOVER OCCUPATIONAL RESOURCE COLLABORATIVE TRUST AND AUTHORIZING IT TO LEASE PROPERTY TO THE WESTOVER OCCUPATIONAL RESOURCE COLLABORATIVE.

Be it enacted, etc., as follows:

SECTION 1. The following words shall have the following meanings:

(a) "Collaborative", the Westover Occupational Resource Collaborative established under section four E of chapter forty of the General Laws.

(b) "Members", the cities, towns or regional school districts wholly within Hampden, Hampshire and Worcester counties whose school committees enter into the agreement relating to the Westover Occupational Resource Collaborative.

(c) "Project", the remodeling, equipping and furnishing for vocational educational purposes of surplus property received from the federal government by the Westover Occupational Resource Collaborative Trust.

(d) "Trust", the Westover Occupational Resource Collaborative Trust.

SECTION 2. The establishment of the Westover Occupational Resource Collaborative Trust by a declaration of trust dated June ninth, nineteen hundred and seventy-seven is hereby declared to be a public body politic and public instrumentality of the commonwealth. The Trust shall have all the powers listed in such declaration of trust. The Trust shall also have the power to receive from the federal government and maintain for the benefit of the Members of the Collaborative surplus real and other property formerly used for the Westover Air Force Base, shall have the power to lease such property to the Collaborative. The Collaborative is hereby authorized to enter into such lease with the Trust. The lease payments under such lease shall be at least equal to the cost to the Trust of operating, maintaining and repairing the leased property during the term of such lease.

SECTION 3. For the purpose of paying its share of the estimated cost of the Project each Member may appropriate a sum of money not exceeding seven hundred and fifty thousand dollars.

Each Member may borrow from time to time such sums as may be necessary to meet such appropriations and may issue bonds or notes therefor which shall bear on their face after the name of the Member the words, Westover Occupational Resource Collaborative Loan, Act of 1979. The share of each Member of the estimated cost of the Project shall be determined by applying to the estimated cost of the Project as determined by resolution of the board of directors of the Collaborative such Member's percentage share of the operating and administrative costs of the Collaborative as determined pursuant to the agreement relating to the Collaborative for the fiscal year in which the Project is to commence. Each Member is authorized to pay the funds appropriated therefor or the proceeds of its bonds or notes issued hereunder to the Trust to be used by the Trust to carry out the Project. Each authorized issue of bonds and notes 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 provided herein, with respect to a Member that is a city or town, be subject to chapter forty-four of the General Laws, and with respect to a Member that is a regional school district, be subject to chapter seventy-one of the General Laws; provided, however, that indebtedness incurred hereunder by a Member that is a regional school district may be incurred without the approval of the emergency finance board required by said chapter seventy-one.

SECTION 4. Any Member, which joins the Collaborative subsequent to the commencement of the Project and which does not pay its share of the cost of the Project pursuant to section three, may, as a condition to joining the Collaborative, be required to pay such sums to reflect the costs incurred by the other Members in financing the cost of the Project as the Members may agree.

SECTION 5. The Trust, the Collaborative and all real and personal property of either of them shall be exempt from taxation and from betterments and special assessments. The Trust and the Collaborative shall not be required to pay any tax, excise or assessment to or for the commonwealth or any of its political subdivisions and shall not be required to pay any fee or charge for any permit or license issued to either by the commonwealth, by any department, board or officer of such political subdivision.

SECTION 6. Any action taken prior to the effective date of this act by any Member appropriating money or authorizing the issue of bonds or notes for the purpose of paying its share of the estimated cost of the Project is hereby ratified, legalized and confirmed in all respects.

SECTION 7. This act shall take effect upon its passage.  
Approved November 14, 1979.



Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of chapter forty-four of the General Laws, the town of Littleton, for the purpose of conducting a groundwater inventory and analysis, may borrow from time to time, such sums as may be necessary, not to exceed, in the aggregate, sixty thousand dollars, and may issue bonds or notes of the town therefor, which shall bear on their face the words, Town of Littleton Groundwater Inventory and Analysis Loan, Act of 1979. Each authorized issue shall constitute a separate loan and each such loan shall be payable in not more than five years from its date. Indebtedness incurred under this act shall be in excess of the statutory limit of indebtedness for said town.

SECTION 2. The action taken by the town of Littleton under Article 5 of the warrant for the special town meeting held on September nineteenth, nineteen hundred and seventy-nine, is hereby validated and confirmed to the same extent as though section one of this act had been in full force and effect at the time of posting and mailing of the warrant for said meeting.

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

Approved November 14, 1979.

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Chap. 737.     AN ACT ALLOWING THE DEDHAM WATER  
COMPANY TO ENTER LANDS OF THE METRO-  
POLITAN DISTRICT COMMISSION LOCATED  
WITHIN THE TOWN OF DEDHAM FOR THE PUR-  
POSE OF TESTING THE WATER SUPPLY.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any provision of general or any special law to the contrary, the metropolitan district commission shall allow the Dedham Water Company to enter lands owned by said commission located within the towns of Dedham and Westwood and known as Cutler Park and Fowl Meadow for the purposes of testing the suitability of the water therein.

SECTION 1A. Notwithstanding any provision of general or special law to the contrary, the metropolitan district commission may enter into an agreement with the towns of Dedham and Westwood to provide water to said towns through the facilities of the Dedham Water Company from the metropolitan district commission lands, known as Cutler Park and Fowl Meadow, located in the town of Dedham, under such terms and rates as may be agreed to by the towns of Dedham and Westwood and said commission; provided, however, that such rates of said Dedham Water Company shall be established to return its investment made in such water supply and facilities.

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

Approved November 14, 1979.

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Chap. 738.     AN ACT LIMITING THE AMOUNT WHICH A

REGIONAL SCHOOL DISTRICT MAY MAINTAIN  
IN ITS EXCESS AND DEFICIENCY FUND,  
SO-CALLED.

Be it enacted, etc., as follows:

SECTION 1. Chapter 71 of the General Laws is hereby amended by inserting after section 16B the following section:-

Section 16B½. If the unencumbered amount in the excess and deficiency fund, so called, of a regional school district at the end of a fiscal year exceeds five per cent of its operating budget and its budgeted capital costs for the succeeding fiscal year, the amount in excess of the said five per cent shall be applied by the regional school district committee to reduce the amount to be raised by assessment on the member cities and towns in accordance with the terms of the agreement for apportionment of costs. The regional school district treasurer shall recertify the amounts reapportioned to the treasurers of the several towns within thirty days from the date on which the district school committee votes to reduce the amounts to be raised by assessment. If the recertification is made after the annual town meeting referred to in the first paragraph of section sixteen B, the amount recertified shall be considered an amendment to the amount required to have been appropriated at that meeting without the necessity for further action by the town, and, if the annual assessment of taxes has not been made, the town assessors shall include only the amount so recertified in making the annual assessment of taxes under the provisions of section twenty-three of chapter fifty-nine.

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

Approved November 14, 1979.

Chap. 739. AN ACT EQUALIZING DEPENDENCY BENEFITS  
BETWEEN HUSBAND AND WIFE UNDER THE LAW  
REGULATING WORKMEN'S COMPENSATION.

Be it enacted, etc., as follows:

Section 35A of chapter 152 of the General Laws, as most recently amended by section 11 of chapter 474 of the acts of 1976, is hereby further amended by striking out paragraph (b) and inserting in place thereof the following paragraph:-

(b) A husband upon a wife with whom he is living at the time of her injury.

Approved November 14, 1979.

Chap. 740. AN ACT AUTHORIZING THE DIVISION OF LAW  
ENFORCEMENT IN THE EXECUTIVE OFFICE OF  
ENVIRONMENTAL AFFAIRS TO PROVIDE INSUR-  
ANCE FOR CERTAIN PERSONS INVOLVED IN A  
COURSE OF INSTRUCTION IN THE SAFE HANDL-  
ING OF FIREARMS.

Be it enacted, etc., as follows:

The second paragraph of section 14 of chapter 131, as most recently amended by section 228 of chapter 706 of the acts of 1975, is hereby further amended by adding the following sentence:- The said division of law enforcement is authorized to provide insurance for the participants, officers and civilian instructors in said course of instruction.

Approved November 14, 1979.

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Chap. 741. AN ACT PROVIDING FOR THE APPOINTMENT OF AN ADDITIONAL JUSTICE IN THE PROBATE AND FAMILY COURT DEPARTMENT OF THE TRIAL COURT IN THE PLYMOUTH COUNTY DIVISION.

Be it enacted, etc., as follows:

Section 2 of chapter 217 of the General Laws is hereby amended by striking out the first sentence, as most recently amended by chapter 1129 of the acts of 1973, and inserting in place thereof the following sentence:- There shall be four judges of probate in the county of Middlesex, three judges of probate in each of the counties of Suffolk, Norfolk and Plymouth, and two judges of probate in each of the counties of Essex, Worcester, Hampden, and Bristol.

Approved November 14, 1979.

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Chap. 742. AN ACT RESTRICTING THE ESTABLISHMENT OF CERTAIN SOLID WASTE DISPOSAL FACILITIES IN THE TOWN OF AMESBURY.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section nineteen of chapter sixteen of the General Laws, the department of environmental management shall not purchase, lease, acquire or receive by gift or take by eminent domain under the provisions of chapter seventy-nine any land, structures, facilities or easements for solid waste disposal or for the disposal of residual waste or solid waste or combination of solid waste which, because of its quantity or significant contribution to an increase in mortality or serious irreversible illness, pose a substantial present or potential hazard to human health or the environment within the town of Amesbury without the approval of the town meeting of said town.

SECTION 2. Notwithstanding the provisions of section one hundred and fifty A of chapter one hundred and eleven of the General Laws, the department of environment quality engineering shall not assign any place in the town of Amesbury as a facility as defined in said section one hundred and fifty A, for the disposal of solid waste or for the disposal of residual waste or solid waste or combination of solid waste which, because of its quantity or significant contribution to an increase in mortality or serious irreversible illness, pose a substantial present or potential hazard to human health or the environment without the approval of the town meeting of said town.

Approved November 14, 1979.

Chap. 743. AN ACT PROVIDING CERTAIN MEDICAL SERVICE  
COVERAGE FOR CERTAIN EMPLOYEES AND  
THEIR SURVIVORS.

Be it enacted, etc., as follows:

SECTION 1. Section 110G of chapter 175 of the General Laws, inserted by section 1 of chapter 371 of the acts of 1976, is hereby amended by striking out, in line 1, the word "contributory",- by striking out the second sentence, and by striking out the fourth sentence and inserting in place thereof the following two sentences:- The involuntary laid-off member, surviving spouse of a deceased member and dependents may elect to continue participation in such plan by giving at least thirty days written notice thereof to the employer or policyholder. Such member or surviving spouse or dependents, as the case may be, shall be responsible for the payment of the whole premium due for such coverage, including any and all amounts normally paid by the employer as employee's benefits, to the employer or policyholder throughout the extension period.

SECTION 2. Section 8D of chapter 176A of the General Laws, inserted by section 2 of said chapter 371, is hereby amended by striking out, in line 1, the word "contributory",- by striking out the second sentence, and by striking out the fourth sentence and inserting in place thereof the following two sentences:- The involuntary laid-off member, surviving spouse of a deceased member and dependents may elect to continue participation in such plan by giving at least thirty days written notice thereof to the employer or policyholder. Such member or surviving spouse or dependents, as the case may be, shall be responsible for the payment of the whole premium due for such coverage, including any and all amounts normally paid by the employer as employee's benefits, to the employer or policyholder throughout the extension period.

SECTION 3. Section 6A of chapter 176B of the General Laws, inserted by section 3 of said chapter 371, is hereby amended by striking out, in line 1, the word "contributory",- by striking out the second sentence, and by striking out the fourth sentence and inserting in place thereof the following two sentences:- The involuntary laid-off member, surviving spouse of a deceased member and dependents may elect to continue participation in such plan by giving at least thirty days written notice thereof to the employer or policyholder. Such member or surviving spouse or dependents, as the case may be, shall be responsible for the payment of the whole premium due for such coverage, including any and all amounts normally paid by the employer as employee's benefits, to the employer or policyholder throughout the extension period.

Approved November 14, 1979.

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Chap. 744. AN ACT PROVIDING FOR THE ADMINISTRATION  
OF A SMALL ESTATE IN WHICH AN EXECUTOR  
IS NAMED IN A WILL.

Be it enacted, etc., as follows:

SECTION 1. The first paragraph of section 16 of chapter 195 of the General Laws, as appearing in chapter 605 of the acts of 1975, is hereby amended by striking out, in lines 28 to 30, inclusive, the words "and (f) the names and addresses of surviving joint owners of property with the deceased, known to the affiant" and inserting in place thereof the words:- , (f) the names and addresses of surviving joint owners of property with the deceased, known to the affiant, and (g) the names and addresses known to the affiant of the persons who would take under the provisions of section three of chapter one hundred and ninety in the case of intestacy.

SECTION 2. Said chapter 195 is hereby further amended by inserting after section 16 the following section:-

Section 16A. If an inhabitant of the commonwealth dies leaving an estate consisting entirely of personal property the total value of which may include a motor vehicle of which the decedent was the owner, and other personal property not exceeding three thousand dollars in value, and he leaves a will naming a person to be executor, the named person, if of full age and legal capacity and an inhabitant of the commonwealth, may, after the expiration of thirty days from the death of the decedent, provided no petition for letters testamentary or letters of administration have been filed with the probate court of the county in which the decedent resided, file with said probate court upon a form prescribed by the court a statement, verified by oath, or affirmation containing: (a) the name and residential address of the affiant, (b) the name, residence and date of death of the deceased, (c) the relationship, if any, of the affiant to the deceased, (d) a schedule showing every asset of the estate known to the affiant and the estimated value of each such asset, (e) a statement that the affiant has undertaken to act as voluntary executor of the estate of the deceased and will administer the same according to law, and apply the proceeds thereof in conformity with this section, (f) the names and addresses of surviving joint owners of property with the deceased, known to the affiant, (g) the names and addresses known to the affiant of the persons who would take under the provisions of section three of chapter one hundred and ninety in the case of intestacy, and (h) the names and addresses known to the affiant of the persons who would take under the provisions of the will. The original of the will shall be filed with the above statement. The oath required by this section shall not be governed by section one A of chapter two hundred and sixty-eight.

Upon presentation of such statement, accompanied by a certificate of the death of the deceased by a public officer and payment of a fee of three dollars or such amount as may be specified in section forty of chapter two hundred and sixty-two, the register of probate shall docket these documents as a part of the permanent records of the court. Upon payment of a fee as prescribed in section forty of chapter two hundred and sixty-two, the register shall, if no other probate proceeding for administration of such estate is pending in said court, issue an attested copy of a

statement duly filed under this section.

Upon the presentation of a copy of such a statement duly attested by the register of probate, the tender of a proper receipt in writing and the surrender of any policy, passbook, note, certificate or other evidentiary instrument, a voluntary executor may, as the legal representative of the deceased and his estate, receive payment of any debt or obligation in the nature of a debt, or delivery of any chattel or asset, scheduled in such statement. Payments and deliveries made under this section shall discharge the liability of the debtor, obligor or deliverer to all persons with respect to such debt, chattel, obligation or other asset unless, at the time of such payment or delivery, a written demand has been made upon said debtor, obligor or deliverer by a duly appointed executor or administrator.

A voluntary executor may sell any chattel so received and negotiate or assign any chose in action to convert the same to cash in a reasonable amount.

A voluntary executor shall, as far as possible out of the assets which come into his hands, first discharge the necessary expenses of the funeral and last sickness of the deceased and the necessary expenses of administration without fee for his services, and then pay the debts of the deceased in the order specified in section one of chapter one hundred and ninety-eight and any other debts of the estate, and then distribute the balance, if any, according to the terms of the will, and should that prove impossible, the balance to the surviving spouse, or if there is no surviving spouse, to the persons and in the proportions prescribed by clauses (1), (2), (3), (4) and (5) of section three of chapter one hundred and ninety.

A voluntary executor shall be liable as an executor in his own wrong to all persons aggrieved by his administration of the estate, and, if letters testamentary or letters of administration are at any time granted, shall be liable as such an executor to the rightful executor or administrator.

For the purpose of paragraph (6) of section one hundred and thirteen A of chapter one hundred and seventy-five and section two of chapter ninety, a voluntary executor shall be deemed to be the legal representative of the estate of the decedent until an executor or administrator is appointed.

Approved November 14, 1979.

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Chap. 745.      AN ACT RELATIVE TO DESIGNATIONS ON NOMINATION PAPERS.

Be it enacted, etc., as follows:

SECTION 1. Section 6 of chapter 53 of the General Laws is hereby amended by striking out the last paragraph, as amended by section 3 of chapter 546 of the acts of 1977, and inserting in place thereof the following paragraph:-

No person may be nominated as an unenrolled candidate for any office to be filled at a state election, or a city or town election following a primary, if he has been enrolled as a member of a political party, as defined in section one of chapter fifty, during the ninety days prior to the last day for filing nomination

papers as provided in section ten.

SECTION 2. The first paragraph of section 8 of said chapter 53 is hereby further amended by striking out the first sentence, as appearing in section 1 of chapter 278 of the acts of 1957, and inserting in place thereof the following sentence:- All certificates of nomination and nomination papers shall, in addition to the names of the candidates, specify as to each, (1) his residence, with street and number, if any, (2) the office for which he is nominated, and (3) except as otherwise provided in this section and except for city and town elections which are not preceded by primaries or political party caucuses, the political designation, if any, which he represents, expressed in not more than three words; provided, however, that the designation "Independent" shall not be used.

SECTION 3. Section 38 of said chapter 53 is hereby amended by striking out the second paragraph, as amended by section 5 of chapter 546 of the acts of 1977, and inserting in place thereof the following paragraph:-

At primaries the city or town clerk shall make available within the polling place certificates to enable a voter to change his party enrollment, which shall be in substantially the following form:

Name .....  
(Print)

Date .....

Address .....  
.....

I hereby request that my political party enrollment be changed as follows:

From: .....  
(Name of party or Unenrolled)

To: .....  
(Name of party or Unenrolled)

Signed under the pains and penalties of perjury.

.....  
(Signature)

SECTION 4. The last paragraph of section 48 of said chapter 53, as amended by section 8 of said chapter 546, is hereby further amended by striking out the first sentence and inserting in place thereof the following sentence:- The name of a candidate for election to any office who is nominated otherwise than by a political party, generally referred to as an "Unenrolled" candidate, shall not be printed on the ballot at a state election, or on the ballot at any city or town election following a city or town primary, unless a certificate from the registrars of voters of the city or town wherein such person is a registered voter, certifying that

he is not enrolled as a member of any political party, is filed with the state secretary or city or town clerk on or before the last day herein provided for filing nomination papers.

SECTION 5. Section 48A of said chapter 53, inserted by chapter 232 of the acts of 1956, is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

Any person who is a candidate for any office to be filled at a state election shall make a choice as to whether he intends to be a candidate for nomination of a major political party or as a state election candidate, generally referred to as an unenrolled candidate, by the withdrawal of his name as a candidate for nomination of such party or as a candidate for state election, as the case may be, in the manner provided by section thirteen. If a person files as a state election or unenrolled candidate, and likewise files nomination papers for nomination of either of the two major parties, and fails to make such choice of withdrawal, he shall not have his name printed on the ballot to be used in the state primary as a candidate of either of the two major political parties, or printed on the ballot to be used at state elections as a state election or unenrolled candidate unless he was nominated at the primary by having his name inserted on the ballot, either by writing or by a paster or sticker, and accepted said nomination.

SECTION 6. Said chapter 53 is hereby further amended by striking out section 72, as appearing in the Tercentenary Edition, and inserting in place thereof the following section:-

Section 72. Each city or town committee may make reasonable regulations, consistent with law, relative to caucuses called by it and to determine membership in the party, and to restrain persons not entitled to vote at caucuses from attendance thereat or taking part therein. But no political committee shall prevent any voter from participating in a caucus of its party for the reason that the voter has supported an unenrolled candidate for political office.

SECTION 7. Section 41 of chapter 54 of the General Laws is hereby amended by striking out the third paragraph, as most recently amended by section 2 of chapter 190 of the acts of 1979, and inserting in place thereof the following paragraph:-

To the name of each candidate for a state or city office, except for city elections which are not preceded by primaries, shall be added in the same space his party or political designation; provided, however, that the designation shall not include the term "Independent". Failure to make a political designation shall result in the term "Unenrolled" being used. To the name of a candidate for a state or city office who is an elected incumbent thereof there shall be added in the same space the words "Candidate for Reelection", except in the case of political party candidates for the offices of governor and lieutenant governor. A candidate for election to the same office in a precinct, 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. To the name of each candidate for a town office



upon an official ballot shall be added the name of the street on which he resides, with his street number, if any and, except for town elections which are not preceded by primaries or political party caucuses, the political designation contained in the certificate of nomination or nomination papers. To the name of each candidate for a town office upon an official ballot who is an elected incumbent thereof shall be added the words "Candidate for Re-election". The town clerk shall add the words "Caucus Nominee" to the name of any candidate nominated for a town office by a caucus held under the provisions of sections one hundred and seventeen to one hundred and twenty, inclusive, of chapter fifty-three.

SECTION 8. Section 52 of chapter 54 of the General Laws, as amended by chapter 667 of the acts of 1977, is hereby further amended by striking out the first three sentences and inserting in place thereof the following three sentences:-

Section 52. Before every state election, the state secretary shall make available a list of all candidates to be voted for. He shall also print with said lists the form of any question to be submitted to the voters. Such lists shall be public records and one copy shall be sent to every newspaper in the commonwealth listed in the Directory of New England Newspapers and Periodicals, to be used at the discretion of said newspapers.

Approved November 14, 1979.

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Chap. 746. AN ACT MAKING UNEMPLOYMENT BENEFITS  
TAXABLE UNDER THE PROVISIONS OF THE  
INCOME TAX LAW.

Be it enacted, etc., as follows:

Section 22 of chapter 151A of the General Laws is hereby amended by striking out the last sentence, added by section 2 of chapter 625 of the acts of 1945.

Approved November 14, 1979.

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Chap. 747. AN ACT DIRECTING THE STATE BOSTON  
RETIREMENT BOARD TO RETIRE ARNOLD W.  
JAMES, A POLICE OFFICER OF THE CITY OF  
BOSTON.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any law to the contrary and in order to promote the public good, the State Boston Retirement Board is hereby authorized and directed to retire Arnold James, a police officer of the city of Boston, who as a result of gunshot injuries sustained while in the performance of his duties on April the twenty-ninth, nineteen hundred and seventy-seven, is totally and permanently incapacitated for further services as a police officer, at a yearly amount of pension equal to the regular rate of compensation which he would have been paid had he continued in service as a Boston police officer at the grade held by him at the time of his retirement. Such retirement shall become effective as of the date following the last

day on which he received regular compensation. Upon such retirement, the State Boston Retirement Board shall forthwith pay to him the amount credited to him as accumulated total deductions in the annuity savings of the State-Boston retirement system.

SECTION 2. Said Arnold James shall be entitled to receive such indemnification for all hospital, medical and related expenses that have been, or may be, incurred after the date of his retirement as a result of the injuries sustained by him while in the performance of his duties, according to the provisions of chapter forty-one of the General Laws.

SECTION 3. Upon the death of said Arnold James, leaving Catherine F. James, his wife, surviving him, the State-Boston Retirement Board shall pay to her, so long as she remains unmarried, an annuity in the amount of three-fourths of the amount of the pension payable to him at the time of his death, increased by three hundred and twelve dollars for each child of said Arnold W. James during such time as such child is under eighteen years of age or over said age and physically or mentally incapacitated from earnings. If said Catherine F. James remarries, said city shall pay, in lieu of the aforesaid annuity to her, an annuity of five hundred and twenty dollars to or for the benefit of each child during the time aforesaid.

Approved November 14, 1979.

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Chap. 748. AN ACT DIRECTING THE STATE BOSTON  
RETIREMENT BOARD TO RETIRE JOHN  
McMANUS, A POLICE OFFICER OF THE CITY  
OF BOSTON.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any law to the contrary and in order to promote the public good, the State Boston Retirement Board is hereby authorized and directed to retire John McManus, a police officer of the city of Boston, who as a result of gunshot injuries sustained while in the performance of his duties on April the twenty-ninth, nineteen hundred and seventy-seven, is totally and permanently incapacitated for further service as a police officer, at a yearly amount of pension equal to the regular rate of compensation which he would have been paid had he continued in service as a Boston police officer at the grade held by him at the time of his retirement. Such retirement shall become effective as of the date following the last day on which he received regular compensation. Upon such retirement, the State Boston Retirement Board shall forthwith pay to him the amount credited to him as accumulated total deductions in the annuity savings of the State-Boston retirement system.

SECTION 2. Said John McManus shall be entitled to receive such indemnification for all hospital, medical and related expenses that have been, or may be, incurred after the date of his retirement as a result of the injuries sustained by him while in the

performance of his duties, according to the provisions of chapter forty-one of the General Laws.

SECTION 3. Upon the death of said John McManus, leaving Joan C. McManus, his wife, surviving him, the State-Boston Retirement Board shall pay to her, so long as she remains unmarried, an annuity in the amount of three-fourths of the amount of the pension payable to him at the time of his death, increased by three hundred and twelve dollars for each child of said John J. McManus during such time as such child is under eighteen years of age or over said age and physically or mentally incapacitated from earnings. If said Joan C. McManus remarries, said city shall pay, in lieu of the aforesaid annuity to her, an annuity of five hundred and twenty dollars to or for the benefit of each child during the time aforesaid.

Approved November 14, 1979.

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Chap. 749.     AN ACT REVISING THE BOUNDARY LINES OF  
                 THE ELM HILL WATER DISTRICT OF AUBURN.

Be it enacted, etc., as follows:

Chapter 386 of the acts of 1935 is hereby amended by striking out section 1 and inserting in place thereof the following section:-

Section 1. The inhabitants of the town of Auburn, liable to taxation in said town and residing within the territory comprised within the following boundary lines, to wit:- beginning at a point on the easterly boundary of the Providence and Worcester Railroad and the Auburn-Worcester boundary; thence southerly along said easterly boundary of said railroad to a point; thence due east to a point in the centerline of Southbridge Street two hundred feet southerly from its intersection with the centerline of Hampton Street; thence easterly crossing Southbridge Street and Pakachoag Street to a point nine hundred and fifty feet easterly of the easterly boundary of Betty Street and two hundred feet southerly of the southerly boundary of Curtis Street; thence easterly parallel to and two hundred feet southerly of the southerly boundary of Curtis Street to a point thirteen hundred and fifty feet easterly of the easterly boundary of Betty Street; thence northerly crossing Curtis Street to a point on the Auburn-Worcester boundary sixteen hundred feet easterly of the easterly boundary of Upland Street; thence running northerly and westerly by said boundary line to the point of beginning,- shall constitute a water district, and are hereby made a body corporate by the name of the Elm Hill Water District of Auburn, hereinafter called the district, for the purpose of supplying themselves with water for the extinguishment of fires and for domestic and other purposes, with power to establish fountains and hydrants and to relocate and discontinue the same, to regulate the use of such water and to fix and collect rates to be paid therefor, for assessing and raising taxes as provided herein for the payment of such services, and for defraying the necessary expenses of carrying on the business of said district, subject to all general laws now or hereafter in force relating to such districts, except as otherwise provided herein. Said district shall have power to

prosecute and defend all actions relating to its property and affairs.

Approved November 14, 1979.

Chap. 750. AN ACT AUTHORIZING THE WITHDRAWAL OF THE TOWN OF WEST BRIDGEWATER FROM THE OLD COLONY WATER POLLUTION CONTROL DISTRICT.

Be it enacted, etc., as follows:

Notwithstanding the provisions of section thirteen of chapter fifty-one of the acts of nineteen hundred and seventy-three, the town of West Bridgewater, upon completion of a facilities plan by said town which has been certified and approved by the division of water pollution control of the department of environmental quality engineering, is hereby authorized to withdraw from the Old Colony Water Pollution Control District as of June thirtieth, nineteen hundred and seventy-nine, and said town shall not be considered a member of said Old Colony Water Pollution Control District for any purpose after said date.

Approved November 14, 1979.

Chap. 751. AN ACT AUTHORIZING THE CREATION OF A BETTERMENT DISTRICT IN THE CITY OF NEWTON.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section fourteen of chapter forty of the General Laws section thirty of chapter forty-three of the General Laws, the city of Newton is hereby authorized to acquire by negotiated purchase or eminent domain for conservation, recreation, park or related purposes any and all interests and rights in all or part of the real property located in the northeastern part of the city and now or formerly known as the Chestnut Hill Country Club consisting of eighty-one acres, more or less, with improvements, trees and buildings thereon, and bounded and described as follows:-

SOUTHERLY by Algonquin Road, 900 feet;

WESTERLY by lot D on plan recorded with Middlesex South District Deeds, Plan Book 232, Plan 1, 104.89 feet;

SOUTHERLY by land now or formerly of Harry P. Hammond and of Rice, 480 feet;

WESTERLY by land now or formerly of Merrill C. Nutting et al., Trustees, 125 feet;

SOUTHERLY by the same, 300 feet;

EASTERLY by the same, 149.61 feet;

SOUTHEASTERLY by the same, 333.31 feet;

SOUTHERLY by the same, 70.54 feet;

WESTERLY by land now or formerly of Rice and of Braman, and now or formerly of Harwood by four lines totaling 649.97 feet;

WESTERLY again by land now or formerly of Harwood, of Sargent and of Taylor, 657.62 feet;

NORTHERLY by the same, 40 feet;  
WESTERLY by the easterly line of Magnolia Avenue, 216.83 feet;  
NORTHERLY by land now or formerly of Jones and Kenrick, 250.35 feet;  
EASTERLY by land now or formerly of Oldrieve, 254.80 feet;  
NORTHERLY by the same, 678 feet;  
WESTERLY by land now or formerly of Frank J. Dorr, Jr., 43.61 feet;  
NORTHERLY by land now or formerly of Newton South Cooperative Bank, and of Newton Trust Co., 367 feet;  
WESTERLY by the same, 235.63 feet (See plan Book 6583, page 59);  
NORTHERLY by Kenrick Street by several lines, about 600 feet;  
NORTHEASTERLY by the boundary line between Boston and Newton, by several lines totaling about 1900 feet;  
SOUTHWESTERLY by land now or formerly of Ellen M. Gifford Sheltering Home Corporation, about 60 feet;  
EASTERLY by the same, 186.18 feet;  
NORTHEASTERLY by the same, 150 feet;  
EASTERLY by the same, 79.50 feet;  
NORTHERLY by the same, 44.11 feet (See plan 1358 of 1956);  
EASTERLY by the same and by land now or formerly of Knowles, 280 feet;  
SOUTHERLY by the Hotel Boulevard lot, so-called, 36.38 feet;  
WESTERLY by land now or formerly of Estes or of Eaton by several lines totaling 554 feet; and  
SOUTHEASTERLY by land now or formerly of Estes, 125.17 feet.  
Be all or any of said measurements or distances more or less. Containing about 3,550,000 square feet.  
For title reference is made to the following deeds to Commonwealth Country Club, and the foregoing description includes all right, title and interest of Garden City Country Club Inc. in the above described premises.  
Deed of Henry B. Hammond dated March 13, 1911, recorded with said Deeds, Book 3588, page 245 (conveying a portion of said premises);  
Deed of James E. Pearson dated March 28, 1913, recorded with said Deeds, Book 3773, page 335;  
Deed of Henry J. O'Meara dated April 1, 1915, recorded with said Deeds, Book 3960, page 54;  
Deed of Charles G. Rice, dated January 2, 1919, recorded with said Deeds, Book 4235, page 505;  
Deed of Ellen M. Gifford Sheltering Home Corporation dated June 27, 1922, recorded with said Deeds, Book 4532, page 575;  
Deed of Ellen M. Gifford Sheltering Home Corporation dated June 27, 1922, recorded with said Deeds, Book 4532, page 576;  
Deed of Ellen M. Gifford Sheltering Home Corporation dated October 10, 1928, recorded with said Deeds, Book 5287, page 536;  
Deed of Boston Ice Company dated March 31, 1927, recorded with said Deeds, Book 5080, pages 159-160;  
Deed of Boston Ice Company dated July 20, 1928, recorded

with said Deeds, Book 5256, page 405;

Deed of John H. Sullivan dated June 29, 1927, recorded with said Deeds, Book 5117, page 190 - as to a portion of said premises;

Deed of William E. Quigley dated May 13, 1915, recorded with said Deeds, Book 3968, page 305;

Deed of Newton Trust Company dated May 16, 1941, recorded with said Deeds, Book 6497, page 175.

Excepting from the foregoing so much thereof:

1. As was conveyed to the City of Newton for the widening of Algonquin Road by deed dated September 29, 1919, recorded with said Deeds, Book 4361, page 553.

2. So much thereof, if any, as is owned by the Commonwealth of Massachusetts, and/or occupied by the Cochituate Aqueduct.

3. So much thereof as was taken by the City of Newton for the widening of Algonquin Road.

4. Any other takings by the City of Newton.

5. So much thereof as was conveyed to the City of Newton by deed dated May 8, 1929, recorded with said Deeds, Book 5391, page 23.

6. So much, if any, of the above described premises as was conveyed to Newton Trust Company by deed dated May 10, 1941, recorded with said Deeds, Book 6497, page 173.

7. So much as was conveyed by deed of Garden City Country Club, Inc. to Harmon S. B. White et al dated May 14, 1962, recorded with said Deeds, Book 10044, page 180.

SECTION 2. The city of Newton is hereby authorized to recover all or any portion of the acquisition cost of the property described in section one by means of assessing a betterment pursuant to the provisions of chapter eighty of the General Laws; provided, however, that the area to be assessed such betterments shall not include parcels located outside the area described as follows:-

Farlow Road, south side, from Waverly Avenue to Huntington Road, street numbers 25-55 inclusive;

Kenrick Street, north side, from Waverly Avenue to Kenrick Terrace, street numbers 287-337 inclusive;

Kenrick Street, south side, from Waverly Avenue to Boston boundary line, street numbers 300-394 inclusive;

Kenrick Terrace, both sides, from Kenrick Street to Crescent Street, street numbers 8, 14, and 20;

Dorr Road, both sides, entire length, street numbers 18-30 inclusive;

Valley Spring Road, both sides, entire length, street numbers 3-50 inclusive;

Magnolia Avenue, both sides, entire length, street numbers 3-36 inclusive;

Eliot Memorial Road, both sides, entire length, street numbers 14-60 inclusive;

Kenilworth Street, both sides, from Ivanhoe Street to Chestnut Hill Country Club, street numbers 45-82 inclusive;

Ivanhoe Street, easterly side, from Kenilworth Street to Montrose Street, street numbers 6-36 inclusive;

Philmore Road, both sides, entire length, street numbers 11 to 48, inclusive;

Montrose Street, both sides, from Ivanhoe Street to Chestnut Hill Country Club, street numbers 55, 63, 69, 77, 81, 89, 95, 42, 48, 56, 66;

Woodchester Drive, north side, from 90 Woodchester Drive to Algonquin Road, street numbers 90-154 inclusive;

Woodchester Drive, south side, from Woodlawn Drive to Algonquin Road, street numbers 125-147 inclusive;

Manet Circle, both sides, entire length, street numbers 7-21 inclusive;

Waban Hill Road North, both sides, from Manet Circle to Waban Hill Road, street numbers

Commonwealth Avenue, north side, from Algonquin Road to Boston boundary line, street numbers 53-27 inclusive;

Algonquin Road, north side, from Woodchester Drive to 27 Algonquin Road, street numbers 27-149;

Algonquin Road, south side, from Woodchester Drive to 40 Algonquin Road, street numbers 40-146 inclusive.

The betterment assessed for each parcel abutting the property described in section one shall not exceed an assessment of four thousand dollars per parcel; and the betterment assessed for each parcel not abutting said property but included within the area set forth in this section shall not exceed one thousand five hundred dollars per parcel.

SECTION 3. This act shall take effect upon its acceptance by the city of Newton, by majority vote of the board of aldermen and the approval of the mayor.

Approved November 14, 1979.

Chap. 752. AN ACT AUTHORIZING THE TOWN OF WATERTOWN TO PAY A CERTAIN SUM OF MONEY TO JOSEPHINE BABCOCK.

Be it enacted, etc., as follows:

The town of Watertown is hereby authorized to pay, as a moral obligation, the sum of seven hundred thirty-four dollars and ninety-one cents to Josephine Babcock to cover the cost of medical bills incurred by her on behalf of her son, John Babcock, a student at Watertown high school, who was injured during an interscholastic athletic event.

Approved November 14, 1979.

Chap. 753. AN ACT MAKING SUPPLEMENTAL APPROPRIATIONS FOR THE FISCAL YEAR NINETEEN HUNDRED AND EIGHTY FOR THE MAINTENANCE OF CERTAIN COUNTIES.

Be it enacted, etc., as follows:

SECTION 1. To provide for supplementing certain items in the current appropriation act for each of the following counties, the following sums are hereby appropriated, subject to the provisions of law regulating the disbursement of county funds and the approval thereof, for the fiscal year nineteen hundred and eighty.

FRANKLIN COUNTY.

Item

27. For unpaid bills of previous years.....	\$30,000 00
Total amount of appropriation	\$30,000 00

HAMPSHIRE COUNTY.

Item

27. For unpaid bills of previous years.....	\$50,000 00
Total amount of appropriation	\$50,000 00

HAMPDEN COUNTY.

Item

16. For jail and house of correction	
1. Personal services.....	\$9,024 62
26. For miscellaneous and contingent expenses.....	\$90,000 00
Total amount of appropriation	\$99,024 62

SECTION 2. The county commissioners of each such county are hereby authorized to levy as a county tax for the current fiscal year, in addition to the county tax previously authorized for such current fiscal year, the total amount appropriated for such county in section one, less any funds received through the federal anti-recession fiscal assistance program, the balance to be apportioned and assessed upon the several cities and towns of the respective counties in the manner provided by law.

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

Approved November 14, 1979.

Chap. 754. AN ACT PROVIDING THAT CERTAIN LICENSES HERETOFORE OR HEREAFTER GRANTED FOR PLACING AND MAINTAINING FILL, PILES AND OTHER STRUCTURES OVER CERTAIN TIDE-WATERS IN THE SOUTH BOSTON DISTRICT OF THE CITY OF BOSTON SHALL BE IRREVOCABLE.

Be it enacted, etc., as follows:

Notwithstanding any provisions of general or special law to the contrary, any and all licenses or other permits and authorizations issued or granted pursuant to law by the department of public works or by any predecessor or successor agency or authority having jurisdiction in the matter to place and maintain fill, piles and other structures, or to erect and maintain structures now existing, on the following parcel of land located in the South Boston district of the city of Boston, shall be irrevocable. Said parcel is bounded and described as follows:

A certain parcel of land with the buildings thereon, in The Commonwealth of Massachusetts, County of Suffolk, City of Boston (South Boston District), situated on the northerly side of Northern Avenue, shown on a "Plan of Land in Boston, Mass. (South Boston District) Suffolk County" (two sheets), dated October 25, 1978, prepared by Boston Survey Consultants and recorded with the Suffolk Registry of Deeds at the end of Book 9190, more particularly bounded and described as follows:

BEGINNING: at a point in the north easterly corner of the intersection of Northern Avenue and the Fort Point Channel.

THENCE: running easterly partly by Fort Point Channel and partly by Boston Inner Harbor by a curve to the right having a length of one thousand one hundred eleven and 34/100 feet (1111.34') and a radius of nine hundred ten and 00/100 feet (910.00') to a point of compound curvature, said course running in part along a granite seawall.

THENCE: turning and running southeasterly by a curve to the right having a length of four hundred and 00/100 feet (400.00') and a radius of two thousand three hundred seventy and 00/100 feet (2370.00') to a point.

THENCE: turning and running S61-20-09E, seven hundred one feet (701'), more or less, to a point. Said last two courses being by Boston Inner Harbor.

THENCE: turning and running S25W, twenty-eight feet (28'), more or less, to a point.



THENCE: turning and running N61W, thirteen feet (13'), more or less, to a point.

THENCE: turning and running partly by a stone seawall S30W, one thousand fifty-nine feet (1059'), more or less, to a point.

THENCE: turning and running N60-47-47W, two and 34/100 feet (2.34') to a point.

THENCE: turning and running S30-29-28W, two and 94/100 feet (2.94') to a point.

THENCE: turning and running N59-30-32W, four and 74/100 feet (4.74') to a point.

THENCE: turning and running by a line five and 00/100 feet (5.00') northwesterly of and parallel to the face of a concrete block building, S30-25-10W, thirty-seven and 76/100 feet (37.76') to a point in the northeasterly sideline of said Northern Avenue. Said last four courses being by land now or formerly Haynes Realty Corp.

THENCE: turning and running N34-06-20W, six hundred forty-eight and 83/100 feet (648.83') to a point.

THENCE: turning and running N58-06-43W, one thousand one hundred twenty-four and 34/100 feet (1124.34') to a stone bound.

THENCE: turning and running N61-23-43W, ninety-nine and 71/100 feet (99.71') to the point of beginning. Said last three courses being along the northeasterly sideline of said Northern Avenue.

Any license hereafter issued by the said department of public works or any successor authority pursuant to chapter ninety-one of the General Laws to fill or maintain fill or to erect or maintain pile or other structures on said parcel, shall, notwithstanding any provision of section fifteen of said chapter ninety-one to the contrary, be irrevocable, subject, however, to the conditions that applicable provisions of said chapter ninety-one are complied with.

Approved November 14, 1979.

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Chap. 755. AN ACT ALLOWING BANK HOLDING COMPANIES TO TRANSACT BUSINESS UNDER NAMES INCLUDING THE WORD "BANK" OR OTHER RELATED WORDS.

Be it enacted, etc., as follows:

Chapter 167 of the General Laws is hereby amended by striking out section 12, as most recently amended by chapter 220 of the acts of 1967, and inserting in place thereof the following section:-

Section 12. No domestic or foreign corporation or individual, partnership or association shall conduct the business of a savings bank, co-operative bank, savings and loan association, credit union, trust company or banking company unless authorized to do so under the laws of this commonwealth nor shall any such corporation, individual, partnership or association unless so authorized under said laws make use of any sign at the place where its business is transacted having thereon any name or other words indicating that such place or office is the place or office of a savings bank, co-operative bank, savings and loan association, credit union, trust company or banking company or

make use of or circulate any written or printed or partly written or partly printed paper whatever, having thereon any name or other words indicating that such business is that of a savings bank, co-operative bank, savings and loan association, credit union, trust company or banking company; nor shall any such corporation, individual, partnership or association or any agent of any of these not having a charter to do business as a savings bank, co-operative bank, savings and loan association, credit union, trust company or banking company unless authorized to do so under the laws of the commonwealth solicit or receive deposits or transact any business whatsoever in the manner described in chapter one hundred and sixty-seven and chapters one hundred and sixty-eight to one hundred and seventy-two A, inclusive, in any manner so as to lead the public to believe or in the opinion of the commissioner might lead the public to believe that its business is that of a bank. No domestic or foreign corporation or individual, partnership or association other than corporations excepted from the prohibitions contained in the first sentence of this section and corporations qualifying as bank holding companies under paragraph (d) of section one of chapter one hundred and sixty-seven A of the General Laws and other than foreign banking associations authorized under section thirty-seven to transact business in this commonwealth and national banking associations shall hereafter transact business under any name or title which contains the words "bank", "banking", "bankers", or any word in a foreign language having the same or similar meaning, as descriptive of said business or, if he or it does a banking business or makes a business of receiving money on deposit, under any name or title containing the word "trust", or any word in a foreign language having the same or similar meaning as descriptive of said business. The provisions of this section which prohibit the transacting of business under a name or title which contains the word "bankers" shall not apply to domestic corporations incorporated prior to January first, nineteen hundred and sixty-five, whose corporate name or title contained the word "bankers" prior to such date. There shall be excepted from the prohibitions contained in this section temporary associations of individuals formed under the sponsorship of a trust company or national bank, savings bank, savings and loan association, co-operative bank or federal savings and loan association situated in this commonwealth for the purpose of training young people in the basic principles and practices of banking by actual participation in pattern or model organizations and operations designed as educational programs. The organization of such associations shall be subject to the approval of the commissioner and their subsequent operation to his supervision. No bank shall engage in the business of operating a travel agency.

Approved November 14, 1979.

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Chap. 756.      AN ACT FURTHER INCREASING THE AMOUNT  
                    OF HOMESTEAD EXEMPTION.

Be it enacted, etc., as follows:

SECTION 1. Section 1 of chapter 188 of the General Laws is hereby amended by striking out the introductory paragraph, as

most recently amended by section 1 of chapter 392 of the acts of 1978, and inserting in place thereof the following paragraph:-

An estate of homestead to the extent of fifty 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 "forty", inserted by section 2 of said chapter 392, and inserting in place thereof the word:- fifty.

SECTION 3. Section 21 of chapter 209 of the General Laws is hereby amended by striking out the word "forty", inserted by section 3 of said chapter 392, and inserting in place thereof the word:- fifty.

SECTION 4. Section 18 of chapter 236 of the General Laws, as most recently amended by section 4 of said chapter 392, is hereby further amended by striking out the first sentence and inserting in place thereof the following sentence:- 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 fifty thousand dollars, appraisers shall be appointed to appraise the property in the manner provided by section six.

Approved November 14, 1979.

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Chap. 757. AN ACT EXEMPTING FROM THE SALES TAX CERTAIN PURCHASES OF COMPOSITORS AND TYPOGRAPHERS.

Be it enacted, etc., as follows:

Section 6 of chapter 64H of the General Laws is hereby amended by adding after paragraph (ff), added by chapter 590 of the acts of 1979, the following paragraph:-

(gg) Sales by a typographer, compositor or color separator of composed type, film positives, film negatives, or reproduction proofs thereof, for use in the preparation of printed matter to be sold, or the fabrication or transfer of such film positives, film negatives, reproduction proofs or impressed matters where the fabrication is for and the transfer is to a printer or publisher for use in printing.

Approved November 14, 1979.

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Chap. 758. AN ACT PROVIDING THAT THE BOARD OF REGISTRATION OF HAIRDRESSERS MAY ISSUE JUNIOR ASSISTANT INSTRUCTORS LICENSES.

Be it enacted, etc., as follows:

Chapter 112 of the General Laws is hereby amended by striking

out section 87BB, as appearing in chapter 806 of the acts of 1977, and inserting in place thereof the following section:-

Section 87BB. The board may register any school which it approves, upon payment of a school registration fee as provided in section eighty-seven CC, and such school may biennially be registered upon payment of a renewal fee as provided in said section eighty-seven CC; provided, that standards of professional training satisfactory to the board are there maintained and sufficient course is there given. Any registered hairdresser having not less than two years practical experience as such and any aesthetician having not less than two years practical experience as such who enrolls in a registered school for a training course as an instructor, shall, upon such enrollment, file an application for examination as an instructor, accompanied by the appropriate fee, and said applicant shall, pending said examination as an instructor, be granted by the board, upon payment of a fee of fifteen dollars, a temporary license as an assistant instructor, which license shall be valid for a period of six months. Such assistant instructor may, under the direct supervision of a registered instructor, instruct students in such school for the first one hundred hours of his training and thereafter may at the discretion of the school supervisor instruct such students without such direct supervision up to the first five hundred hours of the student's training; provided, however, that no school shall employ more than one assistant instructor for every two licensed instructors employed by it. Any student upon graduation from a registered school of beauty culture may enroll as a junior assistant instructor and shall upon such enrollment file an application accompanied by the appropriate fee and such applicant shall be granted by the board upon payment of a fee of fifteen dollars a temporary junior assistant instructors' license which license shall be valid for two years. Any applicant completing two years experience as an operator or junior assistant instructor may, upon application and payment of the appropriate fee, file for an instructors examination or hairdresser license. No school shall employ more than one junior assistant instructor for each licensed instructor employed by such school. The junior assistant instructor shall during such period be deemed to have the authority and responsibility of a licensed instructor. Any registered hairdresser who has had not less than two years practical experience as such and any registered aesthetician who has had not less than two years practical experience as such, and who, after application accompanied by an examination fee as provided in said section eighty-seven CC for a first examination, or a fee as provided in said section eighty-seven CC for a second or subsequent examination, passes an examination satisfactory to the board, may be registered by the board as an instructor, and thereafter may instruct in hairdressing or aesthetics, as the case may be, in any registered school during the period or original registration, and thereafter, upon payment of every two years of a renewal fee as provided in said section eighty-seven CC.

No person not licensed as an assistant instructor, junior assistant instructor or so registered as an instructor may instruct

in hairdressing or aesthetics in any registered school except as authorized by the board.

No person shall be examined as an instructor or registered as such nor granted a temporary license as an assistant instructor or junior assistant instructor, as provided in this section, unless at the time of filing his application for examination he has successfully completed a four-year high school course or possesses the education equivalent thereof.

The board may make such reasonable rules and regulations as are necessary for the proper conduct of schools, qualifications of instructors, courses of study, and hours of study, and as to standards of professional training.

Approved November 14, 1979.

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Chap. 759.      AN ACT AUTHORIZING THE DEPARTMENT OF  
MENTAL HEALTH TO GRANT AND CONVEY  
CERTAIN LAND TO THE CITY OF PITTSFIELD.

Be it enacted, etc., as follows:

SECTION 1. The commissioner of mental health, acting for and on behalf of the commonwealth, is hereby authorized, subject to the approval of the commissioner of administration, to grant and convey to the city of Pittsfield, by a deed approved as to form by the attorney general, all of the right, title, and interest in land in the city of Pittsfield. Said land being bounded and described as follows:

Parcel A - A parcel of land located on the westerly side of Valentine Road in Pittsfield and bounded and described as follows; beginning at a point on the westerly line of Valentine Road where the southeast corner of land now or formerly of Stephen G. Wooliver and the northeast corner of the premises herein described meet with the westerly line of Valentine Road; thence along said Valentine Road in a southwesterly direction by a curved line having a radius of 1699.83 feet and a distance of 91.67 feet; thence continuing along said Valentine Road by a curved line having a radius of 3135.29 feet and a distance of 200.006 feet; thence continuing along said Valentine Road South 11° 48' 00" West 425.41 feet; thence continuing along said Valentine Road by a curved line having a radius of 2096.39 feet and a distance of 62.91 feet; thence North 77° 32' 00" West 2010+ feet to Onota Lake; thence in a northerly direction by Onota Lake 785+ feet; thence South 77° 28' 00" East 1074.68 feet; thence South 77° 41' 00" East 868.30 feet to said Valentine Road and the point of beginning. Said parcel being all of a parcel described as Parcel A on a plan entitled: "A parcel of land in Pittsfield, Massachusetts being a sub-division of land court plan #2339A" April 22, 1969, prepared by Gordon E. Ainsworth and Associates, Inc., said area being a portion of the premises described in certificate number 2292, originally registered November 29, 1948, Registration Book 12, Page 361, Land Court Records - Berkshire Middle District, Registry of Deeds and also being the same parcel described as Parcel A in an order of taking, Document number 13324, filed in the Berkshire Middle District Registry of Deeds, August 27, 1969.

Parcel B - A parcel of land situated on the Southerly side of Lakeway Drive and bounded and described as follows: beginning at a point on the south line of Lakeway Drive at a Northeast corner of a quadrilateral parcel of land devised to Charlotte Wooliver by Douglas Wooliver (Berkshire probate No. 61754) thence South 78° 21' 00" East 64.25 feet along the southerly side of Lakeway Drive; thence continuing along said Lakeway Drive South 77° 47' 14" East 358.22 feet; thence South 22° 01' 20" West 132.00 feet; thence South 26° 46' 20" West 132.00 feet; thence South 77° 50' 20" East 132.00 feet; thence along the Northwest line of Valentine Road by a curved line having a radius of 955.37 feet and a distance of 54.66 feet; thence continuing along Road by a curved line having a radius of 1988.08 feet and a distance of 399.61 feet; thence continuing along Valentine Road by a curved line having a radius of 1699.83 feet and a distance of 108.31 feet; thence North 77° 41' 00" West 484.44 feet; thence North 11° 55' 00" East 665.38 feet; thence South 78° 21' 00" East 132.00 feet; thence North 11° 55' West 132.00 feet to the point of beginning. Said parcel containing approximately 9.490 acres.

Parcel C - A parcel of land situated on the Southerly side of Lakeway Drive and bounded and described as follows: beginning at a point on the south line of Lakeway Drive at the northwesterly corner of the premises herein described thence running along Lakeway Drive South 78° 21' 00" East 132 feet; thence South 11° 55' West 132 feet; thence North 78° 21' 00" West 132.00 feet; thence North 11° 55' 00" East 132.00 feet to the point of beginning. Said parcel containing approximately 17,424 square feet.

Parcel D - A parcel of land situated on the northwesterly side of Valentine Road and bounded and described as follows: beginning at a point on the Northwest line of Valentine Road at the easterly corner of the premises herein described, thence by the northwest line of Valentine Road by a curved line having a radius of 955.37 feet and a distance of 132.00 feet; thence North 77° 50' 20" West 132.00 feet, thence North 26° 46' 20" East 132.00 feet; thence South 77° 47' 40" East 132.00 feet to the point of beginning. Said parcel containing approximately 17,056 square feet.

Parcel E - A parcel of land located on the Southerly side of Lakeway Drive and bounded and described as follows: beginning at a point on the southerly line of Lakeway Drive at a point 66.00 feet from the intersection of the southerly line of Lakeway Drive and the Westerly line of Valentine Road, thence by the southerly line of Lakeway Drive North 77° 47' 14" West 55.00 feet; thence South 22° 01' 20' West 132.00 feet; thence South 77° 47' 40" East 66.00 feet; thence North 22° 01' 20" East 132.00 feet to the point of beginning. Said parcel containing approximately 8594 square feet.

Parcel F - A parcel of land situated on the southwesterly corner of the intersection of Lakeway Drive and Valentine Road and bounded and described as follows: beginning at the intersection of the southerly line of Lakeway Drive and the westerly line of Valentine Road, thence by the westerly line of Valentine Road South 21° 59' West 118.64 feet; thence continuing along said Valentine Road by a curved line having a radius of 955.37 feet and a distance of 13.36 feet; thence North 77° 47' 40" West

66.00 feet; thence North 22° 01' 20" East 132.00 feet; thence along the southerly line of Lakeway Drive South 77° 47' 14" East 66.00 feet to the point of beginning. Said parcel containing approximately 8592 square feet.

Parcels B, C, D, E and F being more fully described on a plan of land entitled "Massachusetts State Project No. M 66-6 Mental Health Treatment Center, Pittsfield, Mass.", dated May 12, 1969. Scale 1" = 100'. Prepared by Gordon E. Ainsworth & Associates, Inc., sheet 2 of t sheets, which plan has been signed by the Commissioner of Mental Health, an attested copy of which is to be recorded with this order of taking in the middle district registry of deeds in the county of Berkshire.

Parcels G & I - A parcel of land situated on the northerly side of Lakeway Drive and bounded and described as follows: beginning at a point on the northerly line of said Lakeway Drive at the southeast corner of the premises herein described, thence along the northerly line of said Lakeway Drive North 77° 47' 14" West 717.09 feet; thence North 12° 12' 46" East 250.00 feet; thence North 77° 47' 14" West 150.00 feet, thence South 12° 12' 46" West 250.00 feet; thence again along the northerly line of said Lakeway Drive North 77° 47' 14" West 275.00 feet; thence North 12° 26' 00" East 1181.44 feet; thence South 76° 52' 40" East 711.18 feet; thence South 120° 23' 33" West 565.66 feet; thence South 77° 39' 47" East 435.15 feet; thence South 12° 52' 08" West 603.58 feet to the point of beginning. Said parcel containing approximately 24.345 acres.

Parcel H - A parcel of land situated on the northerly side of Lakeway Drive and bounded and described as follows: beginning at a point on the northerly line of Lakeway Drive which point is 275.00 feet in an easterly direction from where the southeast corner of Burbank Park and the southwest corner of the property now or formerly of Stephen G. Wooliver and Helen G. Wooliver and John C. Francis meets with the northerly line of said Lakeway Drive; thence turning at right angles and going North 12° 12' 46" East 250.00 feet; thence South 77° 47' 14" East 150.00 feet; thence South 12° 12' 46" West 250.00 feet; thence along the northerly line of said Lakeway Drive North 77° 47' 14" West 150.00 feet to the point of beginning. Said parcel containing approximately 37,500 square feet.

Parcel L - A parcel of land formerly owned by Antoni Chrzanowski, situated at the northerly end of 8th Street and bounded and described as follows: beginning at the southeasterly corner of the premises herein described, thence North 77° 39' 47" West 880.65 feet; thence North 12° 28' 33" East 565.66 feet; thence South 76° 21' 00" East 899.70 feet; thence South 14° 22' 20" West 545.39 feet to the point of beginning. Said parcel containing approximately 11.350 acres.

Parcels G & I, H and L being more fully described on a plan of land entitled, "Massachusetts State Project No. M 66-6 Mental Health Treatment Center Pittsfield, Mass." Dated May 12, 1969. Scale 1" = 100'. Prepared by Gordon E. Ainsworth & Associates, Inc., sheet 1 of 2 sheets, which plan has been signed by the Commissioner of Mental Health, an attested copy of which is to be recorded with this order of taking in the middle district registry of deeds in the county of Berkshire.

SECTION 2. Notwithstanding the provisions of section one the following described parcel of land shall not be included in said grant and shall remain in the possession of the department of mental health: Beginning at a point in the westerly side line of the right of way for Valentine Road and the northerly side line of Lakeway Drive on a bearing N77° 47' 14W a distance of 415 feet more or less to a bound at the corner of property owned by the City of Pittsfield, Burbank Park, thence turning and running on a bearing of W12° 26' 00"E a distance of 200 feet to a point; thence turning and running on a bearing of S77° 47' 14"E a distance of 500 feet more or less to an intersection of the westerly side line of the right of way for Valentine Road thence turning and running on a curved line along the westerly side line of the right of way for Valentine Road in a southwesterly direction, 215 feet more or less to the point of beginning. Said parcel to contain approximately 2.2 acres. The above described parcel of land being a portion of Lots, G, H., and I. as shown on a plan entitled "Massachusetts State Project No. M66-6, Mental Health, Treatment Center PITTSFIELD, MASSACHUSETTS, Scale: 1" = 100', May 12, 1969, Gordon E. Ainsworth & Associates, Inc., Deerfield, Mass., Sheet 1 of 2 Sheets filed in the middle district registry of deeds in the county of Berkshire in Book 417-F, Page 128-A."

SECTION 3. The land so conveyed by section one of this act shall be used by the city of Pittsfield for park and school purposes, and if at any time said land is not used for said purposes, title shall revert to the commonwealth.

Approved November 14, 1979.

Chap. 760. AN ACT RELATIVE TO AUDITS BY THE  
STATE AUDITOR.

Be it enacted, etc., as follows:

Section 12 of chapter 11 of the General Laws is hereby amended by striking out the fifth and sixth sentences, inserted by section 5 of chapter 943 of the acts of 1971, and inserting in place thereof the following two sentences:- The department of the state auditor shall, in any audit of the executive office of human services or any agency thereof, refer to the fraudulent claims commission any case coming to its attention in the course of such audit which appears to involve fraud. In any such audit the department of the state auditor is hereby authorized to examine the records of vendors to verify bills submitted to the executive office of human services or any agency thereof to the extent necessary to determine the propriety and accuracy of their charges against the commonwealth.

Approved November 14, 1979.

Chap. 761. AN ACT ESTABLISHING A PROGRAM FOR THE  
COMBINED SAFETY AND EMISSIONS INSPEC-  
TION FOR MOTOR VEHICLES.



Be it enacted, etc., as follows:

SECTION 1. Section 1 of chapter 90 of the General Laws, as most recently amended by section 1 of chapter 140 of the acts of 1978, is hereby further amended by adding the following ten definitions:-

"Certificate of inspection", a serially numbered, adhesive sticker, device, or symbol, as may be prescribed by the registrar, indicating a motor vehicle has met the inspection requirements established by the registrar for issuance of a certificate. The registrar may prescribe the use of one or more categories of certificate of inspection.

"Certificate of rejection", a serially numbered, adhesive sticker, device or symbol, as may be prescribed by the registrar indicating a motor vehicle has failed to meet the safety or combined safety and emissions inspection requirements as established by the registrar.

"Certificate of waiver", a serially numbered device or symbol, as may be prescribed by the registrar, indicating that the requirement of passing the emissions portion of the combined safety and emissions inspection has been waived for a vehicle pursuant to the provisions of this chapter.

"Certified inspector", an individual certified by the commissioner as properly trained to perform an emissions inspection as delineated by the manufacturer of the emissions analyzer.

"Commissioner", commissioner of the department of environmental quality engineering.

"Emissions analyzer", a device that measures the concentration of pollutants in motor vehicle exhaust.

"Fleet inspection station", a proprietorship, partnership or corporation which owns or maintains a fleet of at least twenty-five motor vehicles and maintains a garage for the repair and maintenance of those vehicles and is licensed by the registrar to perform the safety or combined safety and emissions inspections on said motor vehicles.

"Inspection station", a proprietorship, partnership, or corporation licensed by the registrar to perform safety or combined safety and emissions inspections on motor vehicles.

"Licensee", a fleet inspection station or inspection station.

"Referee station", a location designated by the registrar to verify the accuracy of inspections performed by licensed inspection stations and to grant certificates of waiver.

SECTION 2. Said chapter 90 is hereby further amended by striking out section 7A, as most recently amended by section 1 of chapter 61 of the acts of 1979, and inserting in place thereof the following section:-

Section 7A. The registrar shall establish rules and regulations providing for a periodic annual staggered safety and combined safety and emissions inspection of all motor vehicles; provided, however, that motor vehicles whose curb weight exceeds eight thousand pounds, motorcycles, diesel powered vehicles, motor vehicles more than fifteen model years old before the date of inspection, and motor vehicles not capable of a speed greater than twenty-five miles per hour under any condition of operation

or loading on a level surface shall be exempt from such emissions inspection but shall be subject to such safety inspection, and such vehicle shall be inspected for excessive smoke emissions, as provided in section sixteen. Any regulation, as defined in section 1 of chapter thirty A, or any amendment or repeal of any such regulation adopted by the registrar pursuant to this paragraph, shall, after compliance with all applicable provision of said chapter thirty A, except section five, shall be submitted to the general court. Said registrar shall file the proposed regulation, amendment or repeal with the clerk of the house of representatives, together with a statement that the pertinent provisions of said chapter thirty A, except section five have been complied with. Such regulations shall be accompanied by a summary of the regulations in layman's terms. The clerk of the house of representatives, with the approval of the president of the senate and the speaker of the house of representatives, shall refer such regulations to the appropriate joint standing committee. Within thirty days after such referral, such committee may hold a public hearing on the regulations and shall issue a report to the registrar. Said registrar shall review said report and shall adopt final regulations as deemed appropriate in view of said report and shall file with the chairmen of such reporting committee its final regulations, not earlier than thirty days after the filing of such report with the said chairmen. Said registrar shall file the final regulations with the state secretary as provided in section five of said chapter thirty and said regulations shall thereupon take effect.

The purpose of the safety and combined safety and emissions inspection regulations shall require that motor vehicles are provided with the following equipment maintained in good order:

a vehicle identification number, brakes, stop lamps, lights, directional signals, horn, exhaust system, steering and suspension systems, glazing, windshield cleaner, number plates, tires, fenders, bumpers, external sheet metal, reflectors, splash guards, chock blocks, and air pollution emission control systems or devices.

The registrar shall establish rules and regulations providing for the inspection of school buses or buses operated under a certificate, license, or permit issued in accordance with the provisions of chapter one hundred and fifty-nine A which are used for the transportation of school children to and from school and in connection with school activities other than such buses used simultaneously as public common carriers of passengers or designed primarily for mass transportation within seven days of the date on which the vehicle is first registered to a new owner and during the months of January, March, May, September and November.

The fee for the inspection of all motor vehicles which are exempt from the emissions inspection as prescribed in this section shall be four dollars; provided, however, that the fee for the combined safety and emissions inspection of all motor vehicles which are required to be so inspected by the registrar shall not exceed ten dollars. Inspection fees shall be set by agreement of the registrar and the commissioner and shall be uniform through-

out the commonwealth.

Each inspection station shall remit a portion of the fee, said portion to be determined by the registrar and commissioner, for deposit in a motor vehicle inspection fund to be established by the registrar. The proceeds of this fund shall be used to meet the costs, insofar as possible, of the program for the combined safety and emissions inspection for motor vehicles.

Each applicant to become a licensee shall remit a fee established by the registrar before any license is issued pursuant to section seven W. Said fee shall be deposited in the motor vehicle inspection fund.

Said rules and regulations promulgated by the registrar pursuant to this section shall provide that a motor vehicle which is not garaged or operated within the commonwealth during its assigned inspection period may be operated for fifteen days after its return to the commonwealth if said motor vehicle bears satisfactory proof of adequate safety or emission inspection from another jurisdiction. The owner or person in control of said motor vehicle shall obtain the required safety and emissions inspection within said fifteen days.

SECTION 3. Said chapter 90 is hereby further amended by striking out section 7N, as most recently amended by section 1 of chapter 687 of the acts of 1971, and inserting in place thereof the following section:-

Section 7N. Notwithstanding any disclaimer of warranty, a motor vehicle contract of sale may be voided by the buyer if the motor vehicle fails to pass, within seven days from the date of such sale, the safety or combined safety and emissions inspection at an inspection station licensed pursuant to section seven W; provided, that the defects which are the reasons for the failure to issue a certificate of inspection were not caused by the abusive or negligent operation of the motor vehicle or by damage resulting from an accident or collision occurring after the date of the sale; and provided, further, that the cost of repairs necessary to permit the issuance of a certificate of inspection exceeds ten per cent of the purchase price of the motor vehicle.

In order to void a motor vehicle sale under this section the buyer shall, within ten days from the date of sale, notify the seller of his intention to do so, deliver the motor vehicle to the seller, provide the seller with a written statement signed by an authorized agent of such inspection station stating the reasons why the motor vehicle failed to pass the safety or combined safety and emissions inspection and an estimate of the cost of necessary repairs. The buyer shall be entitled to a refund of his purchase price unless the buyer and seller agree in writing that the seller may make the necessary repairs at his own cost and expense within a reasonable period of time thereafter. This section shall apply only to motor vehicles purchased for the immediate personal or family use of the buyer.

SECTION 4. Said chapter 90 is hereby further amended by inserting after section 7U, inserted by section 1 of chapter 579 of the acts of 1979, the following five sections:-

Section 7V. The registrar shall establish rules and regulations

for the issuance of certificates of inspection. Such rules and regulations shall include but not be limited to the following:

(a) motor vehicles meeting the inspection requirements established by the registrar under section seven A shall be issued a certificate of inspection which shall be proof that said motor vehicle has passed the required inspection;

(b) the requirement that motor vehicles failing to comply with the motor vehicle emission standards established by the commissioner of environmental quality engineering under the provisions of section one hundred and forty-two J of chapter one hundred and eleven or failing to comply with the safety standards as required by the registrar under section seven A shall be issued a certificate of rejection indicating that the motor vehicle has failed the initial emissions inspection or safety inspection as required by said section seven A; and

(c) a procedure for permitting the reinspection of any motor vehicle that has been issued a certificate of rejection and has had all necessary repairs performed on said vehicle; provided, however, that said reinspection be performed by the original inspection station without payment of any additional fee.

Any regulation, as defined in section one of chapter thirty A, or any amendment or repeal of any such regulation adopted by the registrar pursuant to this section, shall, after compliance with all applicable provision of said chapter thirty A, except section five, shall be submitted to the general court. Said registrar shall file the proposed regulation, amendment or repeal with the clerk of the house of representatives, together with a statement that the pertinent provisions of said chapter thirty A, except section five have been complied with. Such regulations shall be accompanied by a summary of the regulations in layman's terms. The clerk of the house of representatives, with the approval of the president of the senate and the speaker of the house of representatives, shall refer such regulations to the appropriate joint standing committee. Within thirty days after such referral, such committee may hold a public hearing on the regulations and shall issue a report to the registrar. Said registrar shall review said report and shall adopt final regulations as deemed appropriate in view of said report and shall file with the chairmen of such reporting committee its final regulations, not earlier than thirty days after the filing of such report with the said chairmen. Said registrar shall file the final regulations with the state secretary as provided in section five of said chapter thirty and said regulations shall thereupon take effect.

Section 7W. Inspections of motor vehicles under section seven A shall be performed by fleet inspection stations or inspection stations and where applicable, referee stations. The registrar shall establish rules and regulations for the licensing of fleet inspection stations, inspection stations and referee stations. Such rules and regulations shall include but not be limited to the following:

(a) the requirement that the licensee possess an emissions analyzer meeting the design and operational specifications established by the commissioner. Said emissions analyzer shall be operated and maintained in conformance with the regulations

adopted under section one hundred and forty-two J of chapter one hundred and eleven;

(b) a requirement that the licensee collect and maintain accurate data and any information which the commissioner determines to be necessary for quality control;

(c) a requirement that the licensee allow emissions testing to be performed only by properly trained inspectors certified by the commissioner; and

(d) a provision that any person who owns or maintains a fleet of at least twenty-five motor vehicles and maintains a garage for the repair and maintenance of those vehicles may be licensed as a fleet inspection station to inspect those vehicles.

Any regulation, as defined in section one of chapter thirty A, or any amendment or repeal of any such regulation adopted by the registrar pursuant to this section, shall, after compliance with all applicable provision of said chapter thirty A, except section five, shall be submitted to the general court. Said registrar shall file the proposed regulation, amendment or repeal with the clerk of the house of representatives, together with a statement that the pertinent provisions of said chapter thirty A, except section five have been complied with. Such regulations shall be accompanied by a summary of the regulations in layman's terms. The clerk of the house of representatives, with the approval of the president of the senate and the speaker of the house of representatives, shall refer such regulations to the appropriate joint standing committee. Within thirty days after such referral, such committee may hold a public hearing on the regulations and shall issue a report to the registrar. Said registrar shall review said report and shall adopt final regulations as deemed appropriate in view of said report and shall file with the chairmen of such reporting committee its final regulations, not earlier than thirty days after the filing of such report with the said chairmen. Said registrar shall file the final regulations with the state secretary as provided in section five of said chapter thirty and said regulations shall thereupon take effect.

Section 7X. The registrar and the commissioner shall designate specific referee stations and notwithstanding any other provision of this chapter, may contract with public or private entities to design, implement and operate said referee stations throughout the commonwealth for the purpose of reinspections and issuing certificates of waiver.

Section 7Y. The inspection of motor vehicles for emissions under section seven A shall be performed only by certified inspectors. The commissioner shall establish by rules and regulations for the certification and training of such inspectors and shall provide that certification not be transferable between individuals. No person shall be certified unless he has demonstrated his competence by such examination, training, or other standard the commissioner may prescribe. The commissioner shall also revoke the certification of any inspector who intentionally fails to properly inspect a motor vehicle in accordance with the rules and regulations adopted by the commissioner under section one hundred and forty-two J of chapter one hundred and eleven of the General Laws.

Any regulation, as defined in section one of chapter thirty A, or any amendment or repeal of any such regulation adopted by the commissioner pursuant to this section, shall, after compliance with all applicable provision of said chapter thirty A, except section five, shall be submitted to the general court. Said commissioner shall file the proposed regulation, amendment or repeal with the clerk of the house of representatives, together with a statement that the pertinent provisions of said chapter thirty A, except section five have been complied with. Such regulations shall be accompanied by a summary of the regulations in layman's terms. The clerk of the house of representatives, with the approval of the president of the senate and the speaker of the house of representatives, shall refer such regulations to the appropriate joint standing committee. Within thirty days after such referral, such committee may hold a public hearing on the regulations and shall issue a report to the commissioner. Said commissioner shall review said report and shall adopt final regulations as deemed appropriate in view of said report and shall file with the chairmen of such reporting committee its final regulations, not earlier than thirty days after the filing of such report with the said chairmen. Said commissioner shall file the final regulations with the state secretary as provided in section five of said chapter thirty and said regulations shall thereupon take effect.

Section 7Z. The registrar, the commissioner, or their designees, may enter any licensed inspection station, or fleet inspection station, during regular business hours and may examine any records of such station for the purpose of enforcing the provisions of sections seven A, seven N, seven V and seven W. The commissioner shall establish procedures for the enforcement of the rules and regulations established under section one hundred and forty-two J of chapter one hundred and eleven of the General Laws.

SECTION 5. Section 20 of said chapter 90, as most recently amended by section 1 of chapter 472 of the acts of 1977, is hereby further amended by inserting after the first paragraph the following paragraph:-

Any person who operates, and any person who owns and permits to be operated, a motor vehicle or trailer that fails to meet the safety standards established by the registrar pursuant to said section seven A shall be punished by a fine of twenty-five dollars. Any person who fails to have a motor vehicle owned by him inspected for the combined safety and emissions inspection as required pursuant to the provisions of said section seven A shall be punished by a fine of fifty dollars. Any motor vehicle which is required to be inspected for the combined safety and emissions inspection pursuant to the provision of section seven A and fails to meet the requirements of said inspection and has not been issued a certificate of waiver under the provisions of clause (b) of section seven V shall be subject to suspension or revocation of the certificate of registration as may be prescribed by the registrar under section twenty-two. Any licensee who violates the provisions of section seven W shall be punished by a fine of not less than five hundred dollars nor more than five thousand

dollars.

SECTION 6. Chapter 111 of the General Laws is hereby amended by inserting after section 142I the following section:-

Section 142J. The commissioner of the department of environmental quality engineering, after a public hearing for which ten days notice has been given, shall establish rules and regulations setting motor vehicle emission standards, and prescribing a procedure for emissions testing with approved emissions analyzers. Said regulations shall: (a) comply with, but shall not exceed, applicable requirements set by the Environmental Protection Agency, and shall not be more stringent than necessary to comply with said requirements; (b) be set at a level reasonably achievable for each model year operating in a reasonably sound mechanical condition; (c) allow the commissioner to exempt any class of vehicle from emission standards which presents prohibitive inspection problems; (d) set forth all necessary maintenance and calibration procedures and all recordkeeping requirements necessary for quality control; (e) include a list of all emission analyzers which he determines to be reliable and accurate and which are therefore approved for use by certified inspectors; (f) establish a certification program for all inspectors who will conduct emissions testing, which program shall be designed to insure that each mechanic understands all emissions testing procedures and quality control measures; and (g) establish a procedure for permitting the issuance by referee stations of a certificate of waiver to any motor vehicle that has been issued a certificate of rejection for failing to comply with the emissions portion of the combined safety and emissions inspection; provided, however, that the owner or operator of said motor vehicle shall display satisfactory proof that said motor vehicle has had any necessary repairs completed on spark plugs, air filter, carburetor or fuel injection system, and ignition system; and provided, further, that the estimated cost of additional repairs necessary to bring said vehicle into compliance with the emission standard for said motor vehicle exceeds one hundred dollars or ten per cent of the fair market value, whichever is less, of the motor vehicle. No certificate of waiver shall be granted for the necessary repair or replacement of a defective, altered or missing emission control device required by federal law, or covered under the performance warranty requirement of 42 USC 7541 (b) of the Clean Air Act of 1977.

Any regulation, as defined in section one of chapter thirty A, or any amendment or repeal of any such regulation adopted by the commissioner pursuant to this section, shall, after compliance with all applicable provision of said chapter thirty A, except section five, shall be submitted to the general court. Said commissioner shall file the proposed regulation, amendment or repeal with the clerk of the house of representatives, together with a statement that the pertinent provisions of said chapter thirty A, except section five have been complied with. Such regulations shall be accompanied by a summary of the regulations in layman's terms. The clerk of the house of representatives, with the approval of the president of the senate and the speaker of the house of representatives, shall refer such regulations to

the appropriate joint standing committee. Within thirty days after such referral, such committee may hold a public hearing on the regulations and shall issue a report to the commissioner. Said commissioner shall review said report and shall adopt final regulations as deemed appropriate in view of said report and shall file with the chairmen of such reporting committee its final regulations, not earlier than thirty days after the filing of such report with the said chairmen. Said commissioner shall file the final regulations with the state secretary as provided in section five of said chapter thirty and said regulations shall thereupon take effect.

SECTION 7. Notwithstanding the provisions of section eight of this act, the registrar of motor vehicles and the commissioner of the department of environmental quality engineering may promulgate regulations as provided in sections two, four, and six of this act; provided, however, that such regulations shall not take effect prior to January first, nineteen hundred and eighty-two.

SECTION 8. Sections one to six, inclusive, of this act shall take effect on January first, nineteen hundred and eighty-two.

Approved November 14, 1979.

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Chap. 762.      AN ACT FURTHER REGULATING THE GOVERNMENT LAND BANK.

Be it enacted, etc., as follows:

SECTION 1. Section 1 of chapter 212 of the acts of 1975 is hereby amended by inserting after the first paragraph the following two paragraphs:-

It is hereby further found that there exists underutilized property owned by the commonwealth or the federal government which property is surplus to current and projected governmental need; that such surplus property is a significant resource which if returned to productive economic use, would contribute to the provision of gainful employment, increased revenue for the commonwealth and municipalities, and a more stable economy; and that the acquisition, development or disposition of such property in accordance with redevelopment plans is a valid public purpose.

It is hereby further found that decadent, substandard, or blighted open areas exist in the commonwealth; that each such area constitutes a serious and growing menace, injurious and inimical to the safety, health, morals and welfare of the residents of the commonwealth; that each such area constitutes an economic liability, substantially impairs or arrests the sound growth of municipalities, and retards the economic well being of the commonwealth; that each decreases the value of private investments and threatens the sources of public revenue; that redevelopment of each such area in accordance with a redevelopment plan for the elimination of substandard conditions and the prevention of their recurrence is necessary to retain existing industries, attract new industries, and promote the sound economic growth of the commonwealth; that the menace of such decadent or blighted open areas is beyond remedy and control solely by regulatory process in the exercise of the police power and cannot be dealt with effectively



by the ordinary operations of private enterprise without the aid herein provided; that unemployment and under-employment have been caused in part by industrial and manufacturing companies moving from the commonwealth; that many existing industrial and manufacturing facilities within the commonwealth 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 injury to the economy of the commonwealth and its municipalities; that the manufacturing and industrial sector of the economy provides one of the best immediate opportunities for better jobs at higher wages for inhabitants of the commonwealth and that new industrial and manufacturing sites are required to attract and house new industries and to retain existing industries in need of expansion space; that unaided, private enterprise will not be able to develop such decadent, substandard, or blighted open areas due to problems encountered in the assembly of suitable building sites, the provision of adequate public services, the unavailability of sufficient private capital for development and the inability of private enterprise alone to plan, finance and coordinate economic development projects; that in many areas of the commonwealth, municipalities want and need to revitalize their economic job base, but due to the size and cost of development are unable to do so; that the continuing increase in the cost of assembling land available for development particularly in substandard, decadent, or blighted areas of the commonwealth substantially impair the ability of commonwealth and cities and towns of the commonwealth to stimulate economic and industrial growth in order to produce gainful employment; that the acquisition of property for the purpose of eliminating decadent, substandard, or blighted open conditions therein, preventing recurrence of such conditions in the area, the removal of structures and improvements, the improvement of sites for commercial, manufacturing, residential, and industrial uses, the disposition of the property for redevelopment incidental to the foregoing, and the exercise of powers by a government land bank are public uses and purposes for which public money may be expended.

SECTION 2. Said section 1 of said chapter 212 is hereby further amended by striking out the last paragraph and inserting in place thereof the following paragraph:-

Therefore, it is the purpose of the government land bank created by this act to aid private enterprise or public agencies in the speedy and orderly conversion and redevelopment of certain lands formerly used for military activities to non-military uses, including industrial, commercial, and residential uses, and in the development and redevelopment of substandard, blighted or decadent areas and of surplus government property to stimulate economic development including industrial, commercial and residential uses, in order to prevent blight, economic dislocation, and additional unemployment or to aid private enterprise in the construction and rehabilitation upon such lands of decent, safe, and sanitary housing available to persons of low and moderate income in order to alleviate the shortage of such housing.

SECTION 2A. Section 2 of said chapter 212 is hereby amended

by striking out the second paragraph and inserting in place thereof the following paragraph:-

The bank shall be governed by a board of ten directors, eight appointed by the governor, at least one of whom shall be a person experienced in industrial development, one of whom shall be a person experienced in employment development, one of whom shall be a person experienced in real estate law, one of whom shall be a person experienced in financial aspects of real estate development, one of whom shall be a representative of organized labor, one of whom shall be experienced in planning, and one member shall be the commissioner of administration, ex officio, or his designee, and one member shall be the secretary of communities and development, ex officio, or his designee. Said commissioner and said secretary shall have a vote on the board. Directors, except the commissioner of administration, and the secretary of communities and development shall serve for terms of three years; provided, however, that of those initially appointed, three shall be appointed for terms of one year, three for two years, and two for three years. Vacancies arising otherwise than from the expiration of a term shall be filled by the governor for the remainder of the unexpired term. Directors shall serve without compensation but shall be reimbursed for expenses necessarily incurred in the performance of their duties.

SECTION 3. The fourth paragraph of said section 2 of said chapter 212 is hereby amended by striking out the third sentence and inserting in place thereof the following sentence:- Salaries for employees, including the executive director and the treasurer, shall be set by the directors.

SECTION 4. Section 3 of said chapter 212 is hereby amended by striking out the first paragraph and inserting in place thereof the following two paragraphs:-

There shall be at least three advisory boards to the bank, one for the Chelsea Naval Hospital, one for Westover Air Force Base, and one jointly for the Boston Naval Shipyard, South Boston Annex and Boston Army Base. Each advisory board shall consist of eleven members, who shall be appointed as follows:- the mayor of the city of Chicopee and the chairman of the board of selectmen of the town of Ludlow shall each appoint four members of the Westover advisory board; the mayor of the city of Chelsea shall appoint eight members of the Chelsea advisory board; and the mayor of the city of Boston shall appoint eight members of the Boston advisory board. The three remaining members of each board shall be appointed by the governor.

The governor may create other such advisory boards as he deems to be desirable in advising the board of directors of the bank regarding specific redevelopment plans pending before said board.

SECTION 5. Section 4 of said chapter 212 is hereby amended by striking out clause (e), as amended by section 2 of chapter 732 of the acts of 1977, and inserting in place thereof the following clause:-

(e) enter into agreements or other transactions with any governmental agency or private person in connection with any of its powers or duties hereunder, including without limitation those

set forth in clause (j) and clause (m), and any governmental agency is hereby authorized to enter into any such agreements or transactions with the bank.

SECTION 6. Said section 4 of said chapter 212 is hereby further amended by striking out clause (j), as amended by section 3 of said chapter 732, and inserting in place thereof the following clause:-

(j) take possession on behalf of the commonwealth or acquire on its own behalf lands, improvements thereon, and related personal property, hereinafter called lands, or interest therein, (1) from the United States, which lands, or interests therein, were used for Westover Air Force Base, the Chelsea Naval Hospital, or the Boston Naval Shipyard, including the South Boston Annex, the Boston Army Base and all other lands owned by the United States and used in connection with or for purposes related to the operations of the Boston Naval Shipyard or the Boston Army Base, subject to such restrictions as may be imposed on such acquisition by the United States, and any other property of the United States lying within the commonwealth and declared surplus by the United States, subject to such restrictions as may be imposed on such acquisition by the United States; (2) from the commonwealth title to any parcels of property which have been determined to be surplus to state government needs; and (3) decadent, substandard, or blighted open areas in the commonwealth; provided, that such possession or acquisition has been found by it to be necessary or reasonably required to carry out the purposes of this act; prior or subsequent to taking possession of or acquiring such lands hold, protect, maintain, repair and use such lands, or any interest therein, as it deems necessary or desirable to facilitate acquisition or disposition of such lands, or any interest therein; and dispose of such lands, or any interest therein, by sale, lease or otherwise as provided by this act;.

SECTION 7. Said section 4 of said chapter 212 is hereby further amended by adding the following clause:-

(m) to clear and improve property acquired by it and to engage in or contract for the construction, reconstruction, demolition, development, redevelopment, rehabilitation, remodeling, alteration or repair thereof.

SECTION 8. Section 5 of said chapter 212 is hereby amended by striking out, in lines 2 to 4, inclusive, the words, ", used for Westover Air Force Base, the Chelsea Naval Hospital, or the Boston Naval Shipyard, including the South Boston Annex and Boston Army Base".

SECTION 9. Said section 5 of said chapter 212 is hereby further amended by adding the following paragraph:-

The bank may take possession of or acquire lands or any interest therein described in subclause (3) of clause (j) of section four only after a public hearing is held in accordance with the hearing procedures set forth in section six, and a determination by the bank and by the municipality in which the land lies that such land is a decadent, substandard or blighted open area.

SECTION 10. The second paragraph of section 6 of said chapter 212, as amended by section 2 of chapter 461 of the acts of 1975, is hereby further amended by inserting after the word "prevent", in line 4, the words:- or eliminate.

SECTION 11. Said section 6 of said chapter 212 is hereby further amended by striking out the fourth paragraph and inserting in place thereof the following two paragraphs:-

No such redevelopment plan shall be approved by the bank within one year after the taking of possession or acquisition by the bank of the land, or any interest therein, to which such plan relates, unless such plan has been approved by the municipality, or jointly by the municipalities, within which such land lies. The bank may extend said one year by petition of any municipality wherein the lands are located.

If, however, with respect to the lands referred to in subclause (3) of clause (j) of section four, said one year period has expired and the bank has not extended said one year period or if such extension period has expired, and if no redevelopment plan has been approved by said municipality, or jointly by such municipalities, the bank shall extend to such municipality or municipalities an offer to sell such land to said municipality or municipalities for the full purchase price plus an amount which includes all costs incurred by the bank in performing any rights or duties set forth in said section four, all transfer costs of the purchase and sale of such land including but not limited to legal fees, survey costs, engineering costs, recording fees, and the interest cost to the bank of the funds used pursuant to such land. Such offer to sell shall expire sixty days from the date such municipality or municipalities are notified in writing of its commencement.

SECTION 12. Section 8 of said chapter 212, as amended by section 7 of chapter 732 of the acts of 1977, is hereby further amended by striking out, in lines 13 to 16, inclusive, the words, "but the final maturities of such notes, whether original or renewal, shall not be later than June thirtieth, nineteen hundred and eighty-one".

SECTION 13. Section 8A of said chapter 212, inserted by said section 7 of said chapter 732, is hereby amended by striking out the second paragraph, and inserting in place thereof the following paragraph:-

All bonds issued by the commonwealth as aforesaid shall be designated on their face, Government Land Bank Fund Loan Act, and shall be term or serial bonds, shall bear such date or dates, and shall mature at such time or times not exceeding thirty years, from the date of issue, as the governor may recommend to the general court pursuant to Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth, the maturities thereof to be so arranged that the amounts payable in the several years of the period of amortization, other than the final year, shall be as nearly equal as in the opinion of the state treasurer it is practicable to make them. Said bonds shall bear interest semi-annually at such rate as the state treasurer, with the approval of the governor, shall fix.

SECTION 14. Said chapter 212 is hereby further amended by striking out section 19 and inserting in place thereof the following section:-

Section 19. This act shall expire on June thirtieth, nineteen hundred and ninety.

Approved November 14, 1979.

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Chap. 763. AN ACT AUTHORIZING THE COMMISSIONER OF MENTAL HEALTH TO CONVEY A CERTAIN PARCEL OF LAND IN THE CITY OF PITTSFIELD TO THE ROMAN CATHOLIC BISHOP OF SPRINGFIELD.

Be it enacted, etc., as follows:

The commissioner of administration and finance, acting for and on behalf of the commonwealth, on such terms and for such consideration as agreed to by the parties, is hereby authorized to convey to the Roman Catholic Bishop of Springfield, by a deed approved as to form by the attorney general all of the right, title, and interest which the commonwealth has in a certain parcel of land obtained for mental health purposes, situated in the city of Pittsfield and bounded and described as follows:-

Beginning at a point marked by an iron pipe, which iron pipe marks the southeasterly corner of a parcel of land conveyed by William J. Joyce to Roman Catholic Bishop of Springfield by deed dated July 15, 1912 and recorded in Berkshire Middle District Registry of Deeds in Book 362, Page 301, said iron pipe also marks the northwesterly corner of a parcel of land conveyed by Berkshire Medical Center, Inc. to Pittsfield Housing Authority by deed dated Dec. 18, 1979 and recorded in said Registry of Deeds in Book 1015, Page 22 & C, said iron pipe also marks the southwesterly corner of a parcel of land conveyed by Mary F. Camuso Et Al to Mary F. Camuso and Phena Leonardi by deed dated Nov. 21, 1966 and recorded in Berkshire Middle District Registry of Deeds in Book 828, Page 517, said iron pipe also marks the northeasterly corner of a parcel of land conveyed by Berkshire Medical Center, Inc. to Commonwealth Of Massachusetts by deed dated Dec. 18, 1978 and recorded in said Registry Of Deeds in Book 1015, Page 20;

Running thence South 21 Degrees, 09 Minutes, 08 Seconds West along the easterly line of said land so conveyed to Commonwealth of Massachusetts, being also along the westerly line of said land so conveyed to Pittsfield Housing Authority, a distance of 53.03 feet to a point to be marked with an iron pipe;

Running thence North 67 Degrees, 54 Minutes, 03 Seconds West, along remaining land so conveyed to Commonwealth of Massachusetts, a distance of 96.75 feet to a point marked by an iron pipe at an angle point in the northerly line of said land so conveyed to Commonwealth of Massachusetts, said iron pipe also marks an angle point in the southerly line of said land so conveyed to Roman Catholic Bishop Of Springfield;

Running thence North 23 Degrees, 07 Minutes, 46 Seconds East, along a westerly line of said land so conveyed to Commonwealth Of Massachusetts, being also along an easterly line of

said land so conveyed to Roman Catholic Bishop Of Springfield, a distance of 49.61 feet to an iron pipe marking an angle point;

Running thence South 69 Degrees, 57 Minutes, 55 Seconds East, along a northerly line of said land so conveyed to Commonwealth of Massachusetts, being also along a southerly line of said land so conveyed to Roman Catholic Bishop Of Springfield, a distance of 95.05 feet to the place of beginning.

The above-described parcel of land contains about 4921.5 square feet, more or less, and is a portion of the parcel of land conveyed by Berkshire Medical Center, Inc. to Commonwealth of Massachusetts by deed dated Dec. 18, 1978 and recorded in the middle district registry of deeds in the county of Berkshire in Book 1015, Page 20 & C.

The above-described parcel of land is to be conveyed subject to and together with any easements, rights, or provisions that are contained in the above-mentioned conveyance by Berkshire Medical Center, Inc. to Commonwealth Of Massachusetts by deed dated Dec. 18, 1978 and recorded in the middle district registry of deeds in the county of Berkshire in Book 1015, Page 20 & C, that is in effect and applies to the above-described parcel of land.

Approved November 14, 1979.

Chap. 764. AN ACT DECREASING THE NUMBER OF LICENSES FOR THE SALE OF ALCOHOLIC BEVERAGES IN THE CITY OF BOSTON.

Be it enacted, etc., as follows:

Section 17 of chapter 138 of the General Laws is hereby amended by striking out the sixth paragraph, as amended by chapter 263 of the acts of 1939, and inserting in place thereof the following paragraph:-

The licensing board for the city of Boston may grant six hundred and ninety-two licenses for the sale of all alcoholic beverages under section twelve; provided, that no further original licenses under said section shall be granted until the number of licenses outstanding thereunder shall have been reduced to less than six hundred and fifty by cancellation or revocation or the failure of holders of such licenses to apply for renewals and thereafter licenses thereunder may be granted only up to a total not exceeding six hundred and fifty. Said board may grant two hundred and fifty licenses for the sale of all alcoholic beverages under section fifteen. The number of licenses for the sale of wines and malt beverages only, or both, in the said city shall not exceed three hundred and twenty. The transfer of existing licenses shall be subject to a public hearing in the neighborhood in which the license is to be relocated, properly advertised and at an appropriate time to afford that neighborhood an opportunity to be present.

Approved November 14, 1979.

Chap. 765. AN ACT MAKING APPROPRIATIONS FOR THE FISCAL YEAR ENDING JUNE THE THIRTIETH,

ACTS, 1979. - Chap. 765.  
NINETEEN HUNDRED AND EIGHTY TO PROVIDE  
FOR SUPPLEMENTING CERTAIN EXISTING AP-  
PROPRIATIONS AND FOR CERTAIN NEW ACTIV-  
ITIES 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 ninety-three of the acts of nineteen hundred and seventy-nine, for the fiscal year ending June thirtieth, nineteen hundred and eighty 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 OF COMMUNITIES AND DEVELOPMENT.

Item	<u>Division of Social and Economic Opportunity</u>	
3743-2032	For the purpose of providing advance funding for an emergency energy crisis assistance program to lessen the impact of high energy costs on low-income individuals and families; provided, that the program shall be administered in accordance with the federal programs provided for in 42 USC Section 2809 (a) (5) and the regulations promulgated pursuant thereto; provided, further, that no expenditure shall be made from this item until assurances are received, in writing, from the appropriate federal authorities that upon the availability of federal funds for the purpose of such federal program the commonwealth shall be reimbursed for any funds so expended; and provided, further, that all federal funds received for the purpose of this item shall be credited to the General Fund.....	\$10,000,000
3745-1000	For a program of emergency energy crisis assistance for needy elderly and families whose income is above one hundred and twenty-five per cent but not over one hundred and fifty per cent of the poverty guidelines as established by the United States community services administration provided that such program shall, except for the income eligibility requirement, be administered in accordance with the regulations promulgated for the federal programs provided for in 42 USC Section 2809 (a) (5) and the regulations promulgated pursuant thereto and provided, further, these funds shall be subject to the limits of the appropriation contained herein.....	\$15,000,000

SECTION 3. Subsection D of section 2 of chapter 18 of the General Laws, inserted by section 62 of chapter 393 of the acts of 1979, is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

The department shall file rules and regulations for said program with the clerks of the house and senate not less than sixty days prior to their adoption; provided, however, that the rules and regulations establishing emergency energy crisis assistance grants shall be subject only to the provisions of chapter thirty A.

SECTION 4. This act shall take effect as of July first, nine-

teen hundred and seventy-nine.

Approved November 14, 1979.

Chap. 766. AN ACT EXEMPTING THE POSITION OF HEAD ADMINISTRATIVE ASSISTANT TO THE PUBLIC ACCESS BOARD FROM THE PROVISIONS OF CIVIL SERVICE.

Be it enacted, etc., as follows:

Item 2320-0100 of section 2 of chapter 393 of the acts of 1979 is hereby amended by striking out the wording and inserting in place thereof the following:- 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; provided, however, that the position of head administrative assistant shall not be subject to the provisions of chapter thirty-one of the General Laws, prior appropriation continued.

Approved November 14, 1979.

Chap. 767. AN ACT AMENDING LICENSE FEES FOR HUNTING, FISHING AND TRAPPING.

Whereas, The deferred operation of this act would tend to defeat its purpose which is to amend the law relative to license fees for hunting, fishing and trapping, 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 11 of chapter 131 of the General Laws is hereby amended by striking out the second paragraph, as most recently amended by section 1 of chapter 983 of the acts of 1977, and inserting in place thereof the following paragraph:

Sporting, hunting, fishing and trapping licenses shall be issued to the following classes of persons upon payment of the appropriate fee:- (1) a citizen of the United States, resident in the commonwealth for at least six consecutive months immediately prior to his application for such license, and (2) a person who is on active duty in the armed forces of the United States and is stationed within the commonwealth. The fee for such licenses shall be as follows: a sporting license, sixteen dollars and fifty cents; a hunting license, eleven dollars and twenty-five cents; a fishing license, eleven dollars and twenty-five cents, except that for such fishing license issued to a minor fifteen to seventeen years of age, inclusive, the fee shall be six dollars and twenty-five cents; a trapping license, fourteen dollars and fifty cents, except that for such license issued to a minor twelve to seventeen years of age, inclusive, the fee shall be six dollars and twenty-five cents. The fee to be charged for the following classes of licenses issued to any person who has reached his sixty-fifth birthday and who has not reached his seventieth birthday shall be as follows: a sporting license, eight dollars and twenty-five cents; a hunting license, five dollars and seventy-five cents; a



fishing license, five dollars and seventy-five cents; a trapping license, seven dollars and twenty-five cents. No fee shall be charged for any license issued under this paragraph to a person over the age of seventy, or for a fishing or hunting license issued under this paragraph to a paraplegic, or for a fishing license issued under this paragraph to a person who is blind or mentally retarded.

SECTION 2. Said section 11 of said chapter 131 is hereby further amended by striking out the third paragraph, as most recently amended by section 1 of chapter 983 of the acts of 1977, and inserting in place thereof the following paragraph:

Hunting and fishing licenses shall be issued upon payment of the appropriate fee to any citizen of the United States who does not meet the requirements of the preceding paragraph. The fees for such licenses shall be as follows:- a big game hunting license which shall apply to the hunting of all game including deer, bear and wild turkey, thirty-eight dollars and twenty-five cents; a small game hunting license, which shall apply to game excepting deer, bear and wild turkey, twenty-three dollars and twenty-five cents; a nonresident small game hunting license for commercial shooting preserves and good for three consecutive days, nineteen dollars and twenty-five cents; a fishing license, seventeen dollars and twenty-five cents; a fishing license covering all the inland waters and good for seven consecutive days specified on the license eleven dollars and twenty-five cents. In the case of the aforementioned three and seven-day licenses, said days shall be so specified on the license and the duration of the license shall be so limited, notwithstanding any provisions of section eighteen and section thirty-two. The director or any person duly authorized under the provisions of section twelve, may issue at no fee nonresident hunting and fishing licenses to a nonresident citizen who is a paraplegic; provided, that said nonresident shows sufficient evidence to the issuing agent that he or she is so afflicted; and provided, further, that the state in which said nonresident is a resident provides a reciprocal privilege to residents of this commonwealth who are similarly afflicted. The director is hereby authorized to issue such licenses in such form as he may prescribe.

SECTION 3. The fourth paragraph of said section 11 of said chapter 131 is hereby amended by striking out the second sentence, as appearing in section 1 of chapter 706 of the acts of 1972, and inserting in place thereof, the following sentence: The fees for such licenses shall be for fishing, fourteen dollars and twenty-five cents, and for hunting, nineteen dollars and twenty-five cents.

SECTION 4. Said section 11 of said chapter 131 is hereby further amended by striking out the sixth paragraph, as appearing in said section 1 of said chapter 706, and inserting in place thereof the following paragraph:

The fee for a primitive firearm - archery stamp issued under section thirteen shall be five dollars and ten cents, of which the authorized agent or city or town clerk issuing such stamp may retain ten cents. Such stamp shall entitle the holder thereof to

hunt for deer during the archery season, or the primitive firearm season, or both, provided, however, that the appropriate weapon be utilized during the archery and primitive firearm season, and provided further, that only one deer may be taken in any year by any method.

SECTION 5. Said section 11 of said chapter 131 is hereby further amended by striking out the seventh paragraph, as appearing in chapter 381 of the acts of 1976, and inserting in place thereof the following paragraph:

A person shall not kill or possess any species of game birds or mammals for which a permit is required unless he shall first have paid the established fee. A fee of one dollar shall accompany each bear permit application and a fee of one dollar shall accompany each wild turkey permit application. A fee of two dollars shall be paid for each antlerless deer permit granted, except that no fee shall be charged for those persons qualifying for either a farmer or landowner antlerless deer permit as determined by the director. A fee of five dollars shall be paid for each wild turkey permit granted.

SECTION 6. Section 13 of said chapter 131 is hereby amended by striking out the second paragraph, as appearing in section 1 of chapter 802 of the acts of 1967, and inserting in place thereof the following paragraph:

A person shall not hunt deer during the exclusive archery season on deer nor during the exclusive primitive firearm season on deer as established by the director unless he has obtained from the director, his authorized agents or from a city or town clerk and has attached to the back of his hunting or sporting license, in the manner provided by the director, a stamp authorizing him so to hunt. The director is hereby authorized to issue such stamps in such form as he may determine and require such records be kept as he may deem necessary.

SECTION 7. Section 14 of said chapter 131 is hereby amended by striking out the first paragraph, as most recently amended by chapter 217 of the acts of 1975, and inserting in place thereof the following paragraph:

Except as hereinafter provided, no sporting, hunting, fishing or trapping license shall be granted to a minor under the age of fifteen, nor, except as hereinafter provided, shall a sporting or hunting license be granted to a minor fifteen to seventeen years of age, inclusive; but the director, any city or town clerk, or any person duly authorized under the provisions of section twelve may issue a fishing license to any minor fifteen to seventeen years of age, inclusive, or a trapping license to any minor twelve to seventeen years of age, inclusive, if such minor has been a resident of the commonwealth for at least six months and is a citizen of the United States, or a fishing license to a non-resident minor fifteen to seventeen years of age, inclusive, if such minor is a citizen of the United States. The director or any city or town clerk shall issue a hunting or sporting license to any minor fifteen to seventeen years of age, inclusive, who presents to the person authorized to issue such license (a) a written statement that at all times when hunting or target practic-

ing other than on a duly recognized range said minor shall be accompanied by a person eighteen years of age or older; (b) evidence that said minor has held a license authorizing him to hunt in the state in a prior year; or (c) a certificate of competency as provided in this section. Every application for a license hereunder, except a fishing license, from a minor fifteen to seventeen years of age, inclusive, shall be in writing and shall be accompanied by the written consent thereto of the parent or guardian, which shall be preserved for one year by the city or town clerk or the director, as the case may be.

SECTION 8. This act shall take effect on January first, nineteen hundred and eighty.

Approved November 15, 1979.

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Chap. 768. AN ACT AUTHORIZING THE COMMISSIONER OF FISHERIES, WILDLIFE AND RECREATIONAL VEHICLES TO CONVEY A CERTAIN PARCEL OF LAND IN THE TOWN OF LANCASTER TO ROBERT G. HARRINGTON.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide forthwith for 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 convenience.

Be it enacted, etc., as follows:

The commissioner of fisheries, wildlife and recreational vehicles and on behalf of the commonwealth, is hereby authorized to sell and convey to Robert G. Harrington of the town of Lancaster, a certain parcel of land in the said town of Lancaster, by a deed, approved as to form by the attorney general, bounded and described as follows:

BEGINNING at a point which is Sixty-Five (65) feet North 05° 40' 18" East and 33.13 feet S. 64° 29' 20" W. from a bounded mark H.

THENCE continuing South 64° 29' 20" East a distance of twenty (20.00) feet along land of Robert G. Harrington to a point;

THENCE turning and running North 05° 40' 18" East a distance of Fifty-One and Ninety-Nine one hundredths (51.99) feet along land of Robert G. Harrington, to a point;

THENCE turning and running North 64° 29' 20" West a distance of twenty (20.00) feet along land of Robert G. Harrington, to a point;

THENCE turning and running South 05° 40' 18" West a distance of Fifty-One and Ninety-Nine one hundredths (51.99) feet more or less along land owned by the Commonwealth of Massachusetts to the point of beginning.

Said parcel shall be conveyed upon the condition that said land shall be used for residential purposes and shall revert to the commonwealth when such use ceases. The consideration for the conveyance shall be an amount equal to the fair market value of the land conveyed, as determined by the said commissioner after at least an independent appraisal has been obtained by said

commissioner. Such amount shall not be less than one hundred dollars.

Approved November 15, 1979.

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Chap. 769. AN ACT FURTHER DEFINING THE POWERS OF THE MASSACHUSETTS HEALTH AND EDUCATIONAL FACILITIES AUTHORITY.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is, in part, to provide forthwith additional funds for urgently needed facilities for hospitals and institutions of higher education in the commonwealth, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public health, welfare and convenience.

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Be it enacted, etc., as follows:

SECTION 1. Section 3 of chapter 614 of the acts of 1968 is hereby amended by striking out paragraphs (c) and (d), as amended by section 4 of chapter 454 of the acts of 1969, and inserting in place thereof the following two paragraphs:-

(c) "Cost", as applied to a project or any portion thereof financed under the provisions of this act embraces all or any part of the cost of construction, acquisition, alteration, enlargement, reconstruction and remodeling of a project including all lands, structures, real or personal property, rights, rights of way, air rights, franchises, easements and interests acquired or used for or in connection with a project, the cost of demolishing or removing any buildings or structures on land so acquired, including the cost of acquiring any lands to which such buildings or structures may be moved, the cost of all machinery and equipment, financing charges, interest prior to, during and for a period after completion of such construction and acquisition, reasonably required amounts to make the project operational, provisions for reserves for principal and interest and for extensions, enlargements, additions, replacements, renovations and improvements, the cost of architectural, engineering, financial and legal services, plans, specifications, studies, surveys, estimates of cost and of revenues, administrative expenses, expenses 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 and acquisition of the project, the financing of such construction and acquisition and the placing of the project in operation.

(d) "Bonds" or "revenue bonds", revenue bonds of the authority issued under the provisions of this act, including revenue refunding bonds, notwithstanding that the same may be secured by any federally guaranteed security, whether acquired by the authority or by a participating hospital or a participating institution for higher education, or by mortgage, the full faith and credit or by any other lawfully pledged security of either one or more participating institutions for higher education or one or more participating hospitals, or both.

SECTION 2. Said section 3 of said chapter 614 is hereby

further amended by adding the following two paragraphs:-

(i) "Federally guaranteed security", any security, investment or evidence of indebtedness which is either directly or indirectly, insured or guaranteed, in whole or in part, as to the repayment of principal or interest or both by the United States or any instrumentality thereof.

(j) "Federally insured project loan", any loan to finance or refinance the cost of a project for any hospital or institution for higher education which is either directly or indirectly, insured or guaranteed, in whole or in part, as to the repayment of the principal or interest or both by the United States or an instrumentality thereof, or any commitment by the United States or an instrumentality thereof to so insure or guarantee such a loan.

SECTION 3. Section 5 of said chapter 614 is hereby further amended by inserting after paragraph (h) the following paragraph:-

(h $\frac{1}{2}$ ) to require, at the expense directly or indirectly of an institution for higher learning or hospital intending to participate in a project, a report on the financial feasibility of such project to be financed. The report of an independent accountant or accounting firm or financial expert employed or selected by such institution or hospital with the approval of the authority shall be deemed to satisfy the requirement of such report, if such independent accountant, accounting firm or financial expert has demonstrated capability of preparing such financial feasibility reports. The authority shall not unreasonably or arbitrarily withhold such approval and may promulgate regulations stipulating the form and content of such report.

SECTION 4. Said section 5 of said chapter 614 is hereby further amended by striking out paragraph (o) and inserting in place thereof the following two paragraphs:-

(o) to acquire and to enter into commitments to acquire any federally guaranteed security and to pledge or otherwise use any such federally guaranteed security in such manner as the authority shall approve to secure or otherwise provide a source of repayment on any of its bonds or to enter into any appropriate agreement with one or more participating hospitals or participating institutions for higher education whereby the authority may make a loan to any such hospital or institution for higher education for the purpose of enabling such hospital or institution for higher education to fund or refund, directly or indirectly, the cost of acquiring or entering into commitments to acquire any federally guaranteed security; provided, however, that the federally guaranteed security is evidence of a federally insured project loan or, if not such evidence, that the authority determines that the federally guaranteed security has been issued to pass through a federally insured project loan.

(p) to do all things necessary or convenient to carry out the purpose of this act.

SECTION 5. Paragraph (d) of section 10 of said chapter 614, as amended by section 11 of chapter 454 of the acts of 1969, is hereby further amended by striking out clause (1) and inserting in place thereof the following clause:

(1) pledging all or any part of the revenues of a project or

projects, any revenue producing contract or contracts made by the authority with any individual, partnership, corporation or association or other body, public or private, or any federally guaranteed security and moneys received therefrom whether such security is acquired by the authority or a participating hospital or a participating institution for higher education to secure the payment of the revenue bonds or of any particular issue of revenue bonds, subject to such agreements with bondholders as may then exist.

SECTION 6. Said paragraph (d) of said section 10 of said chapter 614 is hereby further amended by striking out clause (5) and inserting in place thereof the following clause:-

(5) limitations on the purpose to which the proceeds of sale of any issue of revenue bonds then or thereafter to be issued may be applied, including as authorized purposes, all costs and expenses necessary or incidental to the issuance of bonds, to the acquisition of or commitment to acquire any federally guaranteed security and to the issuance and obtaining of any federally insured mortgage note and pledging such proceeds to secure the payment of the revenue bonds or any issue of the revenue bonds.

Approved November 15, 1979.

Chap. 770. AN ACT INCREASING THE SALARY OF THE COMMISSIONER OF PUBLIC HEALTH.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to equalize the salaries of the commissioners of public health and mental health upon the appointment and qualification of the next permanent commissioner of public health, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. The third sentence of the first paragraph of section 2 of chapter 17 of the General Laws, as most recently amended by section 60 of chapter 872 of the acts of 1977, is hereby further amended by striking out the words "thirty-eight thousand and seventy-five", in line 5, and inserting in place thereof the words:- forty-seven thousand seven hundred and ninety-four.

SECTION 2. Said third sentence of said first paragraph of said section 2 of said chapter 17 is hereby further amended by striking out the words "forty-seven thousand seven hundred and ninety-four", inserted by section 1, and inserting in place thereof the words:- forty-eight thousand three hundred and ninety-four.

SECTION 3. Section sixty of chapter eight hundred and seventy-two of the acts of nineteen hundred and seventy-seven is hereby repealed.

SECTION 4. Section one of this act shall take effect on July

first, nineteen hundred and seventy-nine. Section two of this act shall take effect on September thirtieth, nineteen hundred and seventy-nine.

Approved November 15, 1979.

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Chap. 771. AN ACT RELATIVE TO PROVIDING FINANCIAL ASSISTANCE TO CITIES, TOWNS AND WATER DISTRICTS FOR SAFE DRINKING WATER.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to eliminate delay in providing financial assistance to cities, towns and districts for the provision of safe drinking water, 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 406 of the acts of 1978 is hereby amended by striking out section 1 and inserting in place thereof the following section:-

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, commenced after January first, nineteen hundred and seventy-eight, 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, towns and districts for drinking water filtration plants for water supply systems which they own; and provided further, that said construction grants shall be made available only for drinking water filtration plants that filter water not provided by the metropolitan district commission.

SECTION 2. Section 2 of said chapter 406 is hereby amended by striking out the second and third paragraphs and inserting in place thereof the following two paragraphs:-

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 an eligible city, town or district where the department of environmental quality engineering has mandated or ordered such city, town or district to improve the quality of its public water supply by boiling.

Upon receipt by any city, town or district of federal funds granted expressly for the purpose of constructing a drinking

water filtration plant for the treatment of public water supply, such city, town or district 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. Said chapter 406 is hereby further amended by striking out section 4 and inserting in place thereof the following section:-

Section 4. Any city, town or district 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.

SECTION 4. This act shall take effect as of October tenth, nineteen hundred and seventy-eight.

Approved November 15, 1979.

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Chap. 772. AN ACT RELATIVE TO CONSTRUCTION OF AN ARMORY IN THE CITY OF SPRINGFIELD.

Be it enacted, etc., as follows:

SECTION 1. Chapter 805 of the acts of 1977 is hereby amended by striking out section 1 and inserting in place thereof the following section:-

Section 1. The armory commission, in the name and on behalf of the commonwealth, is hereby authorized and directed to convey by deed approved as to form by the attorney general to the city of Springfield, a certain parcel of land in said city presently used as a state armory and commonly known as the Howard Street Armory. The conveyance may be upon terms and conditions, including but not limited to, provisions for temporary continued occupancy by the Massachusetts National Guard, as the armory commission may deem advisable. In partial consideration for said conveyance, the city of Springfield is hereby authorized to convey to the commonwealth, for the purpose of construction and operation thereon a state armory, certain parcels of land in said city, described and bounded as follows:

PARCEL A



Beginning at a point at the westerly corner of land herein described, said point being N 69° 43' 35" E along land of City of Springfield (Fire Alarm Headquarters) a distance of 35.00 feet from an angle point in the southerly street line of Roosevelt Avenue, said Angle point being the second angle point in the southerly street line of Roosevelt Avenue northeasterly from the intersection of the southerly street line of said Roosevelt Avenue with the easterly street line of Blunt Park Road; THENCE, N 69° 43' 35" E along land of City of Springfield (Fire Alarm Headquarters) a distance of 21.33 feet to an angle point; THENCE, N 69° 53' 30" E along land of said City of Springfield (Fire Alarm Headquarters) a distance of 350.04 feet to a point; THENCE, S 62° 29' 34" E a distance of 50.61 feet to a point; THENCE, N 19° 24' 32" E a distance of 101.27 feet to a point; THENCE, N 45° 35' 15" E a distance of 308.99 feet to land now or formerly of GERALD L. & MARIE E. HOWE; THENCE, S 26° 45' 55" E along land of said HOWE, and land of ROBERT W. & GAIL A. McNEIL, and land of DENIS & BRIDGET HEALY, and land of PETER B. & DONNA M. HAGGINS, and land of BEATRICE COLAPINTO, and land of PAUL A. & CATHERINE C. CONNELLY, and land of JEAN MARIE & GISELE F. ST. GERMAIN a distance of 330.85 feet to a point; THENCE, S 34° 28' 25" W along land of said ST. GERMAIN, and land of ROBERT W. CORCHINSKI, JR. and of LUCINDA J. CORCHINSKI, and along the northwesterly terminus of Ionia Street, and along land of LEE A. & MAVIS I. GILBAULT a distance of 326.17 feet to land of City of Springfield (Municipal Hospital); THENCE, S 50° 38' 47" W on land of said City of Springfield (Municipal Hospital) a distance of 368.13 feet to a point; THENCE, N 40° 39' 07" W along land now or formerly of said City of Springfield (Municipal Hospital) a distance of 503.00 feet to the point of beginning.

Reserving unto the City of Springfield from the above described parcel existing water lines and an existing fire alarm cable which are approximately located as shown on the plan as hereinafter designated together with the right of the City of Springfield to the full use thereof including, but not limited to, the right to enter onto said premises in order to repair, replace, and/or maintain said water lines and said fire alarm cable.

The above described parcel contains about 6.45 acres of land more or less and is designated as Parcel A as shown on a plan entitled "Springfield, Mass., Department of Public Works, Roosevelt Avenue, Proposed Site For National Guard Armory, Scale: 1" = 40', Date: March, 1979" as revised May 1, 1979.

#### PARCEL B

Beginning at an angle point in the southerly street line of Roosevelt Avenue, said point being the westerly corner of land owned by the City of Springfield (Fire Alarm Headquarters); THENCE, N 45° 35' 15" E along the southerly side of Roosevelt Avenue a distance of 90.00 feet to a point; THENCE, S 40° 39' 07" E on land of said City of Springfield (Fire Alarm Headquarters) a distance of 39.39 feet to land of City of Springfield (Municipal Hospital); THENCE, S 69° 53' 30" W along land of said City of Springfield (Municipal Hospital) a distance of 39.52 feet to a point; THENCE, S 69° 43' 35" W along land now or formerly of

said City of Springfield (Municipal Hospital) a distance of 56.33 feet to the point of beginning.

The above described parcel contains about 1,765 square feet of land more or less and is designated as Parcel B as shown on a plan entitled "Springfield, Mass., Department of Public Works, Roosevelt Avenue, Proposed Site For National Guard Armory, Scale: 1" = 40', Date: March, 1979" as revised May 1, 1979.

Said conveyance by the city of Springfield to the commonwealth shall however, contain the following restrictions: that if the commonwealth is not using said land for an armory within five years of the effective date of this act its ownership shall revert to said city; that if the commonwealth ceases to use said land as a state armory, its ownership shall revert to said city.

SECTION 2. This act shall take effect upon its passage.  
Approved November 15, 1979.

Chap. 773. AN ACT RELATIVE TO THE LICENSING OF  
INFIRMARIES AND NURSING HOMES.

Be it enacted, etc., as follows:

SECTION 1. Section 71 of chapter 111 of the General Laws is hereby amended by striking out the third paragraph as appearing in section 9 of chapter 891 of the acts of 1967.

SECTION 2. Said section 71 of said chapter 111 is hereby further amended by striking out the sixteenth paragraph, as so appearing, and inserting in place thereof the following paragraph:-

The licensee of every convalescent or nursing home shall file with the department, at the time his license is due for renewal, a sworn statement of the names and addresses of any person with an ownership or control interest in the home or in the real property occupied and used as such home. As used herein, the phrase "person with an ownership or control interest" shall have the definition set forth in 42 USC Sec. 1320a-3 of the Social Security Act and in regulations promulgated hereunder by the department.

Approved November 15, 1979.

Chap. 774. AN ACT RELATIVE TO CERTAIN PROPERTY  
TRANSFERS, CONSOLIDATIONS AND MERGERS  
OF ELECTRIC COMPANIES.

Be it enacted, etc., as follows:

Chapter 164 of the General Laws is hereby amended by striking out section 97, as amended by section 4 of chapter 324 of the acts of 1976, and inserting in place thereof the following section:-

Section 97. An electric company may, subject to sections ninety-eight to one hundred and one, inclusive, from time to time purchase or acquire any or all of the property of any domestic or foreign corporation or association owning or operating a water storage reservoir or hydroelectric plant with which the

lines of the said first mentioned electric company are actually connected either directly or through the lines of others, or owning and operating lines for the transmission of electricity within or without the commonwealth and with which the lines of said first named electric company are actually connected either directly or through the lines of others; and any such corporation or association may, in the case of a domestic corporation or association, subject to its articles of organization and to sections ninety-eight to one hundred and one, inclusive, or in the case of a foreign corporation or association, subject to its charter and the laws of the state under which such corporation or association is organized, so far as applicable, sell any or all of its property to said first mentioned electric company; but no such purchase and sale of any property exceeding ten per cent of the total net utility plant of any electric company which is a party to such transaction as recorded on its books of account shall be valid or binding until the same and the terms thereof shall have been approved, at meetings called therefor, by vote of the holders of a majority of the shares of stock outstanding and entitled to vote thereon of each contracting domestic party, and no purchase and sale of any property exceeding two hundred thousand dollars shall be valid or binding until the department, upon application of the electric company or electric companies participating in such purchase and sale, after notice and a public hearing, shall have approved the same and the terms thereof as consistent with the public interest; provided, that such first mentioned electric company shall not exercise in this commonwealth any powers, rights, locations, licenses or privileges or any franchise so acquired which cannot be lawfully exercised by electric companies under this chapter. Each electric company which intends to be a party to any purchase and sale referred to in this section exceeding fifty thousand dollars in value, but not greater than two hundred thousand dollars in value, shall notify the department in writing of its intention to enter into such purchase and sale at least forty-five days prior to the intended date of consummation thereof, and the department may by order and notice issued at least fifteen days prior to such intended consummation, sent to each party to such intended purchase and sale, suspend such purchase and sale and after notice and a public hearing determine whether to approve such purchase and sale and the terms thereof as consistent with the public interest.

Any foreign corporation or association may consolidate with or merge into an electric company or may merge or consolidate its capital stock and property with an electric company provided that the entity resulting from such consolidation or merger shall be an electric company; and provided, further, that no such merger or consolidation shall be binding until the same and the terms thereof shall have been approved (a) by such electric company, at a meeting called therefor, by vote of the holders of two-thirds of the shares of stock outstanding and entitled to vote thereon, and (b) by the foreign corporation or association in accordance with its charter and the laws of the state under which it is organized, so far as applicable, and until the department upon application of such electric company, after notice and a public hearing, shall have approved the same and the terms

thereof as consistent with public interest; provided, further, that the electric company resulting from such merger or consolidation shall not exercise in this commonwealth any powers, rights, locations, licenses or privileges or any franchise so acquired which cannot be lawfully exercised by electric companies under this chapter.

Approved November 15, 1979.

Chap. 775. AN ACT ESTABLISHING AN EMPLOYEE ASSISTANCE PROGRAM FOR EMPLOYEES ADVERSELY AFFECTED BY BEHAVIORAL OR MEDICAL PROBLEMS.

Be it enacted, etc., as follows:

Chapter 7 of the General Laws is amended by inserting after section 28A the following section:-

Section 28B. The personnel administrator shall organize, develop, and conduct an employee assistance program for persons whose job performance is being adversely affected by behavioral or medical problems including, but not limited to, addiction to alcohol or drugs and emotional illness.

Said program shall be organized with the advice and assistance of agency appointing authorities and labor organizations. A coordinator of employee assistance programs shall be employed in the bureau of employee development of the division of personnel administration. Said coordinator shall report annually to the legislature on the status of the program.

Approved November 15, 1979.

Chap. 776. AN ACT ALLOWING INSURERS TO OFFSET UNPAID PREMIUMS FROM AMOUNTS OWED ON CLAIMS.

Be it enacted, etc., as follows:

Chapter 175 of the General Laws is hereby amended by inserting after section 22H the following section:-

Section 22I. Any insurance company, broker or agent may retain an amount equal to any unpaid premium due on the policy under which a claim is being presented, when settling any such claim for an insured; provided, however, that the unpaid premium remains unpaid sixty days after the effective date of such policy or the date of the original billing thereof, whichever later occurs; and, provided further, that such unpaid premium shall not be retained as against any loss payee or mortgagee named in said policy up to the amount of the unpaid balance owed to such loss payee or mortgagee on the date the loss occurred which gave rise to said claim; and provided further that this section shall not be applicable to a health insurance policy.

Approved November 15, 1979.

Chap. 777. AN ACT EXEMPTING FROM CERTAIN TAXATION

MACHINERY USED IN COIN-OPERATED LAUNDER-  
ING PROCESSES.Be it enacted, etc., as follows:

SECTION 1. Clause Sixteenth of section 5 of chapter 59 of the General Laws is hereby amended by striking paragraph (2), as appearing in chapter 541 of the acts of 1957, and inserting in place thereof the following paragraph:-

(2) In the case of (a) domestic business corporation or (b) a foreign corporation, both as defined in section thirty of chapter sixty-three, all property owned by such corporation other than the following:- real estate, poles, underground conduits, wires and pipes, and machinery used in the conduct of the business, which term, as used in this clause, shall not be deemed to include stock in trade or any personal property directly used in connection with dry cleaning or laundering processes or in the refrigeration of goods or in the air-conditioning of premises or in any purchasing, selling, accounting or administrative function.

SECTION 2. This act shall take effect on January first, nineteen hundred and eighty.

Approved November 15, 1979.

Chap. 778. AN ACT MAKING APPROPRIATIONS FOR THE FISCAL YEAR NINETEEN HUNDRED AND EIGHTY FOR THE MAINTENANCE 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 eighty 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	\$5,197,638 49
2.	For contractual services	725,000 00
3.	For supplies and materials	750,000 00
4.	For current charges and obligations	534,000 00
5.	For equipment	34,291 00
8.	For debt and interest	70,000 00
10.	For unpaid bills of previous years	68,000 00
11.	For reserve fund	75,000 00
12.	For group insurance	400,000 00
For total expenditures		\$7,853,929 49

SECTION 1A. No funds appropriated by this act shall be used for the purpose of leasing motor vehicles.

SECTION 2. This act shall take effect on July 1, 1979.

Approved November 15, 1979.

Chap. 779. AN ACT DIRECTING THE COMMISSIONER OF PUBLIC HEALTH TO SELL AND CONVEY CERTAIN LAND IN THE TOWN OF TEWKSBURY TO SAID TOWN.

Be it enacted, etc., as follows:

The commissioner of public health, acting for and on behalf of the commonwealth, is hereby authorized and directed to sell and convey to the town of Tewksbury, by a quit claim deed and approved as to form by the attorney general, a certain parcel of land being used for hospital purposes, situated in said town, shown as Lot 1 on a plan entitled "Plan of Land in Tewksbury, Mass., owned by the Commonwealth of Massachusetts, scale 1" = 40', August 15, 1978, Robert P. Morris, R.L.S.", and bounded and described as follows:-

Northerly: by East Street 314.32 feet;

Southerly: by land of the commonwealth of Massachusetts 300 feet;

Easterly: by land of the commonwealth of Massachusetts 462.09 feet;

Westerly: by land of the commonwealth of Massachusetts 555.09 feet;

Containing 3.5 acres according to said plan.

Said land is to be used for the purpose of erecting a police station and title to said land shall revert to the commonwealth if said town has not commenced to erect a police station thereon within five years from the date it acquires title.

Approved November 15, 1979.

Chap. 780. AN ACT RELATIVE TO THE CONSTRUCTION OF AN ARMORY IN THE CITY OF SPRINGFIELD.

Be it enacted, etc., as follows:

Item 0431-8771 in section 2 of chapter 481 of the acts of 1976 is hereby amended by striking out the wording, as amended by chapter 402 of the acts of 1977, and inserting in place thereof the following:-

For the purchase of certain land and for the construction of an armory in Springfield, including the cost of furnishings and equipment; provided, that expenditures from this item other than for the cost of preliminary plans shall be contingent upon assurance by proper federal authorities that the federal allocation for the cost of the project will be not less than the amount authorized under any federal law for the construction of said armory, and that the contribution of the commonwealth for this project shall not exceed one million dollars to which amount any land acquisition and construction costs not eligible for federal participation may be charged. Said armory shall be designed in accordance with criteria of the National Guard Bureau.

Approved November 15, 1979.

Chap. 781. AN ACT MAKING APPROPRIATIONS FOR THE FISCAL YEAR NINETEEN HUNDRED AND EIGHTY 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 ending June thirtieth, nineteen hundred and eighty.

## MIDDLESEX COUNTY.

Item	Subtotal	Total
1. For interest on county debt.....		\$1,682,775 00
2. For reduction of county debt.....		308,000 00
3. For county commissioners, salaries and expenses.....		643,647 93
1. Personal services	\$581,947 93	
2. Contractual services	51,700 00	
4. Current charges and obligations	10,000 00	
4. For transportation and expenses of county and acting commissioners.....		1,700 00
6. For county treasurer, salaries and expenses.....		221,763 84
1. Personal services	178,713 84	
2. Contractual services	40,000 00	
3. Supplies and materials	1,000 00	
4. Current charges and obligations	2,050 00	
7. For sheriff, salary and expenses.....		26,876 63
1. Personal services	26,576 63	
4. Current charges and obligations	300 00	
8. For registry of deeds, salaries and expenses		
Northern District.....		436,567 19
1. Personal services	410,003 89	
2. Contractual services	20,537 50	
3. Supplies and materials	1,160 80	
4. Current charges and obligations	4,865 00	
Southern District.....		1,902,738 82
1. Personal services	1,765,208 82	
2. Contractual services	54,480 00	
3. Supplies and materials	13,000 00	
4. Current charges and obligations	30,050 00	
5. Equipment	40,000 00	
10. For highways, including state highways, bridges and land damages.....		1,134,161 82
1. Personal services	1,089,561 82	
2. Contractual services	12,000 00	
3. Supplies and materials	12,000 00	
4. Current charges and obligations	600 00	
6. All other	20,000 00	
15. For medical examiners.....		200,500 00
16. For jail and house of correction, maintenance and operation		
.....		4,560,008 11
1. Personal services	3,627,121 11	
2. Contractual services	263,000 00	
3. Supplies and materials	600,035 00	
4. Current charges and obligations	41,152 00	
5. Equipment	28,700 00	
18. For court houses and registry buildings, maintenance and operation.....		4,553,484 57
1. Personal services	2,666,426 57	
2. Contractual services	1,413,400 00	
3. Supplies and materials	292,400 00	
4. Current charges and obligations	180,758 00	
5. Equipment	500 00	
20. For agricultural school or county cooperative extension service.....		374,781 35
1. Personal services	344,881 35	
2. Contractual services	25,000 00	

Item	<u>Subtotal</u>	<u>Total</u>
3. Supplies and materials	\$4,000 00	
4. Current charges and obligations	900 00	
24. For noncontributory pensions.....		\$554,133 25
25. For contributory retirement system and supervisory expenses.....		2,006,605 80
26. For miscellaneous and contingent expense.....		395,100 00
27. For unpaid bills of previous years.....		223,359 69
28. For reserve fund.....		62,500 00
28a. Reserve for salary increases.....		133,250 00
39. For group insurance provided that no funds appropriated for this item shall be expended for the payment of abortions not necessary to prevent the death of the mother.....		1,100,724 00
45. For centralized purchasing department.....		<u>185,852 11</u>
Total amount of appropriations		\$20,708,530 11
Less estimated amount available for reduction of county tax		<u>1,035,500 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.....		\$19,673,030 11

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	
2. For reduction of county debt.....	\$2,287,000 00

SECTION 2. 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 and directed to appropriate and, after such appropriation, the county treasurer of said county is hereby authorized and directed 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 sections thirty-four and thirty-five A of chapter one hundred and fifty-two of the General Laws as the result of 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.

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

Approved November 15, 1979.

Chap. 782. AN ACT RELATING TO THE INVESTMENT OF CERTAIN FUNDS BY CITIES, TOWNS, DISTRICTS AND REGIONAL SCHOOL DISTRICTS.

Be it enacted, etc., as follows:

SECTION 1. Section 4 of chapter 44 of the General Laws, as most recently amended by section 47 of chapter 849 of the acts of 1969, is hereby further amended by inserting after the first sentence the following sentence:- The aggregate amount of such notes shall not exceed an amount reasonably required, which



amount, in the case of a town or district shall be approved by the director and shown on an estimated cash-flow statement prepared on a form approved by the director and filed with the treasurer of the town or district, or by such other evidence as the director may require.

SECTION 2. Section 55 of said chapter 44 is hereby amended by striking out the fourth and fifth sentences and inserting in place thereof the following sentence:- A treasurer of a city, town, district, or regional school district may invest such portion of revenue cash as he shall deem not required to pay expenses until such cash is available and all or any part of the proceeds from the issue of bonds and notes, prior to their application to the payment of liabilities incurred for the purposes for which the bonds or notes were authorized, in certificates of deposits in trust companies, national banks or banking companies, or in United States treasury bills and federal funds, or in United States government securities or securities of United States government agencies purchased under an agreement with a trust company, national bank or banking company to repurchase at not less than the original purchase price of said securities on a fixed date, not to exceed ninety days, or in participation units in a combined investment fund under section thirty-eight A of chapter twenty-nine; provided, however, that no temporary notes in anticipation of revenue shall be issued under section four as long as any revenue cash, exclusive of revenue sharing or other revenue cash the use of which is restricted to purposes other than current maintenance expenses, remains so invested.

Approved November 15, 1979.

Chap. 783. AN ACT MAKING APPROPRIATIONS FOR THE FISCAL YEAR NINETEEN HUNDRED AND EIGHTY 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 eighty the sums set forth in this act for the care, maintenance and repair of the Norfolk 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 3,392,781 33
2.	For contractual services 467,000 00
3.	For supplies and materials 506,500 00
4.	For current charges and obligations 322,500 00
5.	For equipment 133,362 25
6.	For structures and improvements 40,000 00
8.	For debt and interest 25,000 00
10.	For unpaid bills of previous years 412,500 00
11.	For reserve fund 100,000 00
12.	For group insurance 270,000 00
	For total expenditures \$5,669,643 58

SECTION 1A. The county commissioners of Norfolk county and administrators of the Norfolk county hospital shall file with the clerks of the house of representatives and the senate on the first day of each month of the fiscal year after the effective date of this act a report indicating the fiscal standing of the said hos-

pital, the number of patients, number of employees, the estimated increases or decreases in patients and employees, the actual receipts and expenditures through the date of the report and the estimated receipts and expenditures for the remainder of the fiscal year. The reports shall indicate both monthly and cumulative figures as appropriate.

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

Approved November 15, 1979.

Chap. 784. AN ACT AUTHORIZING THE MASSACHUSETTS BAY TRANSPORTATION AUTHORITY TO CONVEY CERTAIN LAND TO THE SAN MARCO HOUSING CORPORATION.

Be it enacted, etc., as follows:

SECTION 1. Chapter 628 of the acts of 1966 is hereby amended by striking out, in lines 3 and 4, the words "and Lincoln power stations," and inserting in place thereof the following words:- power station.

SECTION 2. Notwithstanding the provisions of paragraph (b) of section 5 of chapter one hundred and sixty-one A of the General Laws to the contrary, the Massachusetts Bay Transportation Authority is hereby authorized to sell and convey at the fair market value, after obtaining appraisals from two qualified and disinterested appraisers to be appointed by the Authority, to the San Marco Housing Corporation a certain parcel of land and building thereon known as the Lincoln power station, and located on Lincoln Wharf in the city of Boston; provided, however, that said property shall revert to the Authority for said fair market value if for any reason the San Marco Housing Corporation has not received all necessary approvals for the construction of housing on said property from the city of Boston, or any agency, department, or authority thereof, within one year from the effective date of this act; and provided, further, that said San Marco Housing Corporation shall provide the Authority with permanent easements or other rights as the Authority may deem necessary for the continuation of the electrical switching function at said plant.

Approved November 15, 1979.

Chap. 785. AN ACT AUTHORIZING THE CITY KNOWN AS THE TOWN OF METHUEN TO ACQUIRE BY PURCHASE OR OTHERWISE, LAND IN THE CITY OF LAWRENCE AND TO LAY SEWAGE MAINS OVER SAID LAND AND TO CONNECT THE SAME WITH THE SEWAGE DISPOSAL SYSTEM OF THE CITY OF LAWRENCE.

Be it enacted, etc., as follows:

For the purpose of tying into the sanitary sewer system of the city of Lawrence, the city known as the town of Methuen is

hereby authorized to construct, lay and maintain an interceptor sanitary sewer line and necessary appurtenances thereto, and in furtherance thereof said city is hereby authorized to acquire by eminent domain, or otherwise, such easements or land as may be necessary for such purpose, pursuant to an intermunicipal agreement entered into between the said cities.

Approved November 15, 1979.

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Chap. 786. AN ACT AUTHORIZING THE METROPOLITAN DISTRICT COMMISSION TO CONSTRUCT A COVERED WATER STORAGE FACILITY IN THE TOWN OF STONEHAM AND WATER MAINS IN THE TOWNS OF STONEHAM, WAKEFIELD, WINCHESTER AND THE CITY OF WOBURN FOR THE PURPOSE OF IMPROVING SERVICE PRESSURE TO SAID COMMUNITIES.

Be it enacted, etc., as follows:

SECTION 1. The metropolitan district commission is hereby authorized to construct a covered water storage facility, hereinafter referred to as a standpipe, in the town of Stoneham and a thirty-six inch main from said standpipe to an existing main in said town for the purpose of providing adequate storage for the towns of Stoneham and Winchester and the city of Woburn and increasing the service pressure to the towns of Stoneham and Winchester. Said standpipe shall have a capacity of approximately six million gallons and shall be at an elevation not less than three hundred and not more than three hundred and thirty-two feet. Said thirty-six inch main shall be approximately two thousand feet in length and shall serve as a connecting main to the existing forty-eight inch main that connects Spot pond, and its pumping station, to Montvale avenue in the city of Woburn. Said commission is hereby further authorized to construct a twenty-four inch main from Montvale avenue in said city along Main street in the town of Stoneham a distance of approximately seven thousand feet to Elm street and from there construct a twenty inch main along Elm street approximately five thousand feet to the Stoneham-Wakefield town line for the principal purpose of increasing the service pressure to the Bear Hill sections of both towns. Said commission is hereby further authorized to construct a thirty-six inch main from an existing main at the intersection of Montvale avenue and Washington street through the city of Woburn to Mishawum road in said city of Woburn, a distance of approximately nine thousand four hundred feet, for the purpose of furnishing water supply to said city of Woburn as authorized by chapter nine hundred and eighty-two of the acts of nineteen hundred and seventy-one.

Engineering and administrative expenses, including but not limited to personnel, materials, supplies and transportation costs incurred under this act, shall be considered as part of the direct cost of the projects and works for which they are incurred.

Any federal funds or federal assistance made available to the commonwealth for projects authorized by this act, shall be in addition to the sums herein authorized: provided that such

funds, when received, shall be deposited in the state treasury and be available for expenditure subject to the provisions of law regulating the disbursement of public funds and the approval thereof.

SECTION 2. The state treasurer may borrow from time to time on the credit of the commonwealth such sums of money as may be necessary for the purpose of meeting payments as authorized by 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 fixed by the state treasurer. Such notes shall be issued and may be renewed one or more times for such terms, not exceeding one year, as the governor may recommend to the general court in accordance with Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth, but the final maturities of such notes, whether original or renewal, shall not be later than three years from the date of the original issue. Notwithstanding any provision of this act, such notes shall be part of the debt of the metropolitan water district.

SECTION 3. To meet the expenditure necessary in carrying out the provisions of this act or to refinance notes issued as provided in section two of this act, the state treasurer shall, upon request of the governor, issue and sell at public or private sale bonds of the commonwealth, registered or with interest coupons attached, as he may deem best, to an amount to be specified by the governor from time to time, but not exceeding, in the aggregate, the sum of nine million dollars. All bonds issued by the commonwealth, as aforesaid, shall be designated on their face Metropolitan District Additional Loan, Act of 1979 and shall be on the serial payment plan for such maximum terms of years, not exceeding thirty years, as the governor may recommend to the general court pursuant to Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth, the maturities thereof to be so arranged that the amounts payable in the several years of the period of amortization other than the final year shall be as nearly equal as in the opinion of the state treasurer it is practicable to make them. Said bonds shall bear interest semiannually at such rate as the state treasurer with the approval of the governor, shall fix. The initial maturities of such bonds shall be payable not later than one year from the date of issue thereof and the entire issue not later than June thirtieth, two thousand and fifteen. All interest payments and payments on account of principal on such obligations shall be part of the debt and expenses of the metropolitan water district.

Approved November 15, 1979.

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Chap. 787. AN ACT RELATIVE TO THE MASSACHUSETTS INDUSTRIAL FINANCE AGENCY.

Be it enacted, etc., as follows:

SECTION 1. Paragraph (b) of section 35 of chapter 23A of the General Laws, as appearing in section 3 of chapter 496 of the acts of 1978, is hereby amended by striking out the second sentence.

SECTION 2. Section 1 of chapter 40D of the General Laws, as appearing in section 1 of chapter 495 of the acts of 1978, is hereby amended by striking out paragraph (l) and inserting in place thereof the following paragraph:-

(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 or to the making of works of art by self-employed artists. In any city or in a town 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. Artists' studios having incidental living accommodations attached thereto shall not be deemed to be rental housing within the meaning of this chapter.~~

SECTION 3. The second paragraph of section 10 of said chapter 40D, as appearing in section 9 of said chapter 495, is hereby amended by striking out the third sentence.

Approved November 15, 1979.

Chap. 788. AN ACT RELATIVE TO THE FINANCING PROVISIONS OF THE EMPLOYMENT SECURITY LAW.

Be it enacted, etc., as follows:

Subsection (i) of section 14 of chapter 151A of the General Laws, as most recently amended by section 21 of chapter 720 of the acts of 1977, is hereby further amended by striking out paragraphs (1) and (2) and inserting in place thereof the following two paragraphs:-

(1) With respect to calendar years beginning on or after January first, nineteen hundred and eighty-two, the experience rate of an employer qualifying therefor under subsection (b) shall be the rate which appears in the column headed by the unemployment compensation fund reserve percentage as of the applicable computation date and on the line with the applicable employer account reserve percentage as set forth in the experience rate table:

EXPERIENCE RATE TABLE.							
UNEMPLOYMENT COMPENSATION FUND RESERVE PERCENTAGE.							
Employer Account Reserve Percentage	A.	B.	C.	D.	E.	F.	G.
	4% and over	3.5% or more but less than 4%	3% or more but less than 3.5%	2.5% or more but less than 3%	2% or more but less than 2.5%	1.5% or more but less than 2%	Less than 1.5%

Negative Percentage

6.0 or more	4.2	4.5	4.8	5.1	5.4	5.7	6.0
5.5 but less than 6.0	4.1	4.4	4.7	5.0	5.3	5.6	5.9
5.0 but less than 5.5	4.0	4.3	4.6	4.9	5.2	5.5	5.8
4.5 but less than 5.0	3.9	4.2	4.5	4.8	5.1	5.4	5.7
4.0 but less than 4.5	3.8	4.1	4.4	4.7	5.0	5.3	5.6
3.5 but less than 4.0	3.7	4.0	4.3	4.6	4.9	5.2	5.5
3.0 but less than 3.5	3.6	3.9	4.2	4.5	4.8	5.1	5.4

2.5 but less than 3.0	3.5	3.8	4.1	4.4	4.7	5.0	5.3
2.0 but less than 2.5	3.4	3.7	4.0	4.3	4.6	4.9	5.2
1.5 but less than 2.0	3.3	3.6	3.9	4.2	4.5	4.8	5.1
1.0 but less than 1.5	3.2	3.5	3.8	4.1	4.4	4.7	5.0
.5 but less than 1.0	3.1	3.4	3.7	4.0	4.3	4.6	4.9
0 but less than .5	3.0	3.3	3.6	3.9	4.2	4.5	4.8

Positive Percentage

4.5 but less than 5.0	2.0	2.3	2.6	2.9	3.2	3.5	3.8
5.0 but less than 5.5	1.9	2.2	2.5	2.8	3.1	3.4	3.7

Employer Account  
Reserve Percentage

	A. 4% and over	B. 3.5% or more but less than 4%	C. 3% or more but less than 3.5%	D. 2.5% or more but less than 3%	E. 2% or more but less than 2.5%	F. 1.5% or more but less than 2%	G. Less more but less 1.5%
5.5 but less than 6.0	1.8	2.1	2.4	2.7	3.0	3.3	3.6
6.0 but less than 6.5	1.7	2.0	2.3	2.6	2.9	3.2	3.5
6.5 but less than 7.0	1.6	1.9	2.2	2.5	2.8	3.1	3.4
7.0 but less than 7.5	1.5	1.8	2.1	2.4	2.7	3.0	3.3
7.5 but less than 8.0	1.4	1.7	2.0	2.3	2.6	2.9	3.2
8.0 but less than 8.5	1.3	1.6	1.9	2.2	2.5	2.8	3.1
8.5 but less than 9.0	1.2	1.5	1.8	2.1	2.4	2.7	3.0
9.0 but less than 9.5	1.1	1.4	1.7	2.0	2.3	2.6	2.9
9.5 but less than 10.0	1.0	1.3	1.6	1.9	2.2	2.5	2.8
10.0 but less than 10.5	.9	1.2	1.5	1.8	2.1	2.4	2.7
10.5 but less than 11.0	.8	1.1	1.4	1.7	2.0	2.3	2.6
11.0 but less than 11.5	.7	1.0	1.3	1.6	1.9	2.2	2.5
11.5 but less than 12.0	.6	.9	1.2	1.5	1.8	2.1	2.4
12.0 but less than 12.5	.5	.8	1.1	1.4	1.7	2.0	2.3
12.5 or more	.4	.7	1.0	1.3	1.6	1.9	2.2

(2) With respect to the calendar years beginning January first, nineteen hundred and seventy-eight, January first, nineteen hundred and seventy-nine and January first, nineteen hundred and eighty, the experience rate of an employer qualifying therefor under subsection (b) shall be the rate which appears in the column designated "E" and on the line with the applicable employer account reserve percentage, as set forth in the foregoing table. With respect to the calendar year beginning January first, nineteen hundred and eighty-one, the experience rate of an employer qualifying therefor under subsection (b) shall be the rate which appears in the column designated "F" and on the line with the applicable employer account reserve percentage as set forth in the foregoing table.

Approved November 15, 1979.

Chap. 789. AN ACT AUTHORIZING THE CONVEYANCE OF CERTAIN RECREATIONAL LAND BY THE TOWN OF NORWOOD TO THE NORWOOD HOSPITAL.

Be it enacted, etc., as follows:

The town of Norwood, is hereby authorized to sell and convey

to Norwood Hospital, a parcel of land with buildings and structures thereon in the town of Norwood for such consideration and upon such terms as the parties agree. Said land is bounded and described as follows:

North by Winter Street, East by Broadway; South by East Hoyle Street; and West by Washington Street, less a strip of land along East Hoyle Street to be mutually agreed to by and between the parties hereto, which strip is in no event to exceed 13,600 square feet as shown on plan entitled "Part of Compiled Plan of Land in Norwood, Mass., R. A. Hamilton, Town Engineer, March 14, 1977", said premises being commonly referred to as the "Civic Center Property" and being the same premises conveyed to the town of Norwood by Deed of the Norwood Civic Association dated July 30, 1930 and recorded at Norfolk Deeds, Book 1900, Pages 21 and 22. Said premises are presently used for town recreation purposes. The proceeds of said sale may be expended by the town of Norwood for any purpose authorized by town meeting action, any law to the contrary notwithstanding.

Approved November 15, 1979.

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Chap. 790.     AN ACT ESTABLISHING A LOTTERY FOR THE ARTS.

Be it enacted, etc., as follows:

SECTION 1. Section 24 of chapter 10 of the General Laws is hereby amended by adding the following paragraph:-

The commission is hereby authorized and directed to conduct a lottery for the arts which shall be known as the arts lottery. The arts lottery shall be conducted weekly and tickets shall be sold at a minimum price of five dollars per ticket. Subject to the provisions of section thirty-five A, the arts lottery shall be conducted and the revenues therefrom distributed in accordance with the general provisions of the state lottery law.

SECTION 2. Said chapter 10 is hereby further amended by inserting after section 35 the following section:-

Section 35A. There shall be established a separate fund to be known as the State Arts Lottery Fund. Said fund shall consist of all revenues received from the sale of arts lottery tickets less prizes and expenses and all other monies credited or transferred thereto from any other fund or source pursuant to law. There is hereby created an arts lottery council to consist of five members who shall serve without compensation and are to be appointed by the governor from among qualified private citizens of the commonwealth who have demonstrated scholarship or creativity in, or distinguished service to, the arts and humanities, and who shall be broadly representatives of all fields of the performing arts, the fine arts, and the humanities for five year terms. The arts lottery council shall establish guidelines for the local and regional arts councils as to the use of the arts lottery funds, and shall determine if applications for funds by the local and regional arts councils comply with said guidelines. The arts lottery council shall then certify to the comptroller the payment of the cost thereof to the extent that funds therefor are payable under section twenty-four to such city, town, or region.

Application for said funds by said regional and local arts councils are to be submitted to the arts lottery council by May first and November first of each year. Certification by the arts lottery council shall be granted by July first and January first, of each year.

Local arts councils shall be appointed by the executive body in a city or town and shall consist of at least five members who shall serve without compensation for a two year term and who may be reappointed for not more than two additional terms. Communities may establish a regional arts council with the approval of the arts lottery council to serve areas where a local arts council would be ineffective. Communities forming regional arts councils shall be entitled to membership in proportion to their population provided that each community shall have at least one member. The arts lottery council, local and regional arts councils, may establish their own administrative units, but no arts council shall utilize more than five per cent of the monies received from the State Arts Lottery Fund for administrative purposes, in the case of the arts lottery council not more than three per cent of the monies of the total State Arts Lottery Fund for administrative purposes.

SECTION 3. In his initial appointments to the arts lottery council, established by section two of this act, the governor shall designate two members of the special commission on the arts, established by chapter sixty-three of the resolves of nineteen hundred and seventy-three and two members of the Massachusetts Council on the Arts and Humanities, as members of the council. In such initial appointments the governor shall designate one member to serve for three years, two members to serve for four years and two members to serve for five years.

SECTION 4. Notwithstanding the provisions of section thirty-five of chapter ten of the General Laws; funds in the state lottery fund shall not be distributed to the cities or towns until June first, nineteen hundred and eighty-one.

Approved November 15, 1979.

Chap. 791. AN ACT ESTABLISHING A RETIREMENT AGE FOR DISTRICT ENGINEERING INSPECTORS, STATE BUILDING INSPECTORS AND STATE ELEVATOR INSPECTORS.

Be it enacted, etc., as follows:

Section 90F of chapter 32 of the General Laws, inserted by chapter 735 of the acts of 1977, is hereby amended by inserting after the word "Group 1", in line 1, the words:- or those Group 2 employees classified as district engineering inspectors, state building inspectors and state elevator inspectors,.

Approved November 14, 1979.

EMERGENCY LETTER - November 16, 1979 @ 3:23 P.M.

Chap. 792. AN ACT PROVIDING CRIMINAL PENALTIES FOR CERTAIN ACTIVITIES RELATING TO



## MOTOR VEHICLES OR TRAILERS WITH ALTERED IDENTIFYING NUMBERS.

Be it enacted, etc., as follows:

Chapter 266 of the General Laws is hereby amended by striking out section 139, as appearing in section 4 of chapter 73 of the acts of 1961, and inserting in place thereof the following section:-

Section 139. (a) Whoever intentionally and maliciously removes, defaces, alters, changes, destroys, obliterates or mutilates or causes to be removed or destroyed or in any way defaced, altered, changed, obliterated or mutilated, the identifying number or numbers of a motor vehicle or trailer shall be punished by a fine of not more than one thousand dollars or by imprisonment in the state prison for not more than three years, or both.

(b) Whoever sells, transfers, distributes, dispenses or otherwise disposes of or attempts to sell, transfer, distribute, dispense or otherwise dispose of any motor vehicle or trailer or motor vehicle part knowing or having reason to believe that the identifying number or numbers to said motor vehicle, trailer, or vehicle part have been so removed, defaced, altered, changed, destroyed, obliterated, or mutilated, unless authorized by law to do so, shall be punished by a fine of not more than one thousand dollars or by imprisonment in the state prison for not more than three years, or both.

(c) Whoever buys, receives, possesses, or obtains control of a motor vehicle, trailer, or motor vehicle part knowing or having reason to believe that an identifying number to said vehicle, trailer, or vehicle part has been removed, obliterated, tampered with, or altered, unless authorized by law to do so, shall be punished by a fine of not more than five hundred dollars or by imprisonment in a house of correction for not more than two years, or both.

The phrase "identifying number or numbers", as used in this section, shall mean the number or numbers identifying the motor vehicle, trailer or motor vehicle part as required to be contained in an application for registration by section two of chapter ninety, including the identifying number or numbers as restored or substituted under authority of section thirty-two A of said chapter ninety.

Approved November 14, 1979.

EMERGENCY LETTER - November 19, 1979 @ 1:52 P.M.

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Chap. 793. AN ACT AMENDING THE ACT ESTABLISHING THE MASSACHUSETTS HOME MORTGAGE FINANCE AGENCY.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately amend certain provisions of the act establishing the Massachusetts Home Mortgage Finance Agency; now, 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 846 of the acts of 1974 is

hereby amended by striking out the definition of "New residential mortgage" and inserting in place thereof the following definition:-

"New residential mortgage", a loan, including a home improvement loan, made by a mortgage lender and secured by a mortgage constituting a lien upon real property or a lease of the fee of real property located in the commonwealth and improved by a residential building or unimproved by a residential building if the proceeds of such loan are to be used for the purpose of erecting, acquiring, improving or rehabilitating a residential building thereon; or for the purpose of purchasing a condominium unit or cooperative share in a residential condominium or cooperative; provided that a lien on such property or lease shall not be required in the case of a home improvement loan with an original principal amount not in excess of the maximum amount insurable under Title I of the National Housing Act; provided, further, that each such mortgage loan shall be made to an owner occupant pursuant to section five. The term "new residential mortgage" as used in this act shall also include a participation or other ownership interest in a new residential mortgage.

SECTION 2. Said section 1 of said chapter 846 is hereby further amended by striking out the definition of "Annual sinking fund payment".

SECTION 3. Section 4 of said chapter 846 is hereby further amended by striking out clause (u), as appearing in section 5 of chapter 561 of the acts of 1977, and inserting in place thereof the following clause:-

(u) Sell, purchase and contract and enter into advance commitments to purchase and take assignments from mortgage lenders of new residential mortgages owned or to be owned by mortgage lenders, including securities and other obligations of mortgage lenders secured by or representing an interest in new residential mortgages, all subject to the provisions of section five. Acquire or accept by pledge Government National Mortgage Association guaranteed mortgage-backed securities, backed by new residential mortgages or interests therein, or other instruments of indebtedness issued or guaranteed by the United States of America thereof which have been or will be issued to finance new residential mortgages.

SECTION 4. Section 5 of said chapter 846 is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

The MHMFA may from time to time purchase, and contract and make commitments to purchase new residential mortgages and notes, bonds or other obligations issued by mortgage lenders, and make loans to mortgage lenders, for the purpose of financing new residential mortgages for persons and families of low and moderate income, provided that such persons or families are or intend to be owner-occupants and provided that in the case of a loan to a mortgage lender, such mortgage lender secures such loan as to the payment of principal and interest by a pledge of and lien upon collateral in such amounts and consisting of such obligations and securities as the MHMFA shall by resolution determine to be necessary to assure payment of such loans and the interest thereon as the same become due.

SECTION 5. Said section 5 of said chapter 846 is hereby further amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

The MHMFA shall from time to time adopt, modify, amend or repeal rules and regulations governing the making, purchasing or financing of new residential mortgages, including rules and regulations as to any or all of the following:

(1) Procedures for the submission of requests or the invitation of proposals for the making, purchasing or financing of new residential mortgages;

(2) Standards and requirements as to allocations of loans or purchase commitments among all or certain of the mortgage lenders or awards of loans or purchase commitments and determining the amounts and interest rates thereof;

(3) Limitations or restrictions as to the number of family units, location or other qualifications or characteristics of residences to be financed by new residential mortgages;

(4) Requirements as to purchase or loan commitments from MHMFA to mortgage lenders with respect to new residential mortgages;

(5) The terms and conditions of new residential mortgages including their principal amount, loan to value ratio, rate or rates of interest and restrictions thereon and restrictions on the return realized thereon by mortgage lenders;

(6) Schedules of any fees and charges necessary to provide expenses and reserves of MHMFA;

(7) Procedures and other standards for foreclosure and subsequent resale;

(8) The time within which mortgage lenders must make commitments and disbursements for new residential mortgages;

(9) Any other matters related to the duties, and the exercise of the powers of the MHMFA, and other regulations and restrictions governing the selection of mortgagors and the making, purchasing and financing of mortgage loans and security therefore as the MHMFA shall deem advisable to accomplish the purpose of this act.

SECTION 6. Said section 5 of said chapter 846 is hereby further amended by striking out the fifth paragraph and inserting in place thereof the following new paragraph:-

Notwithstanding any other provision of this section to the contrary, the interest rate or rates and other terms borne by residential mortgage loans purchased by MHMFA or loans to mortgage lenders made from the proceeds of any issue of bonds of the MHMFA shall be at least sufficient so as to assure the payment of said bonds and the interest thereon as the same become due.

SECTION 7. Said section 5 of said chapter 846 is hereby further amended by inserting after the sixth paragraph the following paragraph:-

No new residential mortgage shall be purchased by MHMFA unless the mortgage lender who made the new residential mortgage certifies to MHMFA that the residential building securing such new residential mortgage is or will be owned and occupied by a person of low or moderate income or the mortgage lender is obligated by the terms of such purchase to reinvest the new proceeds thereof in new residential mortgages for persons of low

or moderate income in an aggregate principal amount substantially equal to the amount of such net proceeds.

SECTION 8. The ninth paragraph of said section 5 of said chapter 846 is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:- MHMFA shall set requirements on participating mortgage lenders so that no more than twenty per cent of those bond proceeds used for new residential mortgages on structures located outside of cities shall be for new residential mortgages on structures less than ten years old.

SECTION 9. The tenth paragraph of said section 5 of said chapter 846 is hereby amended by striking out the introductory paragraph and inserting in place thereof the following introductory paragraph:

In proposing a neighborhood preservation program to the MHMFA, a city or town, acting through the local chief executive, shall submit, in a manner as may be required by the MHMFA, the following items:.

SECTION 10. The thirteenth paragraph of said section 5 of said chapter 846 is hereby further amended by inserting after the word "loan", in line 2, the words:- , or from whom MHMFA has purchased a new residential mortgage.

SECTION 11. The fourteenth paragraph of said section 5 of said chapter 846 is hereby amended by inserting after the word "lenders", in line 2, the words:- , or of any purchase of new residential mortgages from mortgage lenders,.

SECTION 12. Said section 5 of said chapter 846 is hereby further amended by adding the following paragraph:-

Notwithstanding any provisions of chapter two hundred and sixty-eight A of the General Laws, a present or former employee of the commonwealth, or of any political subdivision thereof, or of any state, county or municipal agency as defined in said chapter two hundred sixty-eight A may be a mortgagor of a new residential mortgage hereunder.

SECTION 13. The first paragraph of section 8 of said chapter 846 is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- The MHMFA shall have power and is hereby authorized from time to time to issue its negotiable bonds and notes in such principal amount as, in the opinion of the MHMFA, shall be necessary to provide sufficient funds for achieving its corporate purposes, including the purchase and financing of new residential mortgages, the payment of interest and other charges on bonds and notes of the MHMFA, establishment of reserves to secure such bonds and notes, and all other expenditures of the MHMFA incident to and necessary or convenient to carry out its corporate purposes and powers.

SECTION 14. The second paragraph of said section 8 of said chapter 846 is hereby amended by striking out the seventh sentence and inserting in place thereof the following new sentence:- The aggregate principal amount of notes or bonds of the MHMFA outstanding at any one time shall not exceed the sum of one hundred million dollars; provided that no sale of the bonds or

notes authorized by this act shall take place prior to March first, nineteen hundred and eighty, and provided further; provided that notes and bonds for the payment or redemption of which, either at or prior to maturity, refunding bonds shall have been issued pursuant to this section shall be excluded in the computation of outstanding notes and bonds.

SECTION 15. Said chapter 846 is hereby amended by striking out section 10 and inserting in place thereof the following section:-

Section 10. Capital Reserve Fund. The MHMFA may create and establish one or more special funds, herein individually referred to as a "Capital Reserve Fund", and to the extent so created, shall pay into each such Capital Reserve Fund any monies appropriated and made available by the commonwealth for the purposes of such fund, any proceeds of sale of notes or bonds to the extent provided in the resolution of the MHMFA authorizing issuance thereof, and any other monies which may be available to the MHMFA for the purpose of such fund from any other source or sources. All monies held in a Capital Reserve Fund, except as hereinafter provided, shall be used solely for the payment of the principal of bonds of the MHMFA which are secured by such Capital Reserve Fund as the same mature, the purchase of such bonds, the payment of interest on such bonds, or the payment of any redemption premium required to be paid when such bonds are redeemed prior to maturity; provided, however, that monies in a Capital Reserve Fund shall not be withdrawn therefrom at any time in such amount as would reduce the amount of such fund to less than the maximum amount of principal and interest becoming due in any succeeding fiscal year of MHMFA on all outstanding bonds which are secured by such Capital Reserve Fund, except for the purpose of paying the principal of an interest on such bonds becoming due and for the payment of which other monies of the MHMFA are not available. Any income or interest earned by, or increment to, a Capital Reserve Fund due to the investment thereof shall be used by the MHMFA for the purposes of such Capital Reserve Fund.

The MHMFA shall not issue bonds which are secured by a Capital Reserve Fund at any time if the maximum amount of principal and interest becoming due in a succeeding fiscal year of MHMFA on such bonds then to be issued and on all other outstanding bonds of the MHMFA which are secured by such Capital Reserve Fund will exceed the amount of such Capital Reserve Fund at the time of issuance unless the MHMFA, at the time of issuance of such bonds, shall deposit in such fund from the proceeds of the bonds so to be issued, or otherwise, an amount which, together with the amount then in such fund, will not be less than the maximum amount of principal and interest becoming due in any succeeding fiscal year on such bonds then to be issued and on all other outstanding bonds of the MHMFA which are secured by such Capital Reserve Fund.

To assure the continued operation and solvency of the MHMFA for the carrying out of the public purposes of this act, provision is made in the first paragraph of this section for the accumulation in a Capital Reserve Fund of an amount equal to the maximum amount of principal and interest becoming due in any succeeding fiscal year of MHMFA on all outstanding bonds which are secured by such Capital Reserve Fund. In order further to assure such

maintenance of a Capital Reserve Fund there shall be annually appropriated and paid to the MHMFA for deposit in such Capital Reserve Fund such sum, if any, as shall be certified by the chairman of the MHMFA to the governor as necessary to restore such Capital Reserve Fund to an amount equal to the maximum amount of principal and interest becoming due in any succeeding fiscal year of MHMFA on the outstanding bonds which are secured by such Capital Reserve Fund. The chairman of the MHMFA shall annually, on or before December first, make and deliver to the governor his certificate stating the amount, if any, required to restore a Capital Reserve Fund to the amount aforesaid and the amount so stated, if any, shall be appropriated and paid to the MHMFA during the then current fiscal year of the commonwealth. Such amount, if any, shall be repaid to the commonwealth as soon as possible by the MHMFA from monies in excess of the amount required to make and keep MHMFA self-supporting.

For purposes of this section, the term "outstanding bonds" shall exclude bonds for the payment or redemption of which refunding bonds have been issued pursuant to section eight.

SECTION 16. Section 11 of said chapter 846 is hereby amended by adding the following new paragraph:-

Notwithstanding any general or special law to the contrary, and except as otherwise provided in the applicable resolution or other instrument, (1) any pledge made by the MHMFA in any resolution or other instrument authorizing notes or bonds, or securing the same, shall be valid and binding from the time specified in such resolution or instrument, (2) any such pledge by MHMFA of its rights to receive payments of any kind from or for the account of mortgagors under mortgages, participations therein, or subsidy, guarantee, insurance or other contracts relating thereto, and of its revenues or other property, and of the mortgages, notes, such participations, such subsidy, guarantee, insurance or other contracts or other collateral, and of the proceeds of any or all thereof, shall be valid and binding and shall be deemed continuously perfected for the purposes of the Uniform Commercial Code from the time the pledge is made, (3) any such pledge shall be effective as to all such rights and other pledged property whether then existing or thereafter coming into existence, whether then held or thereafter acquired by MHMFA, and whether or not segregated or held in trust by MHMFA, (4) the rights, revenues, mortgages, notes, participations, contracts, collateral, other property and proceeds so pledged shall immediately be subject to the lien of such pledge without any physical delivery or segregation thereof or further act, (5) the lien of such pledge shall be valid and binding against MHMFA, irrespective of whether such parties have notice thereof, and (6) the resolution or other instrument by which a pledge is created need not be filed or recorded except in the records of the MHMFA, and no filing need be made under the Uniform Commercial Code.

SECTION 17. Section 13 of said chapter 846 is hereby amended by inserting after the second sentence thereof the following new sentence:- Notwithstanding any general or special law to the contrary, all mortgage lenders may properly and legally invest funds, including capital in their control or belonging to them, in

new residential mortgages and interests therein and other securities or obligations held by or for the account of the MHMFA under this act, and may participate with MHMFA in making or acquiring new residential mortgages or jointly own interests in new residential mortgages with MHMFA, and may otherwise transact business with MHMFA as contemplated herein.

Approved November 16, 1979.

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Chap. 794. AN ACT FURTHER REGULATING THE AWARDING OF RACING DAYS IN HAMPDEN COUNTY.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any general or special law to the contrary, racing days awarded to Hampden county pursuant to chapter four hundred and ninety-four of the acts of nineteen hundred and seventy-eight and chapter three hundred and thirty-eight of the acts of nineteen hundred and seventy-nine for the conduct of dog, harness and running horse racing meetings during or after the calendar year nineteen hundred and seventy-nine shall be contingent upon site approval granted in accordance with section 13A of chapter one hundred and twenty-eight A of the General Laws.

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

Approved November 16, 1979.

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Chap. 795. AN ACT RELATIVE TO THE ESTABLISHMENT OF THE DEPARTMENT OF SOCIAL SERVICES.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is relative to the implementation of the department of social 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 18B of the General Laws, is hereby amended by striking out section 4, as appearing in section 10 of chapter 552 of the acts of 1978, and inserting in place thereof the following section:-

Section 4. Subject to appropriation, 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.

The department shall develop regulations defining standards of need and priorities for the allocation of social services; such regulations may not deny any category of social services to any person on the basis of such person's financial assets or income, except with regard to any category of social service which, prior to July twenty-second, nineteen hundred and seventy-eight, could have been denied to a person on the basis of such person's financial assets or income.

SECTION 2. Said chapter 18B is hereby further amended by adding the following section:-

Section 20. Notwithstanding the provisions of section twenty-two of chapter twenty-nine or any other provisions of law, funds made available by appropriation, or otherwise, for enabling the department to carry out the provisions of this chapter may be advanced to the department of social services in such sums and subject to such rules and regulations as the comptroller may determine. The department shall make a monthly report to the comptroller of the amount of funds disbursed by the department subsequent to the previous monthly report and shall certify to the comptroller that such disbursements are substantiated by detailed records and vouchers retained in the custody of the department of social services.

SECTION 3. Paragraph (2) of section 1 of chapter 30A of the General Laws is hereby amended by striking out the words "commissioner of social services", inserted by section 13 of chapter 552 of the acts of 1978.

SECTION 4. Chapter 552 of the acts of 1978 is hereby amended by striking out sections 45 and 46 and inserting in place thereof the following four sections:-

Section 45. The commissioner of public welfare shall transfer to the department of social services all books, papers, records, documents, equipment, land, interests in land, buildings, facilities, and other property, both personal and real, which, immediately prior to the times set by section forty-seven for the implementation of this act, are in the custody of the department of public welfare and which relate solely to or are maintained for the purpose of a comprehensive program of social services; provided, that all such property held in trust shall continue to be held in trust, by the department of social services or, if said department 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 instruction in connection therewith.

All questions regarding the identification of such property and the times for the transfer of such property shall be determined by the secretary of human services. Such transfers shall be made at such times as are consistent with the provisions of section forty-seven.

Section 45A. All duly existing contracts, leases, and obligations of the department of public welfare relating solely to a comprehensive program of social services, which are in force immediately prior to the times set by section forty-seven for the implementation of this act shall thereafter be performed by the department of social services. This section shall not affect any renewal provision or option to renew contained in any lease or contract in existence at said time, all of which may thereafter be exercised by the department of social services.

All questions regarding the identification of such contracts, leases, and obligations and the times for their transfer to the department of social services shall be determined by the secretary of human services. All such transfers in contracts, leases and



obligations shall take place at such times as said secretary shall determine to be consistent with the provisions of section forty-seven.

Section 45B. All petitions, hearings, and other proceedings duly brought before or against, and all prosecutions and legal and other proceedings duly begun by, the department of public welfare relating solely to a comprehensive program of social services which are pending immediately prior to the times set by section forty-seven for the implementation of this act, shall continue unabated and remain in force notwithstanding the passage of this act, and shall be transferred to the department of social services at such times as are determined by the secretary to be consistent with the provisions of section forty-seven.

Any orders, rules, and regulations duly made, and all licenses, permits, certificates, and approvals duly granted, by the department of public welfare arising from or relating to a comprehensive program of social services, which are in force immediately prior to the times set by section forty-seven for the implementation of this act, shall remain in force and effect until superseded, revised, rescinded, or cancelled in accordance with law, by the department of social services.

All questions regarding the identification of such petitions, hearings, prosecutions, proceedings, orders, rules, regulations, licenses, permits, certificates, and approvals shall be determined by the secretary of human services.

Section 46. Implementation of this act shall commence on July first, nineteen hundred and seventy-nine, with a transition period extending until June thirtieth, nineteen hundred and eighty. The commissioner of social services, with the approval of the secretary of human services, may make agreements with the commissioner of public welfare for the department of public welfare to carry out any of the functions included under sections two and three of chapter eighteen B.

SECTION 5. Section 47 of said chapter 552 is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- 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 passage of this act may continue to be exercised by said department until the time of implementation of this act in accordance with the provisions of section forty-six.

Approved November 16, 1979.

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Chap. 796. AN ACT ESTABLISHING AN EXECUTIVE OFFICE OF ENERGY RESOURCES TO COORDINATE AND PROMOTE ENERGY CONSERVATION AND ALTERNATIVE ENERGY DEVELOPMENT AND FOR RELATED PURPOSES.

Whereas, The deferred operation of this act would tend to defeat its purpose which is to provide immediately a comprehensive energy 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. (A) The general court hereby determines: that energy shortages and the high cost of energy have created economic dislocations and hardships, including loss of jobs, closing of businesses and general economic stagnation or deterioration in the commonwealth, causing the commonwealth to be dependent, to an inordinate degree, upon insecure and exceedingly costly hydrocarbon fuel products of various types imported from abroad; that the handling and burning of such hydrocarbon fuel products pollutes the air and water of the commonwealth; and that the aforesaid conditions constitute a threat to the health, safety, welfare, and convenience of the commonwealth and its citizens.

(B) It is the purpose and policy of this chapter including the bonding provisions to protect the people of the commonwealth in their right to the conservation, development, and utilization of natural resources; to promote the health, safety, welfare, and convenience of the commonwealth and its citizens by reducing the dependence of the commonwealth and its citizens on the use of hydrocarbon fuels; to promote the development of alternative energy and energy conservation; to enhance the natural environment and protect the public from air and water pollution by reducing excessive use of hydrocarbon fuels; to enhance the economic development of alternative energy and energy conservation-related industries in the commonwealth, thereby reducing unemployment and economic blight; and to relieve the consumers of the commonwealth from excessive dependence on unreliable and costly sources of hydrocarbon fuels imported from abroad, thereby affording them greater protection against supply curtailments of energy sources necessary for their health, safety, and welfare.

(C) It is therefore expressly declared that the provisions of this chapter and the powers herein conferred, constitute needed programs in the public interest and serve a necessary and valid public purpose for which public money may be expended or invested.

SECTION 2. Chapter 6A of the General Laws is hereby amended by striking out section 2, as most recently amended by section 6 of chapter 1168 of the acts of 1973, and inserting in place thereof the following section:-

Section 2. There are hereby established the following executive offices, each of which shall serve directly under the governor:- communities and development, consumer affairs, educational affairs, energy resources, environmental affairs, human services, elder affairs, manpower affairs, public safety, and transportation and construction.

SECTION 3. Section 18 of chapter 25 of the General Laws as appearing in section 90 of chapter 684 of the acts of 1975 is hereby amended by inserting after the first paragraph the following paragraph:-

The commission is hereby authorized to make an assessment against each existing and proposed operator of nuclear power

plants in an amount not to exceed fifty thousand dollars per facility. The commission shall determine the extent of these charges needed to defray the costs incurred by the department of public health in the performance of its duties under section five H of chapter one hundred and eleven with regard to each nuclear power plant.

SECTION 4. The General Laws are hereby amended by inserting after chapter 25 the following chapter:-

#### CHAPTER 25A.

#### EXECUTIVE OFFICE OF ENERGY RESOURCES.

Section 1. There shall be an executive office of energy resources which shall be under the supervision of a secretary of energy resources. Said secretary shall be appointed by the governor and shall be a person of skill and experience in the field of energy resources. Said secretary shall serve at the pleasure of the governor, shall receive such salary as may be determined by the governor, and shall devote full time to the duties of his office.

In case of a vacancy of the office of the secretary, or in the case of disability, as determined by the governor, or in the absence of the secretary, the governor may designate an acting secretary to serve as secretary until the vacancy is filled or the absence, or disability, as determined by the governor, ceases. The acting secretary shall have all the powers and duties of the secretary and shall have similar qualifications as the secretary.

Section 2. There shall be within the executive office of energy resources, the office of the secretary, the energy facilities siting council which shall not be subject to the control of the secretary, and a department of energy resources.

The secretary shall be the executive and administrative head of the department of energy resources and shall be responsible for administering and enforcing the provisions of law relative to the department and each administrative unit thereof.

The secretary may from time to time, subject to appropriation, establish within the department such divisions and administrative units within such divisions as may be necessary for the efficient and economical administration of the department, and when necessary for such purpose, he may abolish any such division, or he may merge any two or more of them, and may abolish or merge any such other administrative units within divisions as he may deem advisable. The secretary shall prepare and keep current a statement of the organization of the department, of the assignment of functions to its various administrative units, offices, and employees, and of the places at which and the methods whereby the public may receive information or make requests. Such statement shall be known as the department's description of organization. A current copy of the description of organization shall be kept on file in the office of the state secretary and in the office of the secretary of administration.

Nothing in this chapter, including the use of the word council in the following sections, shall be construed as conferring any powers or transferring and imposing any duties upon the secretary with respect to the energy facilities siting council, except

that the secretary shall review and act upon budgetary and other financial matters concerning said council in accordance with Section two C, three, three A, four, nine B, and twenty-nine of chapter twenty-nine and as otherwise provided by law.

Section 3. For the purposes of this chapter the following words shall have the following meanings:-

"Alternative energy development", shall include but not be limited to solar energy; wood; alcohol; hydroelectric; biomass energy systems; renewable non-depletable, and recyclable energy sources.

"Alternative energy property", any property powered in whole or in part by the sun, wind, water, biomass, alcohol, wood, or any renewable, non-depletable or recyclable fuel, and property related to the exploration, development, processing, transportation, and distribution of the aforementioned energy resources.

"Energy conservation", shall include but not be limited to the modification of or change in operation of real or personal property in a manner likely to improve the efficiency of energy use, and shall include energy conservation measures, and any process to audit or identify and specify energy and cost savings.

"End-user", any individual, corporation, firm or subsidiary of any firm that is an ultimate consumer of petroleum products and which, as part of its normal business practices, purchases or obtains petroleum products from a wholesaler or reseller and receives delivery of that product.

"Energy audit", a determination of the energy consumption characteristics of a building or facility which -

identifies the type, size, and rate of energy consumption of such building or facility and the major energy using systems of such building or facility;

determines appropriate energy conservation maintenance and operating procedures; and

indicates the need, if any, for the acquisition and installation of energy conservation measures or alternative energy property.

"Energy conservation measures", measures involving modifications of maintenance and operating procedures of a building or facility and installations therein, which are designed to reduce energy consumption in such building or facility, or the installation, modification of an installation in a building or facility which is primarily intended to reduce energy consumption;

"Energy conservation projects", projects to promote energy conservation, including but not limited to energy conserving modification to windows and doors; caulking and weatherstripping; insulation, automatic energy control systems; hot water systems; equipment required to operate variable steam, hydraulic, and ventilating systems; plant and distribution system modifications including replacement of burners, furnaces or boilers; devices for modifying fuel openings; electrical or mechanical furnace ignition systems; utility plant system conversions; replacement or modification of lighting fixtures; energy recovery systems; and, cogeneration systems;

"Non-renewable energy supply and resource development", shall include but not be limited to gasoline, natural gas, coal, nuclear energy, petroleum both offshore and onshore, and facilities related to the exploration, development, processing, trans-

portation, and distribution of such resources and programs established for the allocation of supplies of such resources and the development of supply shortage contingency plans.

"Petroleum products", propane, gasoline, unleaded gasoline, kerosene, #2 heating oil, diesel fuel, kerosene base jet fuel, and #4, 5, and 6 residual oil for utility and non-utility uses, and all petroleum derivatives, whether in bond or not, which are commonly burned to produce heat, power, electricity, or motion or which are commonly processed to produce synthetic gas for burning.

"Reseller", any person, corporation, firm or subsidiary of any firm that carries on the trade or business of purchasing petroleum products and reselling them without substantially changing their form.

"Secretary", the secretary of energy resources.

"Wholesaler", any person, corporation, firm or any part or subsidiary of any firm which supplies, sells, transfers, or otherwise furnishes petroleum products to resellers or end-users.

Section 4. Subject to appropriation, the secretary of energy resources with the approval of the governor may appoint such persons as he shall deem necessary to perform the functions of the department and his office, provided that the provisions of chapter thirty-one and section nine A of chapter thirty shall not apply to any person holding any such appointment. Every person so appointed to any position in his office shall have experience and skill in the field of such position. So far as practicable in the judgment of the secretary, appointments to such positions in his office shall be made by promoting or transferring employees of the commonwealth serving in positions which are classified under chapter thirty-one of the General Laws, and such appointments shall at all times reflect the professional needs of the department or division affected. If an employee serving in a position which is classified under chapter thirty-one or in which an employee has tenure by reason of section nine A of chapter thirty of the general laws shall be appointed to a position within this office which is not subject to the provisions of chapter thirty-one of the general laws, the employee shall upon termination of his service in such position be restored to the position which he held immediately prior to such appointment; provided, however, that his service in such position shall be determined by the civil service commission in accordance with the standards applied by said 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 of the General Laws 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, each person so appointed from a position in the classified civil service shall be eligible to take any competitive promotional examination for which he would otherwise have been eligible.

Section 5. The secretary of energy resources shall file a report with the joint committee on energy and the house and senate committees on ways and means (a) listing the number of employees of the executive office of energy resources, the salaries

and titles of each employee, the source of funding for the salaries of said employees and the projected date when federal funds for such positions are expected to terminate, (b) listing and describing grant programs of the executive office funded by the federal government, including the amount of funding by grant, (c) listing and describing other programs of the executive office, including the amount and source of funding by program, (d) describing the energy audit, energy conservation and alternative energy bond programs by categories of projects, and amounts to be spent. The first such report shall be filed on or before the date six months after the passage of this act and shall refer to activities planned for calendar year nineteen hundred and eighty. Subsequent reports shall be filed on or before December thirty-first of each year and shall refer to activities planned for the subsequent calendar year.

Section 6. The executive office of energy resources and its appropriate administrative units shall:-

(1) develop and administer programs relating to energy conservation, alternative energy development, non-renewable energy supply and resource development, energy bond authority, energy information, and energy emergencies;

(2) advise, assist, and cooperate with other state, local, regional, and federal agencies in developing appropriate programs and policies relating to energy planning and regulation in the commonwealth including assistance and advice in the preparation of loan or grant applications with respect to energy programs for state, local and regional agencies;

(3) develop energy data and information management capabilities to aid energy planning and decision-making;

(4) promote the development of sound energy education programs;

(5) apply for, receive, expend, represent and act on behalf of the commonwealth in connection with federal grants, grant programs or reimbursements, or private grants, keep accounts, records, personal data, enter into contracts, and adjust claims;

(6) accept gifts, grants, bequests, and devises, whether real or personal, from any source, whether public or private, for the purpose of assisting the secretary in the discharge of his duties;

(7) subject to appropriation, acquire real or personal property;

(8) promulgate rules and regulations necessary to carry out their statutory responsibilities.

(9) seek the laboratory, technical, educational, and research skills of state institutions of higher education in order to carry out the provisions of this chapter.

Section 7. The department of energy resources shall have the authority to collect inventory and product delivery data and other information which is specifically necessary and material regarding petroleum products available for supply within the commonwealth from wholesalers and resellers of petroleum products doing business in the commonwealth. All energy information collected by the department under this section shall be maintained for the sole and confidential use of the commonwealth, its agencies and offices. Such information shall not be deemed to be a public record as defined in clause twenty-sixth of sec-

tion seven of chapter four and shall not be subject to demand for production under section ten of chapter sixty-six, provided, however, that aggregates of such energy information may be prepared and such aggregates shall be public records; and provided further that all energy information collected under this section may be shared with the energy offices of other states which afford such information similar protection from public disclosure.

All wholesalers, resellers, and end-users of petroleum products doing business in the commonwealth with total storage capacity of over fifty thousand gallons shall make accurate reports to the department of energy resources in such form and at such times as the department shall require.

Any wholesaler, reseller or end-user of petroleum products covered by this section who violates the provisions of this chapter or who knowingly supplies information of a false or misleading nature shall be subject to a civil penalty not to exceed five thousand dollars per offense.

Section 8. The governor shall have the authority to declare an energy emergency in the commonwealth due to actual or imminent severe energy supply interruption in the commonwealth, or resulting from the obligating of the United States under the international energy program of the United States, or like obligation. The declaration of an energy emergency shall comply with the requirements of Section 2 of chapter 30A with regard to emergency regulations. Upon issuance of such declaration of an energy emergency the Governor shall implement, at his discretion, with or without any federal delegation, action or approval (i) such energy supply shortage contingency plans including conservation contingency plans and rationing contingency plans as have been developed by the department of energy resources and which conform to the substantive requirements of 42 USC §§6261-6275 and (ii) any petroleum plan or other measures which comply with the substantive requirements of 15 USC §751-760H or successor federal legislation. Any such declaration of an energy emergency, as provided in this section, shall expire in ninety days after promulgation. In the event the governor deems it necessary to extend the energy emergency beyond said ninety days, he shall file with the general court legislation authorizing such extension. The Governor shall have the authority to adopt and enforce such energy emergency measures as may be delegated by the United States and which are consistent with law.

Section 9. To assist the office in the discharge of its duties, the secretary of energy resources may request from any agency or political subdivision of the commonwealth any information relevant to the discharge of such duties.

An information copy of each application submitted by any state agency, including all state institutions of higher learning or any political subdivision of any public agency, for a grant or loan with respect to any energy development or energy conservation program, including the acquisition of land and facilities for these purposes, shall be filed with the executive office of energy resources no later than the twentieth day after submission of said application.

Section 10. There is hereby created an energy advisory board composed of thirteen citizens who, except the utility representative, shall not have a financial interest in any publicly regulated utility in the commonwealth, and who shall be appointed by the governor for a term of two years. The board shall include one representative of industry, one representative of utilities, one representative of public health, one representative of environmental interests, one representative of consumer interests, and one representative of a low-income advocacy organization. The governor shall from time to time appoint and remove the chairman of the board. Said board shall meet at least quarterly and shall be regularly consulted by the secretary and shall advise the secretary as to all the various energy programs and policies to be implemented by the commonwealth. Eight members of such board shall constitute a quorum of said board. The members of such board shall receive no compensation but shall be reimbursed for reasonable expenses necessary to the performance of their duties.

Section 11. The secretary is hereby authorized and directed to establish (i) an energy audit program to determine the energy consumption levels of and appropriate energy conservation measures for buildings and facilities owned by (a) the commonwealth, (b) its political subdivisions, (c) public authorities and other public instrumentalities of the commonwealth and of its political subdivisions including, but not limited to, housing authorities and (ii) an energy conservation improvement program to carry out and assist energy conservation projects including energy conservation measures, for such buildings and facilities.

Said secretary is hereby authorized and directed to establish an alternative energy property program to provide alternative energy sources for buildings and facilities owned by (1) the commonwealth, (2) its political subdivisions, (3) public authorities and other public instrumentalities of the commonwealth and of its political subdivisions including, but not limited to, housing authorities.

The secretary is hereby authorized to promulgate rules and regulations for the energy audit program, the energy conservation improvement program and the alternative energy property program. Said rules and regulations shall set forth (1) procedures by which entities other than the commonwealth may request participation in the program, (2) an orderly method for selecting state projects and for selecting among the request of other entities for participation in the program, (3) guidelines for carrying out projects pursuant to the program, (4) the portions to be borne by the commonwealth of the costs of projects of entities other than the commonwealth, or the manner of determining the same, and (5) the time and manner of payment. In selecting projects and in determining the portions to be borne by the commonwealth of the cost of projects of other entities the secretary shall give first priority to projects with the shortest payback period as determined by the secretary and shall consider, federal financial resources, the type of project, and the public benefit likely to be derived, whether from proven technology or from the opportunity to demonstrate innovative technology.



The secretary may enter into contracts to carry out state projects pursuant to the programs established in this section and enter into grant agreements and make grants to assist projects of other entities as set forth in this section. The political subdivisions of the commonwealth and the public authorities and other public instrumentalities of the commonwealth and of its political subdivision are hereby authorized to enter into and perform grant agreements with the secretary and carry out projects pursuant to this section.

The secretary is hereby authorized to enter into agreements with the federal government to receive grants of money for the purpose of this section and to provide state matching funds for such purposes when required by the federal government under such grants.

Section 12. Except for emergency regulations adopted pursuant to section two of chapter thirty A, and except for actions taken under section eight of this chapter, any regulation, as defined in section one of said chapter thirty A, or any amendment or repeal of any such regulation adopted by the secretary pursuant to this chapter, shall, after compliance with all applicable provisions of said chapter thirty A, except section five, shall be submitted to the general court. Said secretary shall file the proposed regulation, amendment or repeal with the clerk of the house of representatives, together with a statement that the pertinent provisions of said chapter thirty A, except section five have been complied with. Such regulations shall be accompanied by a summary of the regulations in layman's terms. The clerk of the house of representatives, with the approval of the president of the senate and the speaker of the house of representatives, shall refer such regulations to the joint committee on energy. Within thirty days after such referral, said committee may hold a public hearing on the regulations and shall issue a report to said secretary. Said secretary shall review said report and shall adopt final regulations as deemed appropriate in view of said report and shall file with the chairmen of such reporting committee its final regulations. Not earlier than thirty days after the filing of such report with the said chairmen, said secretary shall file the final regulations with the state secretary as provided in section five of said chapter A and said regulations shall thereupon take effect.

SECTION 5. Section 4 of chapter 40 of the General Laws is hereby amended by adding the following paragraph:

For the leasing, leasing with the option to purchase, or installment purchase of energy conservation equipment, including but not limited to boilers, furnaces, hot water and space heating equipment, for a period up to ten years, by a majority vote as defined in section 1 of chapter 44, and such leasing, leasing with the option to purchase or installment purchase, shall not be subject to debt limits.

SECTION 6. Section 7 of chapter 44 of the General Laws is hereby amended by inserting after clause (3A) the following clause:-

(3B) for energy conservation and alternative energy improve-

ments to public buildings or facilities owned by the city or town.

SECTION 7. Section 7 of said chapter 44 is hereby further amended by adding the following clause:-

(26) For energy audits as defined in section three of chapter twenty-five A, if authorized separately from debt for energy conservation or alternative energy projects; five years.

SECTION 8. Subsection (a) of section 2 of chapter 62 of the General Laws is hereby amended by adding after subparagraph (F) the following subparagraph:-

(G) The secretary of energy resources may approve United States patents, which have been issued to Massachusetts residents or applied for by Massachusetts residents as useful for energy conservation and related purposes or as useful for alternative energy development and related purposes, provided that such patents are determined by said secretary to be of economic value, practicable, and necessary for the convenience and welfare of the Commonwealth and its citizens. Any income received from the sale, lease or other transfer of a patent so approved by the secretary of energy resources, including royalty income, and any income received from the sale, lease, or other transfer of tangible, intangible, personal or real property or materials manufactured in the Commonwealth subject to such patent shall be deducted. Said deduction shall extend for a period no longer than 5 years from the date of issuance of the United States patent or the date of approval by the secretary of energy resources, whichever first expires.

SECTION 9. Section 6 of chapter 62 of the General Laws is hereby amended by inserting after subsection (c) the following subsection:-

(d) any owner of residential property located in the commonwealth who is not a dependent of another taxpayer and who occupies said property as his principal residence, shall be allowed a credit equal to thirty-five per cent of the net expenditure for a renewable energy source property or one thousand dollars, whichever is less, provided that in the case of a newly constructed residence the credit shall be available to the original owner/occupant. Any taxpayer entitled to this credit for any taxable credit, the amount of which exceeds his total tax due for the then current taxable year, may carry over the excess amount, as reduced from year to year, and apply it to his tax liability for any one or more of the next succeeding three taxable years; provided, however that in no taxable year may the amount of the credit allowed exceed the total tax due of the taxpayer for the relevant taxable year. Joint owners of a residential property shall share any credit available to the property under this subsection in the same proportion as their ownership interest.

As used in this section the following words shall have the following meanings:-

(I) "renewable energy source property" means property -

(A) which, when installed in connection with a dwelling, transmits or uses:-

(1) solar energy or any other form of renewable energy which the commissioner specified by regulations, for the purpose of

heating or cooling such dwelling or providing hot water for use within such dwelling, or produces electricity for such purposes, or

- (2) wind energy for nonbusiness residential purposes;
- (B) the original use of which begins with the taxpayer;
- (C) which can reasonably be expected to remain in operation for at least five years, and
- (D) which meets the performance and quality standards (if any) which -
  - (i) have been prescribed by the commissioner by regulations, and
  - (ii) are in effect at the time of the acquisition of the property;
- (II) "net expenditure" shall mean the total of the purchase price for any renewable energy source property, plus installation cost less any credits received pursuant to the Internal Revenue Code and less grants or rebates received from the United States Department of Housing and Urban Development.

SECTION 10. The definition of "gross income" in clause (a) of paragraph 5 of section 30 of chapter 63 of the General Laws is hereby amended by adding the following three sentences:- The secretary of energy resources may approve United States patents, which have been issued to Massachusetts corporations or applied for by Massachusetts corporations as useful for energy conservation and related purposes or as useful for alternative energy development and related purposes, provided that such patents are determined by said secretary to be of economic value, practicable, and necessary for the convenience and welfare of the commonwealth and its citizens. Any income received from the sale, lease or other transfer of tangible, intangible, personal or real property or materials manufactured in the commonwealth subject to such patent shall be deducted. Said deduction shall extend for a period no longer than five years from the date of issuance of the United States patent or the date of approval by the secretary of energy resources, whichever first expires.

SECTION 11. Section 6 of chapter 64H of the General Laws is hereby amended by adding after paragraph (ff), added by chapter 590 of the acts of 1979, the following paragraph:-

(gg) Sales of equipment directly relating to any wood-fueled heating system, which is being utilized as a primary heating system for the purpose of heating a person's principal residence in the commonwealth, and costs more than nine hundred dollars, and providing such equipment had been approved by the state fire marshal or state building code commission.

SECTION 12. Sections two hundred and ninety-five Z, two hundred and ninety-five AA, two hundred and ninety-five BB of chapter ninety-four of the General Laws are hereby repealed.

SECTION 13. Section 1 of chapter 111 of the General Laws, is hereby amended by adding the following definition:-

"Nuclear reactor", any apparatus, other than an atomic weapon, designed to sustain nuclear fission in a self-supporting chain reaction.

SECTION 14. Said chapter 111 is hereby further amended by

inserting after section 5G the following section:-

**Section 5H.** (A) The department, subject to appropriation, shall adopt rules and regulations that monitor the use and release of nuclear materials, source materials, or radioactive materials, whether irradiated or not, as they pertain to the operation of nuclear reactors.

(B) The department shall, subject to appropriation, establish and maintain a monitoring and surveillance program for all nuclear reactors. Such a program shall include, but not be limited to, the following activities:-

(1) The department, subject to appropriation, shall create a network of monitoring stations not all in fixed locations, to ascertain the movement, dispersal and reconcentration of any radioactive materials originating from nuclear reactors, whether in gaseous, liquid or solid form. For the purpose of this section, the department may utilize, (I) equipment owned and operated by the department, (II) equipment maintained and operated by the nuclear reactor operators either directly or indirectly and (III) the data obtained therefrom.

(2) The department shall, subject to appropriation, conduct periodic surveys to determine the extent and seriousness of radiation doses received by humans and animal life resulting from the reconcentration of radioactive materials, released from nuclear reactors. Such surveys and monitoring programs may be conducted in cooperation with other departments or agencies of the commonwealth or of any other state, or with the federal environmental protection agency the nuclear regulatory commission, or any other federal agency, or with any other suitable qualified persons or institutions.

(3) The department shall, subject to appropriation, make inspections either announced or unannounced, of each nuclear reactor installation or site located within the Commonwealth. For the purposes of such inspections, the department is hereby specifically authorized to enter at any time (I) upon the site of said nuclear reactor installation whether said reactor is proposed, under construction, or in operation and (II) any buildings or facilities thereon, as may be necessary, in the judgment of the department, to determine compliance with its rules and regulations adopted under the provisions of this section. Subject to appropriation, the commissioner may appoint and remove inspectors to comply with the provisions of this section. Said inspectors shall have all the power and authority of inspectors as defined by section nine of this chapter.

(C) The department shall, subject to appropriation, publish and make available to the general public or to any interested party on a semi-annual basis, for each operating nuclear reactor, a summary and discussion of the results of the monitoring and surveillance program for the previous six months, including the results of any surveys completed under provisions of clause (2) of paragraph (B).

The summary for each nuclear reactor shall include, at a minimum: (1) a comparison of actual emissions and emission rates of radioactive materials, whether in a liquid or gaseous form, with those allowed by the technical specifications appearing in the facility operating license of the reactor; (2) the estimated

radiation doses received as a result of said emissions at various geographical locations under various occupancy assumptions; (3) a comparison of said estimated doses with applicable federal exposure guidelines; and (4) a listing and discussion of all accidents or abnormal occurrences, as defined by 42 USC sec. 5848, that were reported to the nuclear regulatory commission, pursuant to 42 USC 5841 to 5849, inclusive, to rules and regulations promulgated under the authority of said statute, or to the requirements of the facility operating license of nuclear reactors.

(D) To support the development and operation of a state radiation monitoring program, the operators of nuclear reactors shall have reasonable charges levied against them.

SECTION 15. Chapter 149 of the General Laws, is hereby amended by striking out section 44M, inserted by section 1 of chapter 433 of the acts of 1976, and inserting in place thereof the following section:-

Section 44M. As used in this section the following words shall have the following meanings:-

"New Building", an entire building or any addition to an existing building that adds at least ten per cent gross floor space to the building, where the cost of construction is estimated to exceed one hundred thousand dollars.

"Energy system", any equipment that is employed to heat or cool a building, or to heat hot water used in a building, or to generate electricity for a building and that uses the sun, wind, water, biomass, oil, natural gas, or electricity as its power supply in whole or in part.

"Life cycle cost estimate", the estimated cost of installing, financing, fueling, maintaining, and replacing an energy system, including the cost of any energy conservation measures to reduce the required capacity or fuel consumption of an energy system.

Every contract for architectural or engineering services necessary for the preliminary design of all new buildings or for the modification or replacement of an energy system in an existing building entered into by a public awarding authority subject to the bidding requirements of sections forty-four A to forty-four L inclusive, of this chapter shall contain a stipulation that life-cycle cost estimates shall be obtained at an initial stage and as a regular part of the services to be performed under said contract.

Prior to the preparation of plans and specifications for the purposes of bidding requirements of said sections forty-four A to forty-four L inclusive, the awarding authority shall ensure that the life-cycle cost estimates have been completed and shall file summaries of said cost estimates with the building code commission and the secretary of energy resources. No construction project shall be advertised for bids by any such awarding authority, nor shall any contract for construction be awarded by such authority, nor shall any building permit be issued until said summaries of cost estimates have been filed with the building code commission and the secretary of energy resources and approved by the secretary of energy resources.

Any contractor for architectural services necessary to the preliminary design of a new building who fails to obtain life-cycle cost estimates in the performance of a contract containing language

which stipulates such, shall be prohibited by the secretary of energy resources from contracting, directly or indirectly, with the commonwealth or any political subdivision thereof for similar architectural services for a period of one year from the date of determination of said violation.

The secretary of energy resources may offer to all public awarding authorities and other interested parties assistance and training in the performance of the requirements of this section. The secretary of energy resources shall promulgate rules and regulations to implement the provisions of this section.

SECTION 16. The first sentence of the second paragraph of section 69H of chapter 164 of the General Laws, as most recently amended by chapter 167 of the acts of 1977, is hereby further amended by striking out in lines 1 and 2, the words "secretary of administration and finance" and inserting in place thereof the words:- secretary of energy resources who shall be the chairman of the council.

SECTION 17. Said second paragraph of said section 69H of said chapter 164 is hereby further amended by striking out the second sentence, as appearing in section 1 of chapter 1232 of the acts of 1973, and inserting in place thereof the following:- If either the secretary of energy resources, the secretary of consumer affairs, the secretary of environmental affairs or the secretary of manpower affairs is hereby personally disqualified, he shall appoint a designee in his stead.

SECTION 18. Said second paragraph of said section 69H of said chapter 164 is hereby further amended by striking out the fifth sentence, as so appearing, and inserting in place thereof the following sentence:- In event of the absence of disqualification of the secretary of energy resources, said secretary shall appoint an acting chairman.

SECTION 19. The first paragraph of section 69I of said chapter 164, is hereby further amended by striking out the last sentence, added by section 5 of chapter 468 of the acts of 1976 and inserting in place thereof the following sentence:- Neither said council nor any other person shall, in taking any action pursuant to sections sixty-nine I and sixty-nine J, be subject to any of the provisions of section sixty-one to sixty-two H, inclusive, of chapter thirty.

SECTION 20. Section 69J of said chapter 164 is hereby amended by striking out the fourth paragraph, as appearing in section one of chapter 1232 of the acts of 1973, and inserting in place thereof the following paragraph:-

The authority of the council to conduct public hearings under the provisions of section sixty-nine J may be delegated in whole or in part to employees of the council or to the department. Pursuant to the rules of the council such department or employees of the council shall report back to the council with tentative decisions for final action thereon by the council.

SECTION 21. Section 69M of said chapter 164, as so appearing, is hereby amended by striking out the last paragraph and inserting in place thereof the following paragraph:-

The executive secretary shall add the name of any person or group upon request to a mailing list to receive copies of fact sheets.

SECTION 22. The first paragraph of section 69 O of chapter 164 is hereby amended by striking out the second sentence added by section 7 of chapter 468 of the acts of 1976 and inserting in place thereof the following sentence:- Neither the council nor any other person shall be bound by the requirements of section sixty-one to sixty-two H, inclusive, of chapter thirty to the extent that compliance with said requirements will prevent the council from rendering a decision upon the application within the time limits of this section.

SECTION 23. All books, papers, records, documents, equipment, lands, interests of land, buildings, facilities and other property, both personal and real, which immediately prior to the effective date of this act, are in the custody of the energy facilities siting council shall remain in the custody of such council and shall not be affected by this act. All duly existing contracts, leases and obligations of the energy facilities siting council in force immediately prior to the effective date of this act shall thereafter be performed by said council. No existing right or remedy of any character shall be lost, impaired or affected by the provisions of this act. All monies heretofore appropriated for the energy facilities siting council remaining unexpended on the effective date of this act shall be available for expenditure by the energy facilities siting council for the purposes for which such funds were originally appropriated. All powers, duties and other statutory provisions which prior to the effective date of this act were assigned to, or exercised by the energy facilities siting council shall continue to be exercised and performed by, and to be assigned to, such council.

SECTION 24. Chapter 639 of the acts of 1950 is hereby amended by inserting after section 2A the following section:-

Section 2B. The director shall designate certain areas of the commonwealth as "nuclear power plant areas". For purposes of this section, said areas shall consist of all communities located within a ten mile radius of a nuclear power plant, whether or not said power plant is located within the commonwealth.

The director shall annually publish and release to local officials of each political subdivision within areas preparedness and response plans which will permit the residents of said areas to evacuate or take other protective actions in the event of a nuclear accident. Copies of such plans shall be made available to the public upon request for a fee which is not to exceed the cost of reproduction.

The director shall also annually publish and release through local officials to the residents of the said areas emergency public information. Such information shall include warning and altering provision, evacuation routes, reception areas, and other recommended actions for each area.

The director shall propose procedures for annual review by state and local officials of the preparedness and response plans with regard for, but not limited to, such factors as changes in

traffic patterns, population densities, and new construction of schools, hospitals, industrial facilities, and the like. Opportunity for full public participation in such review including a public hearing, shall be provided pursuant to section two of chapter thirty A.

SECTION 25. All employees of any board, commission, committee, department, council or authority from which powers and duties are transferred to the executive office of energy resources by this act, who, immediately prior to the effective date of this act, hold positions related to the exercise of such powers or the performance of such duties 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 are hereby transferred to said executive office, every such transfer to be without impairment of civil service status, seniority, retirement or other rights of the employee and without interruption of service within the means 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.

All employees of any such board, commission, department, council, committee, or authority who, immediately prior to said effective date, hold positions related to the exercise of such powers or the performance of such duties but neither hold permanent appointments in such positions nor have such tenure, are hereby transferred to said executive office, every such transfer to be without impairment of seniority, retirement and other rights of the employee, and without interruption of service within the meaning of said section nine A of chapter thirty of the General Laws and without reduction in compensation of salary grade, notwithstanding any change in title or duties resulting from such transfer:

Nothing in this section shall be construed to confer upon any employee any right 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.

The status of the incumbent of any office or position placed within the classified civil service by this act shall be determined pursuant to the provisions of section fifty-six of said chapter thirty-one.

SECTION 26. Section 5 of chapter 639 of the acts of 1950, as most recently amended by chapter 579 of the acts of 1968, is hereby further amended by inserting in line 19 after the word "food" the following words:- ; or whenever the accidental release of radiation from a nuclear power plant endangers the health, safety, or property of people of the commonwealth,.

SECTION 27. All petitions, hearings and other proceedings duly brought before, and all prosecutions and legal and other proceedings duly begun by the energy facilities siting council shall continue unabated and remain in force notwithstanding the passage of this act, and shall thereafter be completed before or



by the energy facilities siting council.

All orders, rules and regulations duly made, and all licenses, permits, certificates and approval duly granted by the energy facilities siting council which are in force immediately prior to the effective date of this act, shall continue in force and the provisions thereof shall thereafter be enforced, until suspended, revised, rescinded or cancelled in accordance with law by the energy facilities siting council.

SECTION 28. In addition to funds which may be otherwise appropriated or provided from any source, the secretary is hereby authorized to expend a sum not to exceed twenty million dollars in the aggregate for the purpose of contracts to be entered into and grants to be awarded pursuant to section eleven of chapter twenty-five A of the General Laws. Except as otherwise determined by the general court, said sum shall be allocated from time to time by the secretary of energy resources among the energy audit program, and the energy conservation improvement program in a sum not to exceed fifteen million dollars, and the alternative energy property program in a sum not to exceed five million dollars. The secretary shall, when expending such funds, take into consideration, among other relevant factors, the amount of available state and federal financial resources, the needs of each program with respect to state buildings and facilities, the volume of requests or expected requests from other entities for assistance pursuant to each program, the expected costs and public benefits of each program and, after information has become available from the energy audit program, the priorities and needs indicated by that information.

SECTION 29. In addition to funds which may otherwise be appropriated or provided from any source, the director of the bureau of building construction with the approval of the commissioner of administration and the secretary of energy resources, is hereby authorized to expend a sum not to exceed four million five hundred thousand dollars in the aggregate for planning, reconstruction, alteration, improvement and renovations for energy conservation measures at various facilities of the commonwealth.

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 this section, but not exceeding, in the aggregate, the sum of four million five hundred thousand dollars, 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-four. Notes and the interest thereon issued under the authority of this section, shall be general obligations of the commonwealth.

To meet the expenditures necessary in carrying out the provis-

ions of this section, 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 five hundred thousand dollars.

All bonds issued by the commonwealth, as aforesaid, shall be designated on their face, Capital Outlay Energy Loan Act of 1979, 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 June thirtieth, two thousand and four. 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 30. The state treasurer may borrow from time to time on the credit of the commonwealth such sums of money as may be necessary for the purpose of meeting payments, as authorized by section twenty-eight 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 rates as shall be fixed by the State Treasurer. Such notes shall be issued and may be renewed one or more times for such terms, not exceeding one year, as the governor may recommend to the general court in accordance with Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth; but the final maturity of renewable notes shall not be later than three years after the date of debt represented by the date that the renewal notes was originally incurred. Such notes shall be general obligations of the Commonwealth.

SECTION 31. To meet the expenditures necessary in carrying out the provisions of section twenty-eight of this act or to refinance notes issued as provided in section five 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 in such denominations as the treasurer may deem to be in the best interest of the commonwealth, and subject, with the approval of the governor, to call for redemption at any time, or from time to time, with or without premium, as the treasurer deems best, an amount to be specified by the governor from time to time, but not exceeding, in the aggregate, the sum of twenty million dollars. All bonds issued by the commonwealth, as aforesaid, shall be appropriately designated on their face either "Energy Conservation Bond" or "Alternative Energy Development Bond" respectively, and shall be on the serial payment plan for such maximum term of years not exceeding twenty-five years as the governor may recommend to the general

court pursuant to Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth. The maturities of each issue of bonds shall be 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, provided that an issue for projects having differing useful lives in the opinion of the state treasurer may be subdivided for the purposes of determining maturities. The initial maturities of the bonds of each issue shall be payable not later than one year from the date of issue and the final maturity not later than June thirtieth, two thousand and nine. The bonds shall bear interest at such times and at such rates as the state treasurer, with the approval of the governor, shall fix. The bonds and interest thereon, shall be general obligations of the commonwealth.

SECTION 32. For providing financial assistance to redevelop existing dams for the purposes of electrical power production, funds may be awarded by the executive office of energy resources to applicants who satisfy the following criteria: demonstrated willingness to exhibit the technical and economic feasibility of the generation of electric energy by water power projects and the use of such energy. Applications may be submitted by the Commonwealth, its political subdivisions, public authorities and other public instrumentalities of the commonwealth and of its political subdivisions.

Funds, in the amount of one million dollars, shall be made available from the alternative energy property program established pursuant to section eleven of chapter 25A of the General Laws, including bonds issued thereunder, to further the utilization of small-scale water power in the commonwealth and may apply to planning and development of such facilities or contribute to the construction costs of such facilities. Any and all costs incurred after such facilities are operative shall not be funded from this source.

SECTION 33. The Department of Energy Resources and the state geologist are hereby authorized and directed to make an investigation and study for the purpose of determining the amounts and quality of coal located in the Narragansett Basin area in southeastern Massachusetts and to study feasibility of mining said coal deposit. The department of energy resources shall make a report of its findings to the general court and file the results of said study with the clerks of the house of representatives and the senate on or before the first Wednesday in September, nineteen hundred and eighty.

SECTION 34. The provisions of this act are severable, and if any section or part of any section of this act shall be adjudged invalid or held unconstitutional by any court of competent jurisdiction, such judgment or decision shall not affect or impair any other section or any part of any other section unless inseparable from the section or part adjudged invalid, but shall be confined in its operations to that section or part directly involved in the controversy on which such judgment shall have been rendered.

SECTION 35. Sections nine and 11 of this act shall take effect

as of January first, nineteen hundred and seventy-nine, and shall become inoperative on December thirty-first, nineteen hundred and eighty-three. Section 15 of this act shall take effect on November first, nineteen hundred and eighty. All other sections of this act shall take effect on January first, nineteen hundred and eighty.

Approved November 16, 1979.

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Chap. 797. AN ACT MAKING CHANGES IN THE LAW PROVIDING FOR THE TAXATION OF REAL PROPERTY BY USAGE CLASSIFICATION.

Whereas, The deferred operation of this act would tend to defeat its purpose which is to provide immediately for the taxation of real property by usage classification and to provide for an equitable application of the real property tax burden among commercial, industrial and residential property owners, 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 40 of the General Laws is hereby amended by adding the following section:-

Section 56. The board of assessors with the approval of the selectmen in each town and the mayor, with the approval of the city council of each city, which city or town has been certified by the commissioner of revenue to be assessing property at full and fair cash valuation, shall biennially on or before May first determine the percentages of the local tax levy to be borne by each class of real property, as defined in section three of chapter fifty-nine, and personal property for the next two fiscal years. In determining such percentages, the selectmen or mayor, as the case may be, shall first adopt a residential factor. Said factor shall be an amount not less than the minimum residential factor determined by the commissioner of revenue in accordance with the provisions of section one A of chapter fifty-eight.

Class one percentage, the full and fair cash valuation of the class one property divided by the full and fair cash valuation of all real and personal property in said city or town multiplied by the residential factor.

Class two percentage, the full and fair cash valuation of the class two property divided by the full and fair cash valuation of all real and personal property in said city or town multiplied by not less than eighty-five per cent of the residential factor.

Class three percentage, the full and fair cash valuation of the class three property divided by the sum of full and fair cash valuation of class three and class four real property and personal property in such city or town multiplied by the difference between one hundred per cent and the sum of the class one and two percentages.

Class four percentage, the full and fair cash valuation of the class four property divided by the sum of the full and fair cash valuation of the class three and class four real property and personal property in such city or town multiplied by the differ-

ence between one hundred per cent and the sum of the class one and class two percentages.

Personal property percentage, the full and fair cash valuation of the personal property in a city or town divided by the sum of the full and fair cash valuation of the class three and class four real property and the personal property in a city or town multiplied by the difference between one hundred per cent and the sum of the class one and class two percentages.

As used in this section the full and fair cash valuation amounts shall be those amounts as determined by the commissioner of revenue and sent to each city and town pursuant to section one A of chapter fifty-eight.

The percentages, so determined, shall upon certification of the commissioner be transmitted to the board of assessors to be used in setting the tax rates pursuant to section twenty-three A of chapter fifty-nine.

SECTION 2. Chapter 41 of the General Laws is hereby amended by inserting after section 30A the following section:-

Section 30B. Any two or more cities and towns may enter into an agreement for joint or cooperative assessing, classification and valuation of property. Such agreement shall provide for:-

- (1) the division, merger or consolidation of administrative functions between or among the parties, or the performances thereof by one city or town on behalf of all the parties;
- (2) the financing of the joint or cooperative undertaking;
- (3) the rights and responsibilities of the parties with respect to the direction and supervision of the work to be performed and with respect to the administration of the assessing office including the receipt and disbursement of funds, the maintenance of accounts and records and the auditing of accounts;
- (4) annual reports of the assessor to the constituent parties;
- (5) the duration of the agreement and procedures for amendment or termination thereof; and
- (6) any other necessary or appropriate matter.

Unless the agreement provides for assessing by one city or town on behalf of the other cities and towns parties thereto, the agreement shall provide for the designation of an appointing authority representing all of the cities and towns in the district, which shall be responsible for the appointment of an assessor who shall serve as the assessor for each and all cities and towns in the district. Subject to the rules and regulations established by the commissioner of revenue pursuant to section one of chapter fifty-eight, the agreement shall provide for qualifications, terms and conditions or employment for the assessor and employees of his office. The agreement may provide for inclusion of the assessor and said employees in insurance, retirement programs and other benefit programs of one of the constituent parties. Any city or town party to such an agreement may include employees of an assessing district in such programs.

No agreement for joint or cooperative assessing made pursuant to this section shall take effect until it has been approved in writing by the commissioner of revenue.

SECTION 3. Chapter 58 of the General Laws is hereby amended

by striking out section 1, as most recently amended by section 1 of chapter 580 of the acts of 1978, and inserting in place thereof the following two sections:-

**Section 1.** The commissioner of revenue in chapters fifty-eight to sixty-five C, inclusive, called the commissioner, shall make, and from time to time revise, such reasonable rules, regulations and guidelines, as may be necessary to establish minimum standards of assessment performance. The specific areas to which such standards relate shall include but not be limited to the following: the administration of all laws providing for the assessment and classification of property; the methods of determining the actual fair cash valuation of different kinds of property for tax purposes; the types of qualifications of assessing personnel; and the adequacy of tax maps and other records.

**Section 1A.** The commissioner, in addition to exercising the powers or performing the duties otherwise assigned to him, shall enforce all laws relating to the valuation, classification and assessment of property and shall supervise the administration of such laws by local assessors in accordance with the rules, regulations and guidelines established under the provisions of section one.

He shall determine whether or not the locally assessed values represent the full and fair cash valuation for each class of real property, as defined in section three (b) of chapter fifty-nine, and personal property not exempt from local taxation within each city and town. In each city and town which he has determined to be assessing at full and fair cash valuation, he shall determine a minimum residential factor for each city and town which shall be sixty-five per cent subject to such adjustment upward as may be required to provide that the percentage of the total tax levy imposed on any class of real or personal property shall not exceed one hundred fifty per cent of the full and fair cash of the taxable property in said class divided by the full and fair cash of all taxable real and personal property in the city or town. In no instance, however, shall the minimum residential factor, so determined, be greater than the amount of one hundred per cent, although a city or town may decide to adopt a residential factor greater than that amount. For this purpose, he may utilize the information on assessed values and classifications gathered pursuant to sections nine and ten and such other information as may be available to him. The taxable values and minimum residential factor so determined shall be sent to the individual cities and towns on or before April first of each year in which there is to be a determination of the percentages of the local tax levy to be borne by each class of property pursuant to section fifty-six of chapter forty.

In the performance of such duties, he may visit any city or town, inspect the work of its assessors and require of them any information he shall deem necessary regarding the procedures used in keeping records, maintaining tax maps and determining the valuation and classification for taxation of the property or any part thereof in such city or town. He shall require of them such action as will tend to produce uniformity within such city or town and throughout the commonwealth in the valuation,

classification and assessment of property for local taxation.

He may require from state and town officers such returns and statements relative to the amount and value of taxable property in the several towns as he deems necessary. Information provided by said assessors shall include: (1) the total of all property subject to local taxation in each city and town, (2) the amount, if any, of tax abatements for the preceding year, and (3) such other information as may be required to aid the commissioner in the discharge of his responsibility in respect to the preparation of the equalization and apportionment report as provided in sections nine and ten.

He shall, at the request of the assessors of any city or town or upon his own initiative, give his opinion to assessors and collectors upon any question arising under any statute relating to the assessment, classification and collection of taxes or he may obtain the opinion of the attorney general upon such question. In either case, the opinion of the commissioner or the opinion of the attorney general, if any, shall be binding.

He shall issue, and may from time to time revise, a list of private firms or individuals qualified to perform appraisals or reappraisals of property for tax purposes in the commonwealth and shall make such list available to assessors. In any case where a city or town proposes to contract with any such private firm or individual for such appraisal or reappraisal services, such contract shall be with a firm or individual determined by the commissioner to be qualified to perform such services and said contract shall be approved as to form and content by the commissioner. Upon completion, he shall certify that valuations established under such appraisal or reappraisal of property for tax purposes by any such firm in the commonwealth comply with guidelines established under section one. Firms or individuals aggrieved by a decision of the commissioner that they are not qualified to perform appraisals or reappraisals of property for tax purposes in the commonwealth may appeal such decision to the appellate tax board.

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 or classification of taxes for which a penalty is imposed. He may appear before any court or before any board of county commissioners sitting for the abatement of taxes, or before the appellate tax board.

SECTION 4. Said chapter 58 is hereby further amended by striking out section 3, as most recently amended by section 2 of said chapter 580, and inserting in place thereof the following section:-

Section 3. In order to assist the assessors in the performance of their duties, the commissioner shall prepare, issue and periodically revise guides for local assessors. Such guides shall include the rules, regulations, and guidelines of the commissioner relative to the assessment, classification and administration of local taxes, an appraisal manual and, in addition, may include special studies, cost and price schedules, news and reference bulletins and digests of laws relating to local taxation. He shall prepare and issue such other printed instructions to the assessors

which are adapted to varying local circumstances and to differences in the character and condition of property subject to local taxation as he shall deem necessary.

He shall conduct or sponsor in-service, pre-entry, and intern training programs on the technical, legal, and administrative aspects of the assessment process and may require assessors to attend such programs. Such programs shall include but not be limited to training required to meet minimum standards of assessment and classification performance established in accordance with section one. The commissioner may contract with educational institutions or appropriate professional associations to provide such training programs. He shall develop, prescribe, and require the use of all forms necessary for administration of the laws relating to the taxation of property. So far as practicable, the forms shall be uniform, but nothing herein shall be deemed to prevent the prescribing of substitute or additional forms where special circumstances require.

He shall annually, on or about January first, furnish to each board of assessors all the information relating to the assessment, classification, valuation and ownership of property taxable in their town that has come into possession of his department, particularly under chapter sixty-five and sixty-five C.

He shall cause a representative of his office to visit every city or town to give to the assessors such assistance as may be authorized or required by law.

SECTION 5. Said chapter 58 is hereby further amended by striking out section 4, as amended by section 4 of said chapter 580, and inserting in place thereof the following four sections:-

Section 4. Whenever it appears to the commissioner that the property, or any part thereof, in any town is not valued for taxation according to the first paragraph of section thirty-eight of chapter fifty-nine, and that such failure to comply with the law is the result of failure of the city or town to meet the minimum standards prescribed by the commissioner under the provisions of section one, including but not limited to minimum standards for keeping records of valuation, classification and ownership, production and maintenance of tax maps, and use of the opinions guides, manuals or other information furnished the assessors under the provisions of sections one A and three by the commissioner, or is due to failure on the part of its assessors, or any of them, to properly examine the records of the registry of deeds and probate court, he shall forthwith direct said assessors to meet the minimum standards required, to make use of the opinions, guides, manuals or other information furnished by him, and to make such examinations of the records of the registry of deeds and probate court as he deems necessary to correct the failure of the town to value any or all of the property for taxation according to law. On failure by the assessors, or any of them, to comply with such directions of the commissioner, for any reason, he shall forthwith notify the mayor or the selectmen, in writing, of said failure and of any requirements which he deems necessary to expedient to insure proper performance, valuation and classification of property for taxation according to law. Such notice shall contain a statement that failure of the



town to comply with such requirements will result in court action.

At the request of local assessors, he shall, subject to appropriation, contract on behalf of the city or town for engineering, professional or technical services for the installation of such record keeping system, the production and installation of tax maps, the appraisal or reappraisal of property, or such other action as has required for the town to meet the minimum standards prescribed.

Section 4A. If such city or town fails, within a reasonable time, to comply with the notice and requirements of the commissioner and continues to fail to meet the minimum standards provided in section one and to value property for taxation in violation of section thirty-eight of chapter fifty-nine, (a) the commissioner may, subject to appropriation, contract on behalf of the city or town to provide engineering, professional or technical services for the installation of such record keeping systems, the production and installation of tax maps, the appraisal or reappraisal of property, or such other action as he has required for the town to meet the minimum standards prescribed, or (b) a single justice of the supreme judicial court may, on the petition of the commissioner, order the mayor or selectmen to comply with the requirements of the commissioner or order its assessors to value property for taxation at its fair cash valuation and to classify real property according to use and to meet the minimum standards necessary to accomplish this within a definite period of time to be determined by the court. The commissioner shall file with his petition copies of his directions to the assessors and of his notice to the mayor or selectmen under the provisions of section four, together with such other evidence in his possession which he has collected in accordance with sections one A and six as will be helpful to the court in determining whether or not such an order should be issued.

Section 4B. A city or town whose mayor or selectmen and assessors have been ordered by the court under section four A to comply with the requirements of the commissioner may request said commissioner to provide engineering, professional or technical services for the installation of such record keeping systems, the production and installation of tax maps, the appraisal or reappraisal of property, the classification of property, or such other action as may be necessary for such city or town to comply with such court order.

Section 4C. Whenever the commissioner provides any service under the provisions of section four, four A or four B, the costs of such services shall be incurred by the commonwealth; and payment therefore shall be deducted by the state treasurer under the provisions of section twenty A of chapter fifty-eight from any amount distributable or payable by the commonwealth to such city or town.

Whenever, in the opinion of the commissioner, it is necessary for an assessor to attend any training program under the provisions of section three, the registration fees, costs of study material and necessary travel expense will be paid by the city, town or district or such assessor.

SECTION 6. Said chapter 58 is hereby further amended by striking out section 6, as amended by section 5 of chapter 580 of the acts of 1978, and inserting in place thereof the following section:-

Section 6. The commissioner may collect and tabulate information as to the classification, sales price and fair cash value of real estate in the several towns. For this purpose he may require assessors to furnish him with any information in their possession, may consult persons likely to have knowledge as to the classification, sales price and fair cash value of separate parcels of real estate, and may examine probate and other relevant records.

SECTION 7. Sections seven A to seven E, inclusive, of said chapter 58 is hereby repealed.

SECTION 8. Said chapter 58 is hereby further amended by striking out section 10, as most recently amended by section 7 of chapter five hundred and eighty of the acts of nineteen hundred and seventy-eight, and inserting in place thereof the following section:-

Section 10. In determining the equalized valuations required by section nine, the commissioner shall make and issue such comprehensive assessment ratio studies of the average level of assessment, the degrees of assessment, uniformity, and over-all compliance with assessment and classification requirements for each major class of property in each city and town of the commonwealth as he shall deem appropriate to indicate the degree of compliance with the law and rules and regulations for the assessment and classification of property in each city and town.

For the purposes of this section, the commissioner shall collect and tabulate information relative to all sales of real estate and shall also cause appraisals to be made of properties of various classes in each city and town sufficient in number and so selected, by random sampling or otherwise, as to (a) confirm the assessment ratio derived from selling prices, (b) assist in determining assessment ratio wherever the number of sales is insufficient to represent all properties of any specific class in a city or town, (c) provide a substitute for selling prices of properties of a unique character or which are sold at infrequent intervals, and (d) establish an assessment ratio for personal property assessed in each city or town.

The commissioner may require from state, city and town officers and from individual property owners such returns and statements relative to the amount and value of taxable property and the income derived therefrom in the several cities and towns as he deems necessary. If a city or town fails to submit such information in its possession or which it can reasonably be expected to obtain 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 to submit testimony to the commissioner as provided under section ten A and the decision of the commissioner with respect to such city or town shall

be final.

SECTION 9. Section 17B of said chapter 58, as most recently amended by section 8 of said chapter five hundred and eighty, 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 commissioner 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 valuation for a period of five years prior to the acquisition of said land; provided, however, that whenever a town wherein 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 commissioner may use such revaluation for determining the taxes for which payment shall be made.

SECTION 9A. The first sentence of section 6 of chapter 58A of the General Laws is hereby amended by striking out the words "; chapter fifty-nine A", inserted by section 10 of chapter 580 of the acts of 1978.

SECTION 10. Said chapter 58A is hereby further amended by adding the following section:-

Section 14. In cases where the appellate tax board finds that a taxpayer is being assessed disproportionately with respect to other properties within the same city or town, the board shall compute the measure of damages in the following manner:

(1) by computing an equalized tax rate by dividing the total taxes as assessed for that city or town for the year for which the finding was made by the fair cash value of the city or town, which shall in no event be higher than the equalized value as finally reported to the general court by the state tax commission pursuant to section ten C of chapter fifty-eight for that city or town in the year next preceding the year for which the finding was made.

(2) by applying the rate as computed in accordance with subsection one to the fair cash value of the property and thereby determine the taxes which should have been paid.

(3) by subtracting the amount of taxes which should have been paid from those actually paid or assessed.

In such cases within a city or town that has been certified for classification by the commissioner under the provision of section fifty-six of chapter forty and has implemented such classification system the measure of damages shall be computed on the basis of the tax rate of the class in which the property has been assessed.

SECTION 11. Chapter 59 of the General Laws is hereby amended by inserting after section 2, the following two sections:-

Section 2A. (a) Real property for the purpose of taxation shall include all land within the commonwealth and all buildings and other things thereon or affixed thereto, unless otherwise exempted from taxation under other provisions of law. The assessors of each city and town shall determine the fair cash valuation of such real property for the purpose of taxation on the first day of January of each year.

Mortgages upon buildings or other things, which with the land upon which they are erected or to which they are affixed are taxable as real estate defined herein, shall be deemed mortgages of real estate for the purpose of taxation, and shall be taxed under sections eleven to fourteen, inclusive.

(b) The assessors shall determine the fair cash valuation of such real property according to section thirty-eight; and if the city or town has been certified by the commissioner pursuant to clause (c) of this section shall classify such real property according to the following uses:-

"Class one, residential", property used or held for human habitation containing one or more dwelling units including rooming houses with facilities designed and used for living, sleeping, cooking and eating on a non-transient basis. Such property includes accessory land, buildings or improvements incidental to such habitation and used exclusively by the residents of the property or their guests. Such property shall not include a hotel, or motel. Such property may be exempt from taxation under other provisions of law.

"Class two, open-space", land which is not otherwise classified and which is not taxable under the provisions of chapter sixty-one or sixty-one A, or taxable under a permanent conservation restriction or lands otherwise taxed for recreational purposes under other provisions of law, and which land is not held for the production of income but is maintained in an open or natural condition and which contributes significantly to the benefit and enjoyment of the public.

"Class three, commercial", property used or held for use for business purposes and not specifically includible in another class, including but not limited to any commercial, business, retail, trade, service, recreational, agricultural, artistic, sporting, fraternal, governmental, educational, medical or religious enterprise, for non-profit purposes. Such property may be expressly exempt from taxation under other provisions of this chapter.

"Class four, industrial", property used or held for use for manufacturing, milling, converting, producing, processing or fabricating materials; the extraction or processing of materials unserviceable in their natural state to create commercial products or materials; the mechanical, chemical or electronic transformation of property into new products and any use that is incidental to or an integral part of such use, whether for profit or non-profit purposes; and property used or held for uses for the storage, transmitting and generating of utilities regulated by the department of public utilities. Such property may be exempt from taxation under other provisions of law.

Where real property is used or held for use for more than one purpose and such uses result in different classifications, the assessors shall allocate to each classification the percentage of the fair cash valuation of the property devoted to each use according to the guidelines promulgated by the commissioner.

Real property which is exempt from taxation under section five shall be classified according to said guidelines.

(c) Classification of real property shall not be implemented in any city or town until the commissioner has certified in writing to the assessors of such city or town assessing property at full

and fair cash valuation as required by section thirty-eight and that a majority of its assessors are qualified to classify its property.

**Section 2B.** Except as otherwise provided in section three E, 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, assessed 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 or 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 fifteen, unless there is a different agreement, no tax assessed under this section shall be retained out of rent or recovered under section fifteen.

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, Massachusetts Turnpike, transit authority or park, 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 amounts 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 a manufacturing corporation so classified under chapter fifty-eight.

**SECTION 12.** Said chapter 59 is hereby further amended by

inserting after section 5B, the following four sections:-

Section 5C. With respect to each parcel of real property classified as Class one, residential, in each city or town certified by the commissioner to be assessing all property at its full and fair cash valuation, and at the option of the board of selectmen or mayor, with the approval of the city council, as the case may be, there shall be an exemption equal to not more than ten per cent of the average assessed value of all Class one, residential, parcels within such city or town. This exemption shall be in addition to any exemptions allowable under section five; provided, however, that in no instance shall the taxable valuation of such property after all applicable exemptions be reduced below ten per cent of its full and fair cash valuation, except through the applicability of clause eighteen of section five. Where, under the provisions of section five, the exemption is based upon an amount of tax rather than on valuation, the reduction of taxable valuation for purposes of the preceding sentence shall be computed by dividing the said amount of tax by the residential class tax rate of the city or town and multiplying the result by one thousand dollars. For purposes of this paragraph, "parcel" shall mean a unit of real property as defined by the assessors in accordance with the deed for such property and shall include a condominium unit.

Section 5D. 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 a 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 in which such property is located an amount equal to that which such city or town would receive in 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 commissioner of revenue as of January first, between January first and June first, in the year succeeding such revaluation 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 six 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 for 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 valuation in any year shall be taken to be that proportional part of the valuation of the whole tract which the value of the land so acquired, exclusive of buildings, bore in such year to the value of the whole tract.

Section 5E. 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 valuation of such land under section five D 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 upon the approval said board shall determine the valuation in the manner provided in the preceding section, and section sixty-five, 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 shall have been used for any public purpose, and for that reason 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 such taking agree as to the value 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, and said notice shall be deemed to be the notice referred to in said section sixty-five. This section and section five D 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 5F. 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 is located 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 for the next following fiscal year except as hereinafter otherwise provided: such holding municipality or district shall, on July first of such year, pay to the municipality in which such land is located the amount which would be assessable for the next following fiscal 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 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 fair cash value of the land and all buildings and other things erected thereon or affixed thereto on such assessment date shall for the purposes of this section be deemed to be the assessed valuation thereof on such date. 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 succeeding such general revaluation and in every fifth year thereafter. The holding municipality or district, if aggrieved by the determination of the commissioner, may within six 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 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 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 13. Said chapter 59 is hereby further amended by inserting after section 12, the following six sections:-

Section 12A. 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 inclusive as to the extent of such interest; but his interest in such real estate shall not be assessed at a greater sum than the fair cash 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 seventy-nine to eighty-one, 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 has not been assessed to him.

Section 12B. 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 12C. 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 12D. 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 12E. 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 12F. 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 assessor 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 14. Said chapter 59 is hereby further amended by striking out section 23A, as most recently amended by section 21 of chapter 766 of the acts of 1971, and inserting in place thereof

the following section:-

Section 23A. The assessors, as soon as the tax rates are fixed for a fiscal year, shall notify the auditor or similar officer in cities and towns, the town accountant, if any, otherwise the town treasurer, of the amount to be raised for state, county, and city or town purposes, and for overlay, specifying the amounts, as determined by percentages provided to them by section fifty-six of chapter forty, if applicable, to be levied on each class of real and personal property, and to accrue from estimated receipts.

SECTION 15. Said chapter 59 is hereby further amended by striking out section 38, as most recently amended by chapter five hundred and seventy-six of the acts of nineteen hundred and seventy-eight, and inserting in place thereof the following section:-

Section 38. The assessors of each city and town shall at the time appointed therefor make a fair cash valuation of all the estate, real and personal, subject to taxation therein, and such determination shall be the assessed valuation of such estate. In cities, the assessors may, in any year, divide the city into convenient assessment districts.

The assessed valuation of real property subject to taxation under this chapter shall be classified as follows:-

Class one, residential;

Class two, open;

Class three, commercial, and

Class four, industrial.

The resulting amount shall be the taxable valuation of each class of property to which the assessors shall apply the tax rates applicable to each class as determined under section twenty-three A of chapter fifty-nine of the city or town, to determine the tax due and payable on such property.

SECTION 16. Said chapter 59 is hereby further amended by inserting after section 38C, the following two sections:-

Section 38D. 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 such owner or lessee 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 38E. A board of assessors may require testimony under oath of a taxpayer relative to his written return filed under section thirty-eight D and may also require testimony under oath of any applicant for abatement under section fifty-

nine.

SECTION 17. Said chapter 59 is hereby amended by striking out section 44, as most recently amended by section 31 of chapter 580 of the acts of 1978, and inserting in place thereof the following section:-

Section 44. The list shall exhibit the valuation, classification and assessment of the estates of the inhabitants assessed; and the valuation, classification and assessment of the estates of nonresident owners, and shall contain the names of the nonresident owners of the property assessed, or such description of them as can be given, their places of abode, if known, the description of their estate, and the tax thereon.

SECTION 18. Said chapter 59 is hereby further amended by inserting after 78, the following section:-

Section 78A. 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 said 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. Assessors shall send notice of the request for such apportionment and of the time appointed thereof, by mail, to every person interested in said real property whose address is known to them.

SECTION 19. Section 3A of chapter 60 of the General Laws, as most recently amended by section 39 of chapter 580 of the acts of 1978, is hereby further amended by striking out the third, fourth and fifth sentences and inserting in place thereof the following two sentences:- Every bill or notice for real or personal property tax shall have printed thereon in a conspicuous place the school tax rate, the general tax rate and the total tax rate for each class within 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 assessed fair cash valuation of the land, the aggregate assessed valuation of the buildings and other things erected thereon or affixed thereto, the total assessed fair cash valuation, the classification of the property, total taxable valuation of the

property, the residential exemption, if applicable, and the tax due and payable on such property; provided, however, that if there are three or more buildings or structures on any such parcel, a bill or notice for a tax on such parcel shall also state, or be accompanied by a paper stating, the assessed valuation of each building or structure on such parcel.

SECTION 20. Section 2 of chapter 61 of the General Laws, as most recently amended by section 89 of chapter 514 of the acts of 1978, is hereby further amended by striking out the fourth paragraph and inserting in place thereof the following paragraph:-

The owner shall pay annually a land tax on the bare land, based upon a valuation of not more than ten dollars per acre, at the rate determined to be applicable to class three, commercial property under chapter fifty-nine.

SECTION 21. Section 4 of chapter 61A of the General Laws is hereby amended by adding the following paragraph:-

The rate of tax applicable to such agricultural or horticultural or recreational land shall be the rate determined to be applicable to class three, commercial property under chapter fifty-nine.

SECTION 22. Notwithstanding any provisions of section one of chapter fifty-eight of the General Laws, as inserted amended by section 3 of this act, any person who on the effective date of this act shall have been elected or appointed an assessor in any city or town and who is continuing to perform such duties on the date the commission establishes the minimum standards for qualifications of assessing personnel required by said section one shall have three years from such date to acquire the necessary qualifications.

SECTION 23. Sections thirty-eight, forty-one and forty-two of chapter five hundred and eighty of the acts of nineteen hundred and seventy-eight are hereby repealed.

SECTION 24. The provisions of section ten of this act shall apply to all cases before the Appellate Tax Board upon the effective date of this act and all other cases filed thereafter relative to assessments for the fiscal years ending on or before June thirtieth, nineteen hundred and eighty-three.

SECTION 25. Section ten of this act shall take effect on the effective date of this act and the remaining sections of this act shall take effect on January first, nineteen hundred and eighty and apply to the assessment and classification of all property for the fiscal years commencing on or after July first, nineteen hundred and eighty.

Approved November 16, 1979.

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Chap. 798. 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, and for the purchase of certain property, the sums set forth in sections two to seven A, inclusive, of this act, for the several purposes and subject to the conditions in said sections two to seven A, inclusive, are hereby made available, subject to the provisions of law regulating the disbursement of public funds and the approval thereof.

SECTION 2.

MILITARY.

Item

Taunton Armory.

0431-8802	For the construction of a state armory in the city of Taunton; to be in addition to any federal funds available for this purpose; provided, that, notwithstanding the provision of any law to the contrary, the existing armory shall be conveyed to the city of Taunton to be used for municipal purposes upon completion and acceptance of the new armory authorized by this item.....	\$350,000
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SECRETARY OF THE COMMONWEALTH.

0511-8801	For the construction of a state archives and records center building at Columbia Point in the city of Boston, including the cost of furnishings and equipment; to be in addition to the amount appropriated in item 0511-8771 of section two of chapter four hundred and eighty-one of the acts of nineteen hundred and seventy-six.....	\$11,958,000
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EXECUTIVE OFFICE OF ADMINISTRATION AND FINANCE.

Central Services Division.

Bureau of Building Construction.

1102-8801	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.....	\$2,000,000
1102-8802) 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; to be in addition to the amount appropriated in item 1102-8793 of section three of chapter five hundred and thirteen of the acts of nineteen hundred and seventy-eight.....	\$1,000,000
1102-8803) 1102-8796)	For planning and renovations and improvements to the treatment and disposal of waste water at the various institutions of the commonwealth, including the acquisition of such additional land and easements therein as may be necessary for the installation of said systems 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	

Item

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 1102-8796 of section three of chapter five hundred and thirteen of the acts of nineteen hundred and seventy-eight

\$470,000

1102-8804) For the planning and demolition of certain structures including relocation and protection of utilities  
1102-8794) at various facilities 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 1102-8794 of section three of chapter five hundred and thirteen of the acts of nineteen hundred and seventy-eight.....

\$1,000,000

1102-8805) For project feasibility studies, 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 1102-8795 of section three of chapter five hundred and thirteen of the acts of nineteen hundred and seventy-eight.....

\$400,000

1102-8806 For unexpected contingencies in the cost of projects authorized in this section, other than the acquisition of land, to be allocated by the commissioner of administration with the approval of the governor; provided, that the allocation to any project shall not exceed a percentage of the total amount appropriated for the project in this or any other act, said percentage to be not more than five per cent plus the percentage increase in the cost of building construction as determined for the period involved by the commissioner of administration from available building cost indexes; and provided further, that copies of said allocations shall be filed immediately with the house and senate committees on ways and means, and that any limitations of the total project cost of an item may be increased by an amount not exceeding said allocation to the project as previously determined, for the period involved by the commissioner of administration.....

\$4,817,000

Bureau of State Buildings.

1102-8807) For certain renovations and improvements to the state house, including remodeling of vacated spaces and including the cost of furnishings and equipment;  
1100-8757) to be in addition to the amount appropriated in item 1100-8757 of section two of chapter five hundred and nineteen of the acts of nineteen hundred and seventy-four.....

\$375,000

1102-8808) For the automation and modernization of two elevator banks in the west wing and adjacent to the executive office in the state house, to be in addition to the amount appropriated in item 1100-8757 of section two of chapter five hundred and nineteen of the acts of nineteen hundred and seventy-four

\$175,000



Item		
	the estimates approved by the board and the commission and are for work contracted prior to July first, nineteen hundred and eighty.....	\$2,000,000
	EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS.	
	<u>Division of Conservation Services.</u>	
2030-8801	For assistance to certain cities and towns for the acquisition of lands as provided in chapter nine hundred and thirty-three of the acts of nineteen hundred and seventy-seven, to be in addition to funds previously appropriated for this purpose according to a schedule to be approved by the commissioner of administration, provided, that said schedule shall have the prior verification of the house and senate committees on ways and means.....	\$5,000,000
	<u>Department of Environmental Management.</u>	
2120-9801	For acquisition and development and associated costs in connection with the establishment of Urban Heritage State Parks in the cities of North Adams, Gardner, Holyoke, Lawrence, Lynn, Springfield and in the Dorchester and Allston-Brighton districts of the city of Boston, including the costs of furnishings and equipment, and including equipment of historical significance; provided, that this item shall not be subject to the provisions of section forty of chapter seven of the General Laws; and provided, further, that any federal funds available for the purposes of this item may be expended without further appropriation.....	\$23,500,000
	<u>Department of Environmental Quality Engineering.</u>	
2240-8801	For cleaning up hazardous waste dumped in landfills and other areas and for purposes leading to the recovery of damages from individuals and enterprises that illegally and improperly dispose of such waste, according to a schedule to be approved by the commissioner of administration, provided, that said schedule shall have the prior verification of the house and senate committees on ways and means.....	\$5,000,000
	<u>Division of Waterways.</u>	
2270-8801	For a feasibility study to evaluate alternative schematic proposals of rehabilitation of Hayden Pond Dam in the town of Otis.....	\$20,000
2270-8802	For the preparation of design plans for a waterfront park of the Acushnet River in the ward II area in the city of New Bedford.....	\$18,500
2270-8803	For rehabilitation and improvements to existing facilities to Pemberton and Nantasket piers.....	\$600,000
2270-8804	For the construction of a retaining wall behind Arlington Boys Club and the Arlington Lodge of Elks on the shores of Spy Pond in the town of Arlington for the purposes of correcting the riparian decrement in accordance with the provisions of chapter ninety-one of the General Laws .....	\$30,000
2270-8805	For the construction of a retaining wall to abut the Iron Hill Street dam in the town of Weymouth....	\$40,000
	<u>Department of Fisheries and Wildlife.</u>	
2310-8801	For the demolition of certain buildings and for certain	



## Item

	repairs on other buildings on the grounds of the Gardner State Hospital.....	\$250,000
	EXECUTIVE OFFICE OF HUMAN SERVICES.	
	<u>Soldiers' Home in Massachusetts.</u>	
4180-8801	For the updating and modernization of elevators for performance and safety.....	\$120,000
4180-8802)	For furnishing and installing emergency diesel generator set, appurtenances and related work; to be in addition to the amount appropriated in item 4180-8754 of section two of chapter five hundred and nineteen of the acts of nineteen hundred and seventy-four.....	\$75,000
	<u>Soldiers' Home in Holyoke.</u>	
4190-8801	For plans and for construction, renovation and mechanical repairs to comply with the life safety code.....	\$60,000
	<u>Department of Youth Services.</u>	
4202-8801	For the acquisition and renovation of an existing structure for the purpose of relocating the twenty-two bed Taunton Secure Detention Program, presently located on the premises of the Taunton State hospital, which is suitable to the department of youth services, and subject to the approval of the secretary of human services and the commissioner of administration and finance; and providing further for an additional expenditure to study, determine, and plan the extent and need of the department of youth services for the development of secure treatment facilities in the future.....	\$1,530,000
4231-8801)	For the construction of a new forestry camp including dormitories, infirmary, kitchen-dining facilities and administrative offices, including the costs of furnishings and equipment; to be in addition to the amount appropriated in item 4231-8791 of section three of chapter five hundred and thirteen of the acts of nineteen hundred and seventy-eight.....	\$31,000
4231-8791)		
	DEPARTMENT OF CORRECTION.	
	<u>Massachusetts Correctional Institution at Bridgewater.</u>	
4312-8801)	For the construction of a central kitchen and warehouse including utilities distribution and including the cost of furnishings and equipment; to be in addition to 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; provided, that no monies shall be expended for construction of, relocation of, renovation of, or repairs to any building designed to be utilized as a community residence for sexually dangerous persons or persons under the control of the Treatment Center.....	\$9,785,000
4312-8751)		
	<u>Southeastern Correctional Center.</u>	
4312-8802	For improvements and additions to the perimeter security at Southeastern Correctional Center and for the removal, relocation, alteration and installation of fencing, barbed wire, grills; and for communications equipment to be used during	

Item		
	search operations.....	\$125,000
	<u>Massachusetts Correctional Institution at Walpole.</u>	
4313-8801	For a general capital improvement fund for MCI Walpole, provided, that the secretary of human services with the approval of the commissioner of administration and the house and senate ways and means committee shall designate the proportion of said sum to be expended.....	\$575,000
	<u>Massachusetts Correctional Institution at Concord.</u>	
4314-8801	Item 4314-8751 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 12 and 13, the words:- ", and for the design and preparation of working plans for a maximum security facility".	
	<u>Massachusetts Correctional Institution at Framingham.</u>	
4315-8801	For renovations, alterations and improvements to certain buildings, including window and screen replacement, electrical, heating plumbing, fire protection improvements, and roof repairs, including the cost of furnishings and equipment .....	\$475,000
4315-8802)	Section three of chapter five hundred and thirteen	
4315-8791)	of the acts of nineteen hundred and seventy-eight is hereby amended by striking out the wording in item 4315-8791 and inserting in place thereof the following words:-	
4315-8791	For the installation of a new locking system for the cottages and main complex, including a new gang release of all room doors and exit doors, and improvements to security at control stations.	
	<u>Massachusetts Correctional Institution at Norfolk.</u>	
4316-8801	For a general capital improvement fund for MCI Norfolk, provided 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 .....	\$1,145,000
	<u>Boston State Hospital Pre-Release Center.</u>	
4342-8801	For renovations, alterations and improvements to the pre-release center, including electrical, plumbing and heating renovations; and construction of a kitchen and dining area, including the cost of furnishings and equipment.....	\$99,000
	<u>Massachusetts Correctional Institution at Lancaster Pre-Release Center.</u>	
4343-8801	For the renewal of roofing and the restoration of exterior walls, including new flashings, gutters, downspouts and related work, and painting of all wood trim on Campbell and Putnam cottages .....	\$150,000
	<u>Northern Worcester Correctional Center.</u>	
4348-8801)	Item 4348-9781 of section three of chapter nine hun-	
4348-8781)	dred and twenty of the acts of nineteen hundred and seventy-seven is hereby amended by inserting after the word "buildings" in line 3, the words:- and for design, planning, and construction of Phase II.....	\$4,000,000

## Item

East Cambridge Reception Classification Unit.

- 4346-8801 For renovations, alterations, fire detection and suppression systems, and security improvements, including the cost of furnishings and equipment to the Middlesex county courthouse to prepare the facility for use as a central classification unit; provided, however, that notwithstanding any general or special law to the contrary, upon the request of the department, the commissioners of Middlesex county are hereby authorized and directed to enter into an agreement, subject to the approval of the secretary of human services, the commissioner of administration, the governor, and the house and senate committees on ways and means, by which the county will lease to the department the seventeenth, eighteenth to twentieth floors, inclusive, of the Middlesex county courthouse, including utilities, building services, and provision for access to the leased areas for a renewable term of five years at the option of the lessor; provided, further, that in consideration for the lease, the department shall install fire sprinklers throughout the courthouse, and make security improvements and install furnishings and equipment in the leased area, which improvements, furnishings and equipment shall become the property of Middlesex county upon termination of the occupancy; provided, further, that the lease shall provide for the department to pay to the county commissioners an annual rent of no more than two hundred and forty thousand dollars, the rental period to begin when the premises are certified to be occupied as a reception classification unit which rent shall be credited against the cost incurred by the department for the improvements, furnishings and equipment and shall be paid to the extent that the amount of rent due exceeds those costs. Subject to appropriation, the department shall have an option to renew the lease, subject to the approval of the secretary of human services, the commissioner of administration, the governor and the house and senate committees on ways and means for a further term to be negotiated at an annual rent of no more than two hundred and forty thousand dollars; provided, that in order to exercise the option, the department must so notify the county commissioners in writing on or before July first, nineteen hundred and eighty-four..... \$1,470,000
- 4348-8802 For the purchase of certain fire equipment to be operated and maintained by the city of Gardner for the protection of state property..... \$150,000

## DEPARTMENT OF PUBLIC HEALTH.

Institute of Laboratories.

- 4516-8801) For renovation of the biological laboratory and  
1102-9792) farm building including upgrading of the  
mechanical and electrical systems, improvements  
to the laboratory controlled environment systems,  
and including the cost of furnishings and  
equipment..... \$1,000,000

Lakeville Hospital.

- 4531-8801) For wall, roof and window repairs to the hospital

Item

4531-8781)	building, nurses' home and quadrangle building, to be in addition to the sum appropriated in item 4531-8781 of section three of chapter nine hundred and twenty of the acts of nineteen hundred and seventy-seven for the initial phase of this work.....	\$200,000
	<u>Le-muel Shattuck Hospital.</u>	
4532-8801	For updating of the mechanical systems and removal of architectural barriers in the hospital building; and for repairs to the interior and exterior surfaces of the nurses' home.....	\$450,000
	<u>Massachusetts Hospital School.</u>	
4533-8801)	For the construction of a gymnasium and swimming	
4533-8792)	pool for the physically handicapped, including utilities and the cost of furnishings and equipment, to be in addition to the amount appropriated in item 4533-8792 of section three of chapter five hundred and thirteen of the acts of nineteen hundred and seventy-eight.....	\$750,000
	<u>Tewksbury Hospital.</u>	
4536-8801	For the replacement, cleaning, painting and repair of a water storage tank, including necessary renovations and improvements to the existing water supply and distribution system to provide an alternative water supply.....	\$450,000
4536-8802	For replacement of underground steam lines and condensate return lines, and for improvements to the hospital building heating system.....	\$300,000
	<u>Western Massachusetts Hospital.</u>	
4537-8801	For the construction and installation of low-pressure satellite heating units in the various buildings, including the costs of furnishings and equipment, to be in addition to the amount appropriated in item number 4537-8792 of section three of chapter five hundred and thirteen of the acts of nineteen hundred and seventy-eight.....	\$2,000,000
	DEPARTMENT OF MENTAL HEALTH.	
5011-8801	For the planning and upgrading of facilities for the mentally retarded including the cost of furnishings and equipment; provided, that the maximum per cent of such expenditures be eligible for federal reimbursement at the established rate of 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.....	\$31,200,000
5011-8802	For the preparation of plans, construction, acquisition of land or land and buildings thereon, renovations and upgrading of facilities, including the cost of furnishings and equipment for the mentally retarded consistent with the federal court consent decrees for the state institutions for the mentally retarded, provided, that the commissioner of mental health with the prior approval of the secretary of human services shall determine the expenditure of such sums.....	\$5,000,000

Item

5191-8801	For a general capital improvement fund for the state hospital at Northampton.....	\$300,000
5193-8801	For a general capital improvement fund for the state hospital at Worcester.....	\$600,000

Region III.

John T. Berry Rehabilitation Center.

5471-8801	For replacement of three existing oil fired boilers with two new boilers including air pollution modifications.....	\$100,000
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Charles Hogan Regional Center.

5481-8801	For renovations to existing buildings to correct life safety code deficiencies and to bring the buildings up to the standard required by Title XIX of the Social Security Act of 1967.....	\$1,000,000
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Region IV B.

Wrentham State School.

5581-8801	For life safety code improvements including new doors, renovations to corridors, renovations to toilets, renovations to program areas and other related improvements.....	\$650,000
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Cushing Hospital.

5593-8801	For preparation of plans, cost analysis regarding the upgrading of present physical structures and the addition of independent living facilities .....	\$100,000
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Boston State Hospital.

5462-8801	For the preparation of plans, construction, renovations and upgrading of facilities, including furnishings and equipment; to be in addition to the amount appropriated in item 8074-28 of chapter eleven hundred and eighty of the acts of nineteen hundred and seventy-nine.	
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Taunton State Hospital.

5700-8801	For the purchase of certain fire equipment to be operated and maintained by the city of Taunton for the protection of state property.....	\$150,000
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5700-8802) 5792-8781)	For certain renovations and improvements to the Goss and Chambers buildings to comply with life safety code requirements, to be in addition to the amount appropriated in item 5792-8781 of section three of chapter nine hundred and twenty of the acts of nineteen hundred and seventy-seven.....	\$150,000
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Mass. Aeronautics Commission.

6606-8801	For payments, reimbursements or both to the city of Worcester for planning, design and improvements of runways at the Worcester Municipal Airport pursuant to section thirty-nine F and fifty-one K of chapter ninety of the General Laws.....	\$219,000
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EXECUTIVE OFFICE OF EDUCATIONAL AFFAIRS.

Boston State College.

7108-8801	For the preparation of plans for the repairs and renovations of vacated space including mechanical improvements.....	\$400,000
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Bridgewater State College.

7109-8801)	Item 7109-8791 of section three of chapter five	
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Item

- 7109-8791) hundred and thirteen of the acts of nineteen hundred and seventy-eight is hereby amended by inserting after the words "Boyden Hall" in line two, the words:- and the cost of relocating existing operations temporarily to other facilities during construction.

Framingham State College.

- 7111-8801) For certain renovations to May Hall, including  
7111-8791) the cost of furnishings and equipment to be in addition to the amount appropriated in item 7111-8791 of section three of chapter five hundred and thirteen of the acts of nineteen hundred and seventy-eight. This includes the removal of and installation of partitions, the necessary revisions to the mechanical systems, and repairs to the exterior walls, windows and roofing..... \$1,700,000

Salem State College.

- 7114-8801 For the preparation of plans for renovations of existing and vacated spaces including revisions to mechanical systems and expansion of the parking facilities..... \$120,000
- 7114-8802) For repairs to the masonry and roofing in the  
7114-8782) Arts and Science Building including related work; to be in addition to the amount appropriated in item 7114-8782 of section three of chapter nine hundred and twenty of the acts of nineteen hundred and seventy-seven..... \$375,000

Westfield State College.

- 7115-8801 For the preparation of plans for the construction of an addition to the dining hall..... \$120,000

Worcester State College.

- 7116-8801 For the preparation of plans for the renovation of the administration building including removal of and installation of partitions, upgrading of the mechanical system, and exterior repairs..... \$100,000

Massachusetts Maritime Academy.

- 7118-8801 For the purchase of a radar simulator..... \$449,980
- 7118-9002 For certain repairs to the existing pier and roadway, the dredging of the ship's berth and maneuvering area, the construction of an additional pier and slip area, and the construction of a floating breakwater, to be in addition to the amounts appropriated in item 7118-9002 in section two of chapter one hundred and ninety-nine of the acts of nineteen hundred and seventy-six, item 7118-9002 in section two of chapter three hundred and sixty-three A of the acts of nineteen hundred and seventy-seven, item 7118-9002 in section two A of chapter four hundred and forty-two of the acts of nineteen hundred and seventy-eight, and item 7118-9002 in section two A of chapter three hundred and forty-two of the acts of nineteen hundred and seventy-nine..... \$160,000

University of Lowell.

- 7220-8801 For the acquisition of certain property including the land and buildings thereon, and for the

## Item

	renovations and improvements of the property, provided, that no payment shall be made for such acquisitions until at least one independent appraisal of the value of such property has been made by a qualified disinterested appraiser .....	\$750,000
7220-8802	For the construction of certain parking facilities to be in addition to the amount appropriated in item 7220-8791 of section two of chapter five hundred and thirteen of the acts of nineteen hundred and seventy-eight.....	\$250,000
7220-8803	For plans for the demolition of the existing power plant, installation of temporary boilers and construction of a new power plant.....	\$200,000
7220-8804) 8067-20)	Item 8067-20 of section two of chapter five hundred and ninety of the acts of nineteen hundred and sixty-six is hereby amended by inserting after the word "equipment", in line three, the words:- including planning for additional renovations to the Pasteur and Southwick buildings. <u>Southeastern Massachusetts University.</u>	
7310-8801	For design and reconstruction of the research laboratory building and for replacement of laboratory equipment..... <u>University of Massachusetts - Amherst.</u>	\$778,100
7410-8801	For an ongoing program of repairs and renovations to various buildings including, but not limited to, roofing, elevators, mechanical and electrical systems, and for improvements to roads and walks; to be in addition to the amount appropriated in item 7410-8792 of section two of chapter five hundred and thirteen of the acts of nineteen hundred and seventy-eight.....	\$2,000,000
7410-8802	Item 8072-59 (7490-0118) of section two of chapter nine hundred and seventy-six of the acts of nineteen hundred and seventy-one is hereby amended by inserting after the word "equipment", in line two, the words:- including modifications to correct acoustical and ventilation problems,.	
7410-8803	For the construction of campus safety improvements for pedestrian and vehicular flow including proposed new assignments or modifications to the site, roadways, walkways, drainage, lighting, fencing, traffic controls, landscaping, demolition and accommodations for the physically handicapped..... <u>University of Massachusetts Medical Center.</u>	\$1,000,000
7411-8801	For the purchase of furnishings and equipment for the teaching hospital which is needed for the expansion of direct patient services and the commencement of new services.....	\$1,000,000
7411-8802	For the purchase of furnishings and equipment for certain basic-clinical laboratories, including audio-visual equipment.....	\$400,000
7411-8803	To compensate the St. George Syrian Antiochian Orthodox church of Worcester for land used in the construction of the University of Massachusetts Medical Center.....	\$103,000

Item

University of Massachusetts - Boston.

7416-8801 For improvements to certain building exteriors including certain walls, screening or masonry work and for site improvements including paving, grading, landscaping and planting ..... \$900,000

Cape Cod Community College.

7504-8801 For interior and exterior renovations, modifications and repairs to buildings, including the cost of furnishings and equipment; to be in addition to the amounts appropriated in item 7504-8792 in section three of chapter five hundred and thirteen of the acts of nineteen hundred and seventy-nine. Item 7504-8792 of section two of chapter three hundred and forty-two of the acts of nineteen hundred and seventy-nine is hereby amended by inserting after the word "equipment" the following:- appropriation expires June thirtieth, nineteen hundred and eighty..... \$167,000

Greenfield Community College.

7505-8801 For the conversion of open space areas into two large flexible classrooms..... \$60,000

7505-8802 For the acquisition of certain land and buildings contiguous to the existing campus to serve as the site of the multi-purpose student union-community services building and related programs, said building to be used for the performing arts, early childhood education and recreational programs of the college; provided that no payment shall be made for such acquisition until at least three independent appraisals of the value of said property have been made by qualified disinterested appraisers, and provided, further, that the cost of such appraisal or appraisals may be charged to this item..... \$80,000

Northern Essex Community College.

7510-8801 For the preparation of plans for a fine arts, auditorium and administration building complex..... \$200,000

North Shore Community College.

7511-8801) For the acquisition of land, or land with buildings thereon, and for the construction of new, or renovation and demolition of acquired buildings, to create the Lynn Educational Center, to be in addition to the amount appropriated in item 7511-8751 of section two of chapter four hundred and forty-two of the acts of nineteen hundred and seventy-eight..... \$18,000,000

7511-8802 For the preparation of plans for the proposed site in Beverly of the North Shore Community College, including architectural and engineering fees, land acquisition and site preparation..... \$3,250,000

Quinsigamond Community College.

7512-8801 Item 7512-8751 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 certain necessary repairs, including roadways, roofing, parking areas, drainage work,.



## Item

Springfield Technical Community College.

- 7514-8801) For the construction of the biological science  
 7514-8752) building, including the cost of furnishings  
 and equipment; provided, that the total pro-  
 ject cost shall not exceed fourteen million  
 five hundred thousand dollars.

## EXECUTIVE OFFICE OF PUBLIC SAFETY.

Massachusetts Criminal Justice Training Council.

- 8200-8801 For the renovations to the Feeding Hills training  
 school for use as the western Massachusetts law  
 enforcement academy..... \$600,000

Registry of Motor Vehicles.

- 8400-8801 For the acquisition of land, or land with buildings  
 thereon, located at the intersection of Main,  
 Madison, Myrtle and Southbridge streets in  
 the city of Worcester, by purchase, or eminent  
 domain under chapter seventy-nine of the  
 General Laws; and including preparation of  
 plans for the rehabilitation or construction,  
 including demolition, of a registry building,  
 provided, that no payment shall be made for  
 such acquisition until at least one indepen-  
 dent 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 shall  
 be charged to this item; and provided, fur-  
 ther, that the unexpended balances remain-  
 ing in item 8400-8751 of section three of  
 chapter five hundred and nineteen of the  
 acts of nineteen hundred and seventy-four,  
 item 8400-8771 of section three of chapter  
 four hundred and eighty-one of the acts  
 of nineteen hundred and seventy-six, and  
 item 8400-8781 of section four of chapter  
 nine hundred and twenty of the acts of  
 nineteen hundred and seventy-seven are  
 hereby transferred and made available for  
 this purpose.

## EXECUTIVE OFFICE OF ECONOMIC AFFAIRS.

Department of Manpower Development  
Regional Skills Training Centers.

- 9000-8801 For a program of construction, reconstruction, al-  
 teration and improvement, including demolition  
 if required, of various facilities and properties  
 to be selected by the secretary of economic  
 affairs, for the purpose of establishing four  
 regional skills training centers, in the com-  
 munities of Fall River, Worcester, and Marlboro,  
 and in the Merrimac Valley, including the cost  
 of furnishings and equipment; provided, that  
 federal funds allocated by the Economic Devel-  
 opment Administration of the United States  
 Department of Commerce, and discretionary  
 funds made available to the governor by the  
 United States Department of Labor for the  
 total cost of this project when received  
 on account of this item shall be credited  
 to the Federal Capital Improvement Fund;  
 appropriation expires June thirtieth, nine-  
 teen hundred and eighty-two..... \$8,000,000
- Federal Capital Improvement Fund 100.0%

Item

SECTION 3.

EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS.

Department of Environmental Management.

- 2120-8801 To provide for a program of acquisition of certain land parcels; provided, that the department of environmental management submit a plan for public access to said parcels of land to the house and senate committees on ways and means for approval prior to said acquisition..... \$2,000,000
- 2120-8802) For the rehabilitation and improvement of existing recreational facilities and improvements of existing recreational facilities and further development to meet increased demand and regulations..... \$1,000,000

Massasoit State Park.

- 2120-8803 For the design and development of a day use area, including swimming and picnicking at Lake Rico, provided that this item shall not be subject to the provisions of section forty of chapter seven of the General Laws ..... \$1,000,000
- 2120-8804 For the acquisition of approximately five hundred and seven acres of intensively managed tree farm property, including one hundred and sixty acres of water on the Nashua River for future development as a passive recreation area..... \$300,000
- 2120-8805 For the construction of additional recreational support facilities, including replacement of a sewage system and construction of a storage shed, provided, that this item shall not be subject to the provisions of section forty of chapter seven of the General Laws..... \$500,000
- 2120-8806) For the acquisition of land in the Halibut point area of the town of Rockport, to be in addition to the amount appropriated in item 2120-8795 of section four of chapter five hundred and thirteen of the acts of nineteen hundred and seventy-eight..... \$200,000
- 2120-8807 For the acquisition of land throughout the commonwealth for the purposes of section three of chapter one hundred thirty-two A of the General Laws, including the acquisition of a certain abandoned railroad right-of-way in the town of Spencer, abutting Howe Park and the Spencer state forest, provided that said acquisitions are based upon schedules approved by the house and senate committees on ways and means, a copy of which shall be forwarded to the commissioner of administration..... \$500,000

Department of Agriculture.

- 2511-8801 For a program of payments for farmland preservation pursuant to chapter seven hundred and eighty of the acts of nineteen hundred and seventy-seven..... \$5,000,000

SECTION 4.

EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS.

Department of the Metropolitan District Commission.  
Metropolitan Water System.

- 2420-8801) For the installation of new meters and equipment  
2420-8791) for remote monitoring and rehabilitation of the

Item		
	existing system.....	\$1,250,000
2420-8802	For replacement of certain water mains in the cities of Somerville, Medford, Chelsea and Everett and the town of Brookline.....	\$2,000,000
2420-8803) 2420-8793)	For the construction of certain pipe line improvements to various water mains including new pumps and altitude valves.....	\$2,750,000
2420-8804	For the construction of a gravity sewer and appurtenant facilities.....	\$6,500,000
2420-8805	For the payment of damages incurred by certain claimants in the town of Brookline and the city of Somerville whose names are on file at the metropolitan district commission.....	\$265,000

SECTION 5.

EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS.

Department of the Metropolitan District Commission.  
Metropolitan Sewerage District.

2430-8801	For the construction of a headwall and pumping station in the Linden section of the city of Malden and the North Revere section of the city of Revere.....	\$6,000,000
2430-8802	For further carrying out the drainage and flood control works authorized by chapter four hundred and twenty-four of the acts of nineteen hundred and seventy-six and previous authorization.....	\$1,000,000
2430-8803	For a study and the development of plans and specifications for flood and erosion control improvements at a watercourse in the city of Revere at Lee Burbank Highway in the vicinity of Revere Beach Parkway.....	\$50,000
2430-8804	For improvements to the Assabet River, including dredging of the river, construction of a dike, containment of sludge and improvements to the leaching fields.....	\$200,000

SECTION 6.

EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS.

Department of the Metropolitan District Commission.

2440-8801	For certain repairs and improvements to existing parks and recreational facilities including repairs to swimming pools and skating rinks.....	\$2,025,000
2440-8802	For the demolition of the existing bathhouse and construction of a new facility including the cost of furnishings and equipment; construction of new seawalls, and reconstruction or rehabilitation of the existing seawall.....	\$1,800,000
2440-8803	For rehabilitation of the existing facilities at Dilboy recreational complex and Foss Park, including the purchase of maintenance equipment.....	\$1,000,000
2440-8804	For repair of existing roofs including but not limited to repair of other parts of buildings in conjunction with roof repairs.....	\$500,000
2440-8805	For the construction of a pedestrian bicycle way, fishing piers, landscaping, lighting and extension of the Malden/Medford Line Brook Culvert.....	\$2,300,000
2440-8806	For renovations and improvements to certain Metro-	

Item

	politan District Commission skating rinks, said amounts to be based upon schedules approved by the house and senate committees on ways and means, a copy of which shall be deposited with the commissioner of administration and shall be expended upon recommendation of said commissioner and certification by the house and senate committees on ways and means.....	\$1,100,000
2440-8807	For construction of an extension of a culvert over Beaver Brook in the city of Waltham to the vicinity of Linden street and Waverly Oaks road to further alleviate flood conditions.....	\$3,000,000
2444-8801) 2444-9013)	For the restoration of Alexandser Bajko rink and Martin J. Olsen pool in the Hyde Park district of the city of Boston and for completion of the John F. Thompson Center for handicapped children; completion of Connell Field; needed environmental work to Turtle Pond and Enneking woodlands and other wooded area of Stony Brook Reservation; flood control work; the clearing of forests and environmental improvements, for opening greater public access to the woodlands of said reservation in Hyde Park and Roslindale; and for the construction and reconstruction of recreational facilities including the cost of equipment to be in addition to other federal or state funds or assistance which may be available for the purpose of said act, prior appropriation continued.....	\$1,450,000
	MDC Parks District Fund 100.0%	
2449-8755	Section five of chapter five hundred and nineteen of the acts of nineteen hundred and seventy-four is hereby amended by striking out the wording in item 2449-8755 and inserting in place thereof the following words:-	
2449-8755	For development of park and recreation facilities on the banks of the Neponset river; and for construction of bicycle paths and boat and canoe launching facilities along the Neponset river and in the Neponset river reservation.	

SECTION 7.

EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS.

Department of the Metropolitan District Commission.

2449-8801	For engineering design work at Revere Beach Reservation.....	\$1,500,000
2449-8802	For the purchase and installation of communication equipment for the metropolitan district commission police and the upgrading of present equipment for use by other metropolitan district commission operating divisions.....	\$1,000,000

Department of Public Works.

6010-8801	For the creation of one hundred and ten parking spaces for the year-round commuter rail utilization in the town of Stoughton, including paving and improvements.....	\$30,000
6010-8802	For repairs and reconstruction of the Brightman street drawbridge over the Taunton river in Somerset-Fall River; provided, that said expenditure be reimbursed to the commonwealth through resolution of the pending insurance	

	claim.....	\$405,000
	Division of State Police.	
8312-8801)	For the construction of a state police station	
8312-8792)	in the vicinity of Routes 1 and 128; in- cluding land and site work and development, and including the cost of furnishings and equipment; to be in addition to the amount appropriated in item 8312-8792 of section five of chapter five hundred and thirteen of the acts of nineteen hundred and seventy- eight.....	\$95,000
	SECTION 7A.	
	EXECUTIVE OFFICE OF ADMINISTRATION AND FINANCE.	
1102-9804	To provide for special program for the purchase and installation of certain equipment, amounts for said equipment are based upon schedules approved by the house and senate ways and means committees a copy of which shall be de- posited with the commissioner of administration and shall be expended upon recommendation of said commissioner and upon certification by the house and senate committees on ways and means .....	\$6,000,000
	Flood Relief Board.	
1185-8781	For the payment of certain flood damage incurred on November eleventh, nineteen hundred and seventy-seven, subject to the approval of the flood relief board, to the town of Bernardston.....	\$26,760
1185-8782	For the payment of certain tornado damage in- curred on August tenth, nineteen hundred and seventy-nine, subject to the approval of the flood relief board, to the town of Paxton.....	\$20,256
2449-8801	For the purchase of certain highway equipment.....	\$3,000,000

SECTION 8. Any premium or accrued interest received from the sale of bonds and notes payable from the several funds shall be applied respectively without appropriation to the payment of maturities and interest of said bonds and notes; provided, that assessments made under any bond or note authorization payable from the General Fund, wherein it is provided that said assessments shall be credited to the General Fund, shall, beginning July first, nineteen hundred and seventy-nine, be credited to the General Fund debt service account; and provided further, that any other receipts, disposition of which is not provided in the bond or note authorization, shall be credited to the respective fund debt service account.

SECTION 9. The state treasurer may borrow from time to time on the credit of the commonwealth such sums of money as may be necessary for the purposes of meeting payments, as authorized by sections two to seven, 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-four. Notes and the interest thereon issued under the authority of this section, notwithstanding any other provisions of this act shall be general obligations of the commonwealth; provided, however, that the

governor, upon recommendation of the commissioner of administration, is hereby authorized to allocate the said interest to the several state and other funds to which the payments of said sections two to seven, inclusive, are charged.

SECTION 10. To meet the expenditures necessary in carrying out the provisions of section two of this act, the state treasurer shall, upon request of the governor, issue and sell at public or private sale bonds of the commonwealth, registered or with interest coupons attached, as he may deem best, to an amount to be specified by the governor from time to time, but not exceeding, in the aggregate, the sum of one hundred sixty million eight hundred eighty-five thousand five hundred eighty dollars.

All bonds issued by the commonwealth, as aforesaid, shall be designated, on their face, Capital Outlay 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 or rates 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 four. 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 10A. To meet the cost of the expenditures authorized by item 9000-8801 of section two of this act, there is hereby appropriated from the Federal Capital Improvement Fund, as specified therein, the sum of eight million.

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 ten million five hundred thousand dollars.

All bonds issued by the commonwealth, as aforesaid, shall be designated on their face, State Recreation Areas 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 amount 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 or rates 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 four. All interest and payment 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 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 twelve million seven hundred sixty-five thousand dollars.

All bonds issued by the commonwealth, as aforesaid, shall be designated on their face, Metropolitan Water District 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 or rates 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 four. 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.

The Metropolitan District Commission may make application for federal and state funds and assistance in carrying out the projects in this act. Any such 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 the bonds authorized, and if the bonds have been sold, said funds, when received shall be used to meet payment of maturities and interest on bonds issued under this act.

SECTION 13. To meet the expenditures in carrying out the provisions of section five of this act, the state treasurer shall, upon request of the governor, issue and sell at public or private sale bonds of the commonwealth, registered or with interest coupons attached, as he may deem best, to an amount to be specified by the governor from time to time, but not exceeding, in the aggregate, the sum of seven million two hundred and fifty thousand dollars.

All bonds issued by the commonwealth, as aforesaid, shall be designated on their face, Metropolitan Sewerage District 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 four. All interest and payments on account of principal of such obligations shall be payable from the Metropolitan District Sewerage 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 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 thirteen million one hundred and seventy-five thousand dollars.

All bonds issued by the commonwealth, as aforesaid, shall be designated on their face, Metropolitan Parks District 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 four. 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 15. To meet the cost of expenditures necessary in carrying out the provisions of section seven of this act, the state treasurer shall, upon the request of the governor, issue and sell at public or private sale bonds of the commonwealth, registered or with interest coupons attached, as he may deem best, to an amount to be specified by the governor from time to



time, but not exceeding, in the aggregate the sum of three million thirty 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 or rates as the state treasurer, with the approval of the governor, shall fix. The initial maturities of such bonds shall be payable not later than one year from the date of issue thereof and the entire issue not later than June thirtieth, nineteen hundred and eighty-nine. All interest and payment on account of principal of such obligations shall be payable from the Highway Fund. 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 16. To meet the cost of expenditures necessary in carrying out the provisions of section seven A of this act, the state treasurer shall, upon request of the governor, issue and sell at public or private sale bonds of the commonwealth, registered or with interest coupons attached, as he may deem best, to an amount to be specified by the governor from time to time, but not exceeding, in the aggregate the sum of nine million forty-seven thousand and sixteen dollars.

All bonds issued by the Commonwealth, as aforesaid, shall be designated, on their face, Capital Outlay Loan, Act of 1979, and shall be on the serial payment plan for such maximum term of years, not exceeding five years, as the governor may recommend to the general court pursuant to Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth, the maturities thereof to be so arranged that the amounts payable in the several years of the period of amortization other than the final 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 or rates as the state treasurer, with the approval of the governor, shall fix. The initial maturities of such bonds shall be payable not later than one year from the date of issue thereof and the entire issue not later than June thirtieth, nineteen hundred and eighty-nine. 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 17. Section 8 of chapter 513 of the acts of 1978 is hereby amended by striking out, in lines three and four, the words "seventeen million six hundred and fifty thousand dollars" and inserting in place thereof the words:- seventeen million, four hundred and fifty thousand dollars.

SECTION 18. Section 11 of said chapter 513 is hereby amended by striking out, in lines six and seven, the words "one hundred and thirty-nine million, one hundred and ninety-five thousand dollars" and inserting in place thereof the words:- one hundred and thirty-four million, one hundred and twenty thousand dollars.

SECTION 19. Section 13 of said chapter 513 is hereby amended by striking out, in lines six and seven, the words "one million eight hundred and fifty thousand dollars" and inserting in place thereof the words:- one million six hundred thousand dollars.

SECTION 20. Section 15 of said chapter 513 is hereby amended by striking out, in lines six and seven, the words "twenty-one million seven hundred and forty thousand dollars" and inserting in place thereof the words:- twenty million eight hundred and forty thousand dollars.

SECTION 21. Section 10A of chapter 4 of the acts of 1976, inserted by section 18 of chapter 513 of the acts of 1978, is hereby amended by striking out, in lines five and six, the words "six hundred and seventy-two million" and inserting in place thereof the words:- six hundred and thirty-two million eight hundred thousand.

SECTION 22. Section 10 of chapter 920 of the acts of 1977 is hereby amended by striking out, in line 10, the figure "1978" and inserting in place thereof the figure:- 1977.

SECTION 23. Notwithstanding any provision of law to the contrary, the division of water pollution is hereby authorized and directed to expend three hundred thirty-two thousand seven hundred dollars from funds appropriated under the provisions of chapter seven hundred forty-seven of the acts of nineteen hundred and seventy, as most recently amended by chapter four hundred and sixty-six of the acts of nineteen hundred and seventy-eight, to the town of Weymouth for the purpose of the construction of lateral sewers in said town.

SECTION 24. Chapter 10 of the General Laws is hereby amended by inserting after section 9 the following section:-

Section 9A. A debt statement shall be forwarded on a quarterly basis to the state treasurer, comptroller, and the house and senate committees on ways and means by all authorities and agencies of the commonwealth having authority to issue notes or bonds except the Massachusetts Port Authority and the Massachusetts Turnpike Authority. Said debt statement shall be certified by an authorized official of said authority or agency. Such debt statement shall include authorized, unissued and outstanding bonds and notes of the authority or agency as of the first day of each quarter. Said debt statement shall include the debt service requirements of both principal and interest for the subsequent twenty-four month period and an estimate of the date and principal amount of bonds and notes to be sold in the subsequent twelve-month period. Said debt statement shall be filed under rules and regulations prescribed by the state treasurer.

SECTION 25. Section 9 of chapter 356 of the acts of 1977 is hereby amended by striking out, in line seven, the word "twenty-

six" and inserting in place thereof the word:- twenty-seven.

SECTION 26. Section 34 of chapter 29 of the General Laws, as most recently amended by chapter 831 of the acts of 1975, is hereby further amended by inserting after the first sentence the following seven sentences:- In addition, no monies may be deposited in any such national bank, trust company or banking company unless such national bank, trust company or banking company has deposited securities with the state treasurer, or a special depository designated by him, at least equal in market value to the amount of monies deposited. The state treasurer may enter into agreements in conformity herewith with any depository relating to the deposit of such securities. No such deposit of securities is required for such amounts of money as are deposited in accounts insured by the Federal Deposit Insurance Corporation. For amounts not so insured, as security, the state treasurer may, in his discretion, accept bonds or other securities of the United States, bonds or notes issued or guaranteed by the United States or an instrumentality thereof, as to payment of principal and interest to the extent of such insurance or guaranty, bonds or notes of the commonwealth, or bonds or notes guaranteed by the commonwealth as to payment of principal and interest to the extent of such insurance or guarantee, or the bonds or notes of any county, city, town, or authority of this commonwealth. All securities are subject to acceptance only upon approval of the state treasurer. With the increase or reduction of the amount of commonwealth money on deposit, there may be an increase or reduction in the amount of securities so deposited and the state treasurer may require additional securities in case of the depreciation of securities so deposited by him. Such national bank, trust company or banking company may demand and receive securities on deposit by it in excess of those required to protect deposits of commonwealth monies hereunder.

SECTION 27. The provisions of section 26 of this act shall be effective on April thirtieth, nineteen hundred and eighty.

SECTION 28. The metropolitan district commission is hereby authorized and directed to acquire by purchase or to take by eminent domain under the provisions of chapter seventy-nine of the General Laws, for park and reservation purposes, a certain lot or parcel of land with the buildings thereon, situated in the Brighton section of the city of Boston, on the southerly side of Commonwealth Avenue, making the southeasterly corner of Reservoir Avenue, and bounded and described as follows:

NORTHERLY by Commonwealth Avenue, one hundred ninety-seven and 11/100 (197.11) feet more or less;

EASTERLY by land now or formerly of Stetson, one hundred forty-five and 29/100 (145.29) feet more or less;

SOUTHERLY by land of the City of Boston known as Chestnut Hill Park, one hundred ninety-eight and 87/100 (198.87) feet more or less; and

WESTERLY by Reservoir Road, one hundred fifty and 04/100 (150.04) feet more or less;

Containing 29,159 square feet more or less, and being the same premises described in instrument for taking by the collector

of taxes for the city of Boston in the county of Suffolk, dated June 22, 1973, and duly recorded in Book 8640, Page 568.

SECTION 29. Section one of chapter three hundred and fifty-six of the acts of nineteen hundred and seventy-seven is hereby amended by inserting after the word "month", in line thirty-two, the following words:- ; provided, however, that no more than three million dollars of the sum made available to the commission may be utilized for the planning, design, and the preparation of bids and specifications for the laying out, construction, reconstruction, resurfacing, relocation or improvement of highways, parkways, bridges, bicycle paths or facilities, auto restricted zones, scenic easements, grade crossing eliminations and similar purposes authorized in this section.

SECTION 30. There is hereby appropriated from the Freight Rail Fund, established under the provisions of subsection (c) of section two of chapter eight hundred and fifty-nine of the acts of nineteen hundred and seventy-five the sum of ninety thousand dollars for the acquisition of the right of way and related facilities of the East Bridgewater Secondary Track in the town of East Bridgewater.

SECTION 31. The armory commission, acting for and on behalf of the commonwealth, is hereby authorized and directed to convey to the city of Taunton, for municipal purposes, by deed approved as to form by the attorney general all the right, title and interest in and to the state armory located in the city of Taunton and described on a deed recorded in the registry of deeds of the Northern Bristol County District in book 694 pages 236 and 237. Said conveyance to be made within sixty days of the acceptance by said armory commission of the armory authorized in item 0431-8802 of section two of this act. Said armory shall be used for municipal or associated purposes in accordance with the terms and conditions set forth in said deed and the ownership shall revert to the armory commission if such terms and conditions are not complied with or at such time as it is no longer used for municipal purposes.

SECTION 32. Notwithstanding the provisions of section twenty-nine A of chapter twenty-nine of the General Laws or any other provisions of law to the contrary, a payment in the amount of ten thousand, six hundred and forty-eight dollars and fifty-eight cents due and owing be allowed and paid from account number 2630-8701 to Hervieux Design Group for services rendered in connection with repairs to swimming pools in the town of Southbridge and the city of Lowell.

SECTION 33. The surplus property agency in the department of education is hereby authorized to expend during the fiscal year nineteen hundred and eighty 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 34. Sections seventeen to twenty-three, inclusive, and section twenty-six of chapter four of the acts of nineteen hundred and seventy-six are hereby repealed.

SECTION 35. Section 2B of chapter 342 of the acts of 1979 is hereby amended by inserting after item 7516-8751 the following eight items:

7505-8741  
7518-8701  
7518-8711  
7518-8751  
8312-9007  
8312-9031  
8400-0029  
8400-8752

SECTION 36. Notwithstanding the provisions of any general or special law to the contrary, the general court shall not authorize the issuance of any bonds pursuant to Article LXII of the Amendments to the Constitution of the Commonwealth if such authorization would result in the total amount of bonds authorized and outstanding, and including bonds authorized but unissued, to exceed six billion nine hundred and fifty million dollars in the aggregate at the end of any fiscal year; provided, however, that for the purposes of this section said debt limitation shall also include the following:

(a) bonds of any authority established under chapter seven hundred and three of the acts of nineteen hundred and sixty-three, chapter seven hundred and seventy-three of the acts of nineteen hundred and sixty, chapter five hundred and fifty-seven of the acts of nineteen hundred and sixty-one, chapter seven hundred and three of the acts of nineteen hundred and sixty-four;

(b) bonds of any transportation authority established under chapter seven hundred and one of the acts of nineteen hundred and sixty, chapter five hundred and forty-four of the acts of nineteen hundred and forty-seven, chapter three hundred and eighty-three of the acts of nineteen hundred and twenty-nine, or chapters one hundred and sixty-one A and one hundred and sixty-one B of the General Laws;

(c) bonds guaranteed under chapter five hundred and ninety-eight of the acts of nineteen hundred and seventy-five or chapter three hundred and eighty-five of the acts of nineteen hundred and seventy-six;

(d) bonds authorized to be issued by the agency established under chapter seven hundred and eight of the acts of nineteen hundred and sixty-six;

(e) bonds authorized to be issued by the agency established under chapter eight hundred and forty-six of the acts of nineteen hundred and seventy-four; and provided further that the debt limitation established by this section shall not include any bonds

for which a refunding trust agreement has been created.

The amount of the debt limitation established by this section shall be lowered by any reduction in debt authorization pursuant to the provisions of sections thirty-seven and thirty-eight of this act.

The comptroller shall report on a quarterly basis to the house and senate committees on ways and means the amount of bonds which may be authorized without exceeding the debt limitation established by this section.

SECTION 37. Section 14 of chapter 29 of the General Laws, as most recently amended by chapter 43 of the acts of 1950, is hereby further amended by inserting after the first paragraph thereof the following paragraph:-

Beginning with the fiscal year commencing July first, nineteen hundred and eighty, the governor shall annually review all appropriations for other than ordinary maintenance which are financed by the sale of bonds and notes and are scheduled to revert to the commonwealth at the close of the current fiscal year. Upon completion of said review, the governor shall transmit, with the budget submitted pursuant to Article CVII of the Amendments to the Constitution of the Commonwealth, a recommendation to the general court detailing which of those appropriations, if any, should be continued beyond their scheduled date of reversion as specified in the preceding paragraph. Said recommendation shall include a statement of the reasons for continuing said appropriation and the expected date that the appropriation will be fully expended.

SECTION 38. The governor shall review all unexpended appropriations made on or before June thirtieth, nineteen hundred and seventy-nine which are financed in whole or in part by a bond authorization pursuant to Article LXII of the Amendments to the Constitution of the Commonwealth. Said review shall consider the following: (a) whether there have been any changes in the physical needs of the commonwealth reflecting different policy or programmatic objectives; (b) the financial ability of the commonwealth to support any increased operating expenditures resulting from the completion of the projects; and (c) the additional debt service resulting from issuance of the bonds. The governor shall transmit a recommendation to the general court on or before April fifteenth, nineteen hundred and eighty, detailing which appropriations and bond authorizations, previously authorized but unexpended, should be either reduced or repealed. Said recommendation shall include a statement of the reasons for either continuing, reducing or repeating appropriations and bond authorizations.

SECTION 39. A special commission to consist of two members of the senate, three members of the house of representatives, the state treasurer or his designee, the secretary of administration or his designee, and four persons to be appointed by the governor, one of whom shall be experienced in the marketing of state and municipal bonds, is hereby established for the purpose of making an investigation and study of recent state practices in the financing of public projects through state borrowing or the extension of state credit to municipalities and other public agencies,

the probable fiscal and economic effects of continuing these practices to meet foreseeable needs for future capital improvements, the desirability of adopting constitutional or statutory constraints on future borrowing, and any related matters.

Said commission shall in the course of its study consider the advisability of imposing limits or restrictions on the incurrence of state debt, the pledge of state credit to public authorities, corporations and political subdivisions, the commitment of state revenue to the payment of municipal debt costs, the purposes for which long term debt may be authorized, and the term of bond issues for various purposes. The commission shall also consider the advantages and disadvantages, if any, of refunding any existing indebtedness.

Officials of the commonwealth and any of its subdivisions shall, at the request of the commission, provide such information as it may require in order to project future needs for capital improvements.

Said commission shall report to the general court the results of its study, and its recommendations, if any, by filing the same with the clerk of the house of representatives on or before the last Wednesday of January, nineteen hundred and eighty-one.

SECTION 40. Section twenty-nine of this act shall expire on June thirtieth, nineteen hundred and eighty-four.

I disapprove items 0431-8802; 2030-8801; 2270-8803; 2270-8805; 2310-8801; 4180-8802; 4810-8754; 4314-8801; 4348-8802; 4537-8801; 5462-8801; 5700-8801; 6606-8801; 7108-8801; 7118-8801; 7220-8804; 8067-20; 7411-8803; 7510-8801; 2120-8807; 2430-8802; 2440-8805; 2444-8801; 2444-9013; 6010-8801.

I disapprove the following sections: Section 26; Section 27; Section 28; Section 31; Section 36; Section 37; Section 38.

I reduce item 2120-9801 to \$20,000,000 and I reduce item 2120-8801 to \$1,000,000.

The remainder of this bill I hereby approve.

Approved November 16, 1979.

Chap. 799.

AN ACT MAKING APPROPRIATIONS FOR THE FISCAL YEAR ENDING JUNE THIRTIETH, NINETEEN HUNDRED AND EIGHTY, 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 ninety-three of the acts of the current year for the fiscal year ending June thirtieth, nineteen hundred and eighty, or for such period as may be specified, the sums so appropriated to in addition to any amounts at present available for the purpose.

SECTION 2.

EXECUTIVE.

Item

Adjutant General.

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 six permanent positions.....	\$560,000
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SECRETARY OF THE COMMONWEALTH.

0521-0000	For preparing, printing and distributing ballots and other miscellaneous expenses for primary and other elections, including not more than seven permanent positions.....	\$450,000
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EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE.

Emergencies.

1599-2092	For a reserve to meet the cost of fuel and power; provided, that the governor, upon recommendation of the commissioner of administration, is hereby authorized to transfer from the sum appropriated to other items of appropriation for the fiscal year nineteen hundred and seventy-seven where the amounts otherwise available are insufficient for the purpose; and, provided further, that the governor, upon recommendation of the commissioner of administration, is further authorized to allocate the amounts of such transfer to the several state or other funds to which such items of appropriation are charged; and provided, further, that no such transfer shall be made without the prior approval of the house and senate committees on ways and means .....	\$7,000,000
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1599-2096	For a reserve to meet the cost of certain salary adjustments authorized by an arbitration award issued September first, nineteen hundred and seventy-nine, in the matter of job reallocations as called for in article twenty, section one A, of the collective bargaining agreement between the commonwealth and the Massachusetts Nurses Association, dated June thirtieth, 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 appropriations for the fiscal year nineteen hundred and eighty, such amounts as are necessary to meet the cost of said adjustments and benefits for the fiscal year nineteen hundred and eighty and prior years where the amounts otherwise available are insufficient for the purpose, to be in addition to amounts otherwise appropriated for such purposes for said fiscal years; and provided further, that the governor, upon recommendation of the commissioner of administration, is further authorized to allocate the cost of such salary adjustments and benefits to the several state or other funds to which such items of appropriation are charged.....	\$8,935,000
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1599-2097	For a reserve to meet the cost of certain salary adjustments authorized by sections seventy-one through seventy-two, inclusive, of chapter three hundred and ninety-three of the acts of	
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## Item

the current year and salary adjustments and other employee economic benefits authorized by a collective bargaining agreement executed on August twenty-first, nineteen hundred and seventy-nine; 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 eighty, such amounts as are necessary to meet the cost of said adjustments and benefits for the fiscal year nineteen hundred and eighty and prior years where the amounts otherwise available are insufficient for the purpose, to be in addition to amounts otherwise appropriated for such purposes for said fiscal years; and provided further, that the governor, upon recommendation of the commissioner of administration, is further authorized to allocate the cost of such salary adjustments and benefits to the several state or other funds to which such items of appropriation are charged.....

\$3,927,431

## EXECUTIVE OFFICE OF HUMAN SERVICES.

## DEPARTMENT OF PUBLIC WELFARE.

- 4400-1004 Item 4400-1004 of section two of chapter three hundred and ninety-three of the acts of nineteen hundred and seventy-nine is hereby amended by striking out the words "one hundred and sixty-seven" in line five and inserting in place thereof the words "one hundred and fifty-four".

## DEPARTMENT OF MENTAL HEALTH.

Region Four B.

- 5845-0000 Item 5845-0000 of section two of chapter three hundred and ninety-three of the acts of nineteen hundred and seventy-nine is hereby amended by striking out the words "one hundred and ninety-nine" and inserting in place thereof the words "two hundred and sixty".
- 5895-0100 Item 5895-0100 of section two of chapter three hundred and ninety-three of the acts of nineteen hundred and seventy-nine is hereby amended by striking out the words "six hundred and twenty" and inserting in place thereof the words "six hundred and fifty-four".

University of Massachusetts.

- 7400-0111 Item 7400-0111 of section two of chapter three hundred and ninety-three of the acts of nineteen hundred and seventy-nine is hereby amended by striking out the wording and inserting in place thereof the following new wording:-
- For the purchase of scientific, technological and other educational reference materials for the libraries; provided that the allocation to the Boston campus shall not be less than two hundred and seventy-five thousand dollars, the allocation for the medical school shall be not less than two hundred thousand dollars and the allocation for the Amherst campus shall be not less than five

hundred and twenty-five thousand dollars.

EXECUTIVE OFFICE OF MANPOWER AFFAIRS.

Division of Economic Development.

9091-0405 For the purpose of financing the required state share of the cost of operating a small business development center; provided that no funds shall be expended from this account until such time as the Small Business Administration has executed a grant or contract with the University of Massachusetts for the operation of the center; and provided further, that the funds expended from this account shall not exceed twenty-five per cent of the gross operating costs, appropriation expires June thirtieth, nineteen hundred and eighty, and provided further that a detailed report of expenditures shall be filed quarterly with the House and Senate Committees on Ways and Means..... \$300,000

EXECUTIVE OFFICE OF CONSUMER AFFAIRS.

Division of Registration.

9230-0150 Board of registration and discipline in medicine, including not more than eight permanent positions, provided further, than an amount not exceeding forty-nine thousand, four hundred and fifty-three dollars may be expended from this item for expenses incurred in the prior fiscal year..... \$105,000

SECTION 3. Chapter three hundred and ninety-three of the acts of nineteen hundred and seventy-nine is hereby amended by inserting after Section 9 the following section:

SECTION 9A. Notwithstanding any provision of law to the contrary, amounts appropriated for permanent offices and positions in section two are authorized to be expended at the salary rates indicated in the schedules approved by the house and senate committees on ways and means, a copy of which is filed with the personnel administrator. No part of the sums appropriated in section two shall be available for payment of salaries for any additional permanent positions or for payments due to reallocations of permanent positions, or for payments due to changes in salaries or compensation rates except as approved in said schedules.

SECTION 4. The third paragraph of section 1 of chapter 725 of the acts of 1970 is hereby amended by inserting after the word "act", in line 6, the following proviso: - ; provided, however, that notwithstanding the foregoing any federal or state funds made available for the acquisition of land in the Belle Isle section of East Boston and the construction of park and recreational facilities thereon shall be in addition to amounts appropriated and shall be available for expenditure.

SECTION 4A. For reimbursing the cities and towns for overtime compensation paid to employees of said cities and towns as a result of chapter five hundred and eighty-three of the acts of nineteen hundred and seventy-nine, said reimbursement to be made by the department of Communities and Development .....\$1,800,000.00.

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

I disapprove Section 4A.

The remainder of this bill I hereby approve.

Approved November 16, 1979.

Chap. 800. AN ACT PROVIDING INCREASED FUNDING BY THE COMMONWEALTH FOR THE UNITED STATES GEOLOGICAL SURVEY COOPERATIVE SURVEY PROGRAM FOR GROUNDWATER ASSESSMENTS AND RELATED HYDROLOGICAL STUDIES.

Whereas, The deferred operation of this act would tend to defeat its purpose which is, in part, to provide immediate assistance to cities and towns having contaminated water supplies in locating new sources of supply, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

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Be it enacted, etc., as follows:

SECTION 1. Chapter 21 of the General Laws is hereby amended by inserting after section 8 the following section:-

Section 8A. The water resources commission shall be the coordinating body for the purposes of administration of the state's contribution to the cooperative survey program of the United States Geological Survey, hereinafter referred to as the USGS, for detailed groundwater assessments and related hydrological studies. Said commission shall contract, or cause a contract to be executed, with the USGS to conduct a ten year program of detailed groundwater appraisals, aquifer assessments, and such other appropriate geologic and hydrologic studies as may be required for the protection of existing sources of groundwater supply and for the identification of new groundwater sources.

Said groundwater survey program shall include aquifer identification and assessments of quality and yield, and direct technical assistance to localities to solve groundwater problems of less than regional scale. Assistance to localities shall be based on criteria and priorities to be established by the commission which shall include, but not be limited to, the following: a present or recurrent water supply deficit; areas in which the survey would serve more than one community; communities which have suffered loss of supply due to contamination; communities in which demands are placed on supply systems by state institutions; and local commitment to participation. Direct local assistance shall not exceed five hundred thousand dollars and shall be funded fifty per cent by USGS and fifty per cent by the commonwealth, and the total cost of said program shall not exceed, in the aggregate, five million dollars.

For the purposes of this section, groundwater shall mean water which is below the surface of the earth.

SECTION 2. For the purposes of contracting for a cooperative survey program, as provided for in section 8A of chapter 21 of the General Laws, there is hereby made available the sum of two million five hundred thousand dollars; provided, however, that such monies shall not be expended for the purposes of said section 8A of chapter 21 of this act unless an equal amount is made available by the USGS.

The state treasurer may borrow from time to time on the credit of the commonwealth such sums of money not to exceed, in the aggregate, two million five hundred thousand dollars as may be necessary for the purposes of meeting payments as authorized by this act, and may issue and renew from time to time notes of the

commonwealth therefor, bearing interest payable at such times and rates as shall be fixed by the state treasurer in compliance with Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth.

SECTION 3. To meet the expenditures necessary in carrying out the provisions of this act, and to refinance issues 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 he may deem best, to an amount specified by the governor from time to time but not exceeding, in the aggregate, the sum of two million five hundred thousand dollars.

All bonds issued by the commonwealth, as aforesaid, shall be designated on their face, Groundwater Survey Loan, Act of 1979, and shall be on the serial payment plan for such maximum term of years, not exceeding ten years, as the governor may recommend to the general court pursuant to Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth, the maturities thereof to be so arranged that the amounts payable in the several years of the period of amortization other than the final year shall be as nearly equal as in the opinion of the state treasurer it is practicable to make them. Said bonds shall bear interest semiannually at such rate as the state treasurer with the approval of the governor shall fix. The initial maturities of such bonds shall be payable not later than one year from the date of issue thereof and the entire issue not later than June thirtieth, nineteen hundred and ninety-two.

Approved November 16, 1979.

Chap. 801. AN ACT FOR THE PROTECTION OF THE CIVIL RIGHTS OF PERSONS IN THE COMMONWEALTH.

Be it enacted, etc., as follows:

SECTION 1. Chapter 12 of the General Laws is hereby amended by inserting after section 11G, inserted by section 51 of chapter 363A of the acts of 1977, the following two sections:

Section 11H. Whenever any person or persons, whether or not acting under color of law, interfere by threats, intimidation or coercion, or attempt to interfere by threats, intimidation or coercion, with the exercise or enjoyment by any other person or persons of rights secured by the constitution or laws of the United States, or of rights secured by the constitution or laws of the commonwealth, the attorney general may bring a civil action for injunctive or other appropriate equitable relief in order to protect the peaceable exercise or enjoyment of the right or rights secured. Said civil action shall be brought in the name of the commonwealth and shall be instituted either in the superior court for the county in which the conduct complained of occurred or in the superior court for the county in which the person or persons whose conduct complained or reside of have their principal place of business.

Section 11I. Any person whose exercise or enjoyment of

rights secured by the constitution or laws of the United States, or of rights secured by the constitution or laws of the commonwealth, has been interfered with, or attempted to be interfered with, as described in section 11H, may institute and prosecute in his own name and on his own behalf a civil action for injunctive and other appropriate equitable relief as provided for in said section, including the award of compensatory money damages. Any aggrieved person or persons who prevail in an action authorized by this section shall be entitled to an award of the costs of the litigation and reasonable attorneys' fees in an amount to be fixed by the court.

SECTION 2. Chapter 265 of the General Laws is hereby amended by adding the following section:

Section 37. No person, whether or not acting under color of law, shall by force or threat of force, willfully injure, intimidate or interfere with, or attempt to injure, intimidate or interfere with, or oppress or threaten any other person in the free exercise or enjoyment of any right or privilege secured to him by the constitution or laws of the commonwealth or by the constitution or laws of the United States. Any person convicted of violating this provision shall be fined not more than one thousand dollars or imprisoned not more than one year or both; and if bodily injury results, shall be punished by a fine of not more than ten thousand dollars or by imprisonment for not more than ten years, or both.

Approved November 16, 1979.

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Chap. 802. AN ACT RELATIVE TO THE DISCONTINUANCE OF UTILITY SERVICE.

Be it enacted, etc., as follows:

SECTION 1. Chapter 164 of the General Laws is hereby amended by striking out section 124A, as amended by section 2 of chapter 118 of the acts of 1965, and inserting in place thereof the following section:-

Section 124A. No gas or electric company shall cut off or fail to restore gas or electric service in any residence during such time as there is a serious illness therein, provided that a registered physician or the local board of health certifies in writing to the company that such serious illness exists and provided, further, that the customer cannot afford to pay any overdue bill because of a financial hardship. The department may promulgate such rules and regulations consistent with this section as it deems reasonable and necessary to carry out the intent of this section. Any willful violation of this section or section one hundred and twenty-four by any gas or electric company shall be punished by a fine of not more than fifty dollars.

SECTION 2. Said chapter 164 is hereby further amended by inserting after section 124E the following section:-

Section 124F. No gas or electric company shall between November fifteenth and March fifteenth shut off gas or electric service to any residential customer who cannot pay an overdue charge because of financial hardship, when such gas or electric

service is used to provide heat or to operate the heating system of the customer's unit or building. The department may promulgate such rules and regulations consistent with this section as it deems reasonable and necessary to implement the provision of this section.

Approved November 16, 1979.

EMERGENCY LETTER November 29, 1979 @ 1:48 P.M.

Chap. 803. AN ACT RELATIVE TO CERTAIN BRIDGES IN THE HYDE PARK SECTION OF THE CITY OF BOSTON.

Be it enacted, etc., as follows:

SECTION 1. The department of public works is hereby authorized and directed to increase the width of the River Street bridge over the railroad tracks of the Midland division at Cleary Square and to construct a traffic circle at Gordon avenue, Business street and River street in the Hyde Park section of the city of Boston and to repair and reconstruct the bridges over the Midland division of the Pennsylvania railroad and over the Neponset river on Fairmount and Dana avenues in the said Hyde Park section.

SECTION 2. Said Department is hereby authorized and directed to repair and resurface the bridge over the Boston and Providence division of the Amtrak railroad system at Reservation road in the Hyde Park section of the city of Boston and is hereby authorized and directed to widen the Canterbury Street bridge in the Roslindale section of said city of Boston.

SECTION 3. Said department is hereby authorized and directed to replace the Metropolitan avenue foot bridge over the railroad tracks of the Boston and Providence division of the Amtrak railroad system in the Hyde Park section of the city of Boston.

Approved November 16, 1979.

Chap. 804. AN ACT FACILITATING THE DEVELOPMENT OF HYDROPOWER GENERATION.

Be it enacted, etc., as follows:

Chapter 164 of the General Laws is hereby amended by insert ing after section 69H the following section:-

Section 69H $\frac{1}{2}$ . For the purpose of this section, the following words shall have the following meanings, unless the context otherwise requires:

"Hydropower generating facility", any electric or mechanical power generating unit whose power source is water flow and which is not a facility as defined in section sixty-nine G.

"Permitting and licensing agencies", all agencies, authorities, and departments of the commonwealth, and local conservation commissions whose approval, order, order of conditions, permit, license, certificate, or permission in any form is required prior to or for construction of a hydropower generating facility, except the secretary of environmental affairs acting under the provisions of section sixty-two to sixty-two H, inclusive, of

chapter thirty and shall include, but not be limited to, the department of environmental quality engineering including the division of water pollution control, the department of environmental management, the department of fisheries, wildlife and recreational vehicles, the conservation commission with jurisdiction over the proposed site, the Massachusetts Historical Commission, the department of public utilities, and any other agency, authority, or department of the commonwealth, county, city or town government, as may be from time to time so designated by the energy facilities siting council.

Said council shall coordinate the permitting and licensing of hydropower generating facilities by simplifying requirements for permits and licenses, and shall promulgate rules and regulations to carry out the requirements of this section.

Said council, after consultation with the permitting and licensing agencies, establish a preliminary notification form and other forms to be employed by such agencies for permitting and licensing review of proposed hydropower generating facilities. These forms shall include all information required by the permitting and licensing agencies to make decisions on hydropower projects while minimizing duplication of information required for such agencies and for federal licensing. No other forms shall be required by these agencies for permitting and licensing review of hydropower generating facilities.

Prior to the submission of any application to any of the permitting and licensing agencies, the developer of a proposed hydropower generating facility shall file a preliminary notification form with all the permitting and licensing agencies and said council. Such preliminary notification form shall be deemed the first agency application for the purposes of notification under section sixty-two A of chapter thirty. Within thirty days after publication of the notification forms prescribed by the secretary of environmental affairs under said section sixty-two A, said council and the secretary of environmental affairs shall convene a meeting of all the permitting and licensing agencies, all agencies which may provide financial assistance, other interested persons or parties, including federal regulatory agencies, and the developer. At such meeting, the permitting and licensing agencies shall consult with the developer and shall determine the information, data, and studies required in addition to the forms specified for compliance with the provisions of the permitting and licensing agencies. Said council shall assist the developer and the permitting and licensing agencies in resolving disputes between the developer and the permitting and licensing agencies concerning the form, content, level of detail and schedules of such requirements.

Unless an earlier date is otherwise specified by law or by the said council, no later than ninety days after receipt of the appropriate completed forms and any other additional requirements of this section, each of the permitting and licensing agencies shall determine whether or not to issue, approve, or grant any application, permit, license, certificate, or other evidence of approval; provided, however, that if the developer has been required to file an environmental impact report pursuant to section sixty-two B of chapter thirty, the decision shall be made no later than ninety days after receipt of such forms or thirty

days after issuance of the statement of adequacy of the final environmental impact report, as required by section sixty-two C of chapter thirty, whichever is later. Notwithstanding other provisions of this section, the department of environmental quality engineering shall act on a request for a final order of the department within the time limitations specified in section forty of chapter one hundred and thirty-one.

Any party aggrieved by the action, or failure to act, of the permitting and licensing agencies pursuant to this section may, after exhausting all other administrative remedies, appeal to said council within ten days of final agency action or failure to act. Failure to exercise such right of appeal shall not be deemed a waiver of the right to judicial appeal of an action or failure to act of the permitting and licensing agencies. Said council shall hold a hearing and may consider jointly all pending appeals and shall issue a written decision and order on such appeals considered within ninety days of the appeal. Such decision shall be based upon energy needs, cost, and environmental impact, and shall for all purposes, including judicial appeal, be deemed equivalent to final licensing or permitting agency action on the approval, permit, license, certificate or permission which is the subject of the appeal. Any party who is aggrieved by the decision of said council may seek judicial review in the manner provided by chapter thirty A.

Approved November 16, 1979.

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Chap. 805.      AN ACT PROVIDING FINANCIAL ASSISTANCE  
TO CITIES, TOWNS AND WATER DISTRICTS  
FOR REPAIR AND REHABILITATION OF THEIR  
WATER DISTRIBUTION SYSTEM.

Be it enacted, etc., as follows:

SECTION 1. For the purposes of developing ongoing programs of investigating and identifying sources of loss of potable water and for rehabilitating water supply distribution systems, including cleaning and relining of mains, laterals and associated distribution elements or replacement of the same, there is hereby made available the sum of ten million dollars which shall be expended by the cities, towns and water districts of the commonwealth under the direction and subject to the approval of the department of environmental quality engineering; provided, however, that said sums shall be matched by an equal sum appropriated by the cities, towns, and water districts of the commonwealth; and provided further, that five per cent of said funds shall be set aside specifically for a program of the investigation of loss of potable water; and the remaining ninety-five per cent shall be designated for system rehabilitation assistance. No single city, town or water district shall be eligible for more than five per cent of the total amount designated for a program of investigation of the loss of potable water and five per cent of the total amount designated for system rehabilitation assistance.

SECTION 2. The department of environmental quality engineering shall establish standards and guidelines for the administration and disbursement of said funds; provided, that said department shall be responsible for the establishment of criteria and



priorities for the receipt of such funds which shall include but not be limited to the amount of unaccounted for water usage in a community, the institution of an ongoing leak detection program, repair of leaks identified by community or water district leak detection programs, repair of distribution systems to provide adequate pressure for fire protection and the repair of distribution systems to maintain public health standards; provided, further that the water resources commission have an advisory role and shall formally approve, in writing, the criteria and priorities for the disbursements of such funds. No city, town or water district shall receive such assistance unless such city, town or water district has adopted or is in the process of adopting a comprehensive water resources management plan pursuant to regulations established by water resources commission.

SECTION 3. The state treasurer may borrow from time to time on the credit of commonwealth such sums of money as may be necessary for the purpose of this act 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 of Article LXII of the Amendments to the Constitution of the Commonwealth; but the final maturity of such notes shall be not later than June thirtieth, nineteen hundred and eighty-four.

Upon receipt by any city, town or water district of federal funds granted expressly for the purpose of leak detection or rehabilitation of distribution systems, including replacement or cleaning and relining, such city, town or water district receiving assistance under this act shall reimburse the commonwealth for such assistance in the amount that the federal funds granted exceeded forty per cent of said programs.

SECTION 4. To meet the expenditures necessary in carrying out the provisions of section one or to refinance rates issued as provided in section three, the state treasurer shall, upon request of the commissioner 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 the bonds authorized under this section exceed, in the aggregate, the sum of ten million dollars.

All bonds so issued shall bear on their face the words, Water Supply System Rehabilitation Loan, Act of 1979. Said bonds shall be on a serial payment plan for such maximum term of years, not exceeding thirty years as the governor may recommend to the general court pursuant to Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth, the maturities thereof to be so arranged that the amounts payable in the several years of the period of amortization, other than the final year, shall be so 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 fifteen.

Approved November 16, 1979.

Chap. 806. AN ACT RELATIVE TO TRAINING PROGRAMS  
FOR RESIDENTS OF PSYCHIATRY WITHIN THE  
DEPARTMENT OF MENTAL HEALTH.

Be it enacted, etc., as follows:

SECTION 1. The first paragraph of section 10 of chapter 19 of the General Laws, as amended by section 23 of chapter 835 of the acts of 1974, is hereby further amended by striking out the third sentence and inserting in place thereof the following two sentences:- Recipients of such grants shall be exempt from the provisions of chapter thirty-one and shall not be deemed employees of the commonwealth; provided, however, that such recipients shall be deemed public employees under chapter two hundred and fifty-eight. Such grants shall not be deemed income under chapter sixty-two.

SECTION 2. Chapter 12 of the General Laws is hereby amended by inserting after section 3D the following section:-

Section 3E. Upon the filing with the attorney general of a written request by any officer or employee of the department of mental health, public health or correction, or the Soldiers' Home in Massachusetts or the Soldiers' Home in Holyoke, that the attorney general defend him in any action alleging a violation of the civil rights of any person under any federal or state law, arising out of the operation of said department of mental health, public health or correction, or of the Soldiers' Home in Massachusetts or the Soldiers' Home in Holyoke, the attorney general shall, if after investigation it appears to him that such officer or employee was at the time the cause of action arose acting within the scope of his official duties of employment, take over the management and defense of such action. The attorney general may adjust or settle any such action at any time before, during or after trial, if he finds after investigation that the plaintiff is entitled to damages from such officer or employee.

Approved November 16, 1979.

Chap. 807. AN ACT RELATIVE TO THE PROCEDURES OF  
THE MASSACHUSETTS TECHNOLOGY DEVELOP-  
MENT CORPORATION.

Be it enacted, etc., as follows:

Chapter 40G of the General Laws is hereby amended by adding the following section:-

Section 10. Any documentary materials or data made or re-

ceived by any member or employee of the corporation, to the extent that such material or data consist of trade secrets, commercial or financial information regarding the operation of any business conducted by an applicant for, or recipient of, any form of assistance which the corporation is empowered to render, or regarding the competitive position of such applicant in a particular field of endeavor, shall not be deemed public records and shall not be subject to the provisions of section ten of chapter sixty-six; provided, however, that if the corporation purchases a qualified security from such applicant, the commercial and financial information, excluding trade secrets, shall be deemed to become a public record of the corporation and subject to the provisions of said section ten of said chapter sixty-six after the expiration of three years from the date of purchase of such qualified security, or, in the case of such information made or received by any member or employee of the corporation after the purchase of such qualified security, three years from the date such information was made or received. Any discussion or consideration of such trade secrets or commercial or financial information, may be held by the board, or any subcommittee of the board, in executive sessions closed to the public, notwithstanding the provisions of section eleven A and one-half of chapter thirty A; provided, however, that the purpose of any such executive session shall be set forth in the official minutes of the corporation and business which is not related to such purpose shall not be transacted, nor shall any vote be taken during such executive sessions.

Approved November 14, 1979.

EMERGENCY LETTER December 10, 1979 @ 10:20 A.M.

# RESOLVES

923

- Chap. 1. RESOLVE PROVIDING FOR AN INVESTIGATION BY THE JUDICIAL COUNCIL RELATIVE TO REQUIRING THAT A CERTAIN BLOOD TEST BE ADMINISTERED IN ANY PROCEEDING TO DETERMINE THE QUESTION OF PATERNITY.

Resolved, That the Judicial Council be requested to investigate the subject matter of current house document numbered 5501, relative to requiring that a certain blood test be administered in any proceeding to determine the question of paternity, 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 April 2, 1979.

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- Chap. 2. RESOLVE PROVIDING FOR AN INVESTIGATION BY THE JUDICIAL COUNCIL RELATIVE TO DETERMINING THE COMPETENCY OF A DEFENDANT TO STAND TRIAL.

Resolved, That the judicial council be requested to investigate the subject matter of current house document numbered 5328, relative to determining the competency of a defendant to stand trial, 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 May 10, 1979.

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- Chap. 3. RESOLVE EXTENDING THE TIME WITHIN WHICH THE MASSACHUSETTS TURNPIKE AUTHORITY SHALL MAKE ITS REPORT RELATIVE TO THE USE OF CERTAIN AIR RIGHTS OVER THE MASSACHUSETTS TURNPIKE EXTENSION IN THE ALLSTON/BRIGHTON AREA OF THE CITY OF BOSTON.

Resolved, That the Massachusetts Turnpike Authority, 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, under the provisions of chapter eight of the resolves of nineteen hundred and seventy-eight, shall make its report on or before the first Wednesday of September, nineteen hundred and seventy-nine.

Approved May 15, 1979.

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- Chap. 4. RESOLVE PROVIDING FOR AN INVESTIGATION BY THE JUDICIAL COUNCIL RELATIVE TO THE PROTECTION OF OWNERS WHO ACQUIRE LAND AFTER REASONABLE SEARCH OF DEED RECORDS.

Resolved, That the judicial council be requested to investigate

the subject matter of current house document numbered 1805, relative to the protection of owners who acquire land after reasonable search of deed records, 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 May 22, 1979.

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Chap. 5. RESOLVE PROVIDING FOR AN INVESTIGATION BY THE JUDICIAL COUNCIL RELATIVE TO PROVIDING FOR THE GARNISHMENT OF CERTAIN WAGES AND BENEFITS FOR THE PURPOSE OF FULFILLING CHILD SUPPORT OBLIGATIONS.

Resolved, That the judicial council be requested to investigate the subject matter of current house document numbered 2955, relative to providing for the garnishment of certain wages and benefits for the purpose of fulfilling child support obligations, 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 May 22, 1979.

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Chap. 6. RESOLVE PROVIDING FOR AN INVESTIGATION BY THE JUDICIAL COUNCIL RELATIVE TO PROVIDING FOR THE IMPROVEMENT OF PUBLIC RECORDS CONCERNING LAND IN THE COMMONWEALTH.

Resolved, That the judicial council be requested to investigate the subject matter of current house document numbered 3510, relative to providing for the improvement of public records concerning land in the commonwealth, 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 May 22, 1979.

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Chap. 7. RESOLVE AUTHORIZING THE STATE TREASURER TO PAY TO THE FLINTKOTE COMPANY FOR CERTAIN HIGHWAY WORK AUTHORIZED BY THE DEPARTMENT OF PUBLIC WORKS OF THE COMMONWEALTH.

Resolved, That for the purpose of discharging a moral obligation the treasurer of the commonwealth, after appropriation, shall pay from the highway fund the sum of sixty-three thousand seven hundred twenty dollars and ninety cents to The Flintkote Company, assignee of the Campanella Corporation of Rhode Island, for certain paving work performed in the town of Oak Bluffs upon request of the department of public works in May of nineteen hundred and seventy-three. No payment shall be made hereunder

until there has been filed with the treasurer an agreement signed by said company that the amount, if any, paid or to be paid for legal services rendered in connection with the passage of this resolve shall not exceed ten per cent of said sum.

The foregoing was laid before the Governor on the 11th day of June, 1979 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.

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Chap. 8. RESOLVE REVIVING AND CONTINUING THE SPECIAL COMMISSION ESTABLISHED TO MAKE AN INVESTIGATION AND STUDY RELATIVE TO ESTABLISHING AN ANNUAL EMISSIONS INSPECTION PROGRAM FOR ALL MOTOR VEHICLES AND CERTAIN MATTERS RELATED THERETO.

Resolved, That the special commission established by chapter twenty-three of the resolves of nineteen hundred and seventy-eight is hereby revived and continued.

Approved June 14, 1979.

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Chap. 9. RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY BY A SPECIAL COMMISSION RELATIVE TO THE EVALUATION AND REORGANIZATION OF PUBLIC HIGHER EDUCATION IN THE COMMONWEALTH.

Resolved, That a special commission, to consist of five members of the senate, ten members of the house of representatives and ten persons to be appointed by the governor, is hereby established for the purpose of making an investigation and study of the laws and provisions of the constitution of the commonwealth pertaining to public higher education, and of the institutions of public higher education of the commonwealth and their organization, with a particular view to evaluating, reorganizing and improving the structure of public higher education in the commonwealth.

Said commission may travel within and without the commonwealth. Said commission may call upon officials of the commonwealth or its various subdivisions and may also call upon officials of the federal government and its agencies and departments for such information as it may desire in the course of its investigation and study.

Said commission shall file its initial report to the general court containing the results of its investigation and study, and its recommendations, if any, together with drafts of legislation necessary to carry its recommendations into effect, by filing the same with the clerk of the senate not later than the first Wednesday of December, nineteen hundred and seventy-nine, and shall file its final report with such drafts on or before the last Wednesday of March, nineteen hundred and eighty.

Approved July 23, 1979.

- Chap. 10. RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY BY A SPECIAL COMMISSION RELATIVE TO THE CIVIL SERVICE LAW AND VARIOUS OTHER MERIT SYSTEMS OF THE COMMONWEALTH AND ITS POLITICAL SUBDIVISIONS.

Resolved, That a special commission, to consist of three members of the senate, the chairman of which shall be the senate chairman of the Joint Committee on Public Service, eight members of the house of representatives, the first named member of whom shall be the house chairman of the Joint Committee on Public Service, the personnel administrator or his designee, and nine persons to be appointed by the governor, one of whom shall be a member of the civil service commission, one of whom shall be a member of Council 93 American Federation of State, County and Municipal Employees AFL-CIO, one of whom shall be a member of Local 509 Service Employees International Union, one of whom shall be a member of the Professional Firefighters of Massachusetts, one of whom shall be a member of the International Brotherhood of Police Officers NAGE, one of whom shall be a member of the Massachusetts Taxpayers Foundation, one of whom shall be a member of the Massachusetts League of Women Voters and two of whom shall be representatives of the Massachusetts Municipal Association, is hereby established for the purpose of making an investigation and study of chapter thirty-one of the General Laws and the various merit systems of the commonwealth and its political subdivisions, various civil service laws and merit systems of various other states and the federal government, with a view towards establishing a merit and performance based system for the commonwealth and its political subdivisions and to review any other such matters as said commission determines appropriate.

Approved July 23, 1979.

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- Chap. 11. RESOLVE RELATING TO THE SPECIAL COMMISSION ESTABLISHED TO MAKE AN INVESTIGATION AND STUDY RELATIVE TO CERTAIN STATE AND COUNTY BUILDING CONTRACTS.

Resolved, Chapter five of the resolves of nineteen hundred and seventy-eight, as amended by chapter nine of the resolves of nineteen hundred and seventy-eight, is hereby further amended by striking out the first to fifteenth paragraphs, inclusive, and inserting in place thereof the following sixteen paragraphs:-

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 and concerning design, survey, boring, soil exploration, and feasibility contracts and other investigative study contracts awarded before January first, nineteen hundred and sixty-eight which relate to construction contracts for state and county buildings awarded on or after January first, nineteen hundred and sixty-eight; 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. When used in this resolve, the word "state" shall mean the commonwealth and public instrumentalities established under general or special laws.

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 person who at the time of his or her appointment is 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. 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; provided, however, that upon a majority vote of the commission a private hearing may be held before a single member of the commission when the subject matter of the private hearing relates primarily to service, response or compliance with a summons issued by 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 at-



torney 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 evidence 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 June thirtieth, nineteen hundred and eighty.

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 attorney general. The attorney general shall be the custodian of such records, which he shall place in a separate and segregated vault and shall seal the same. Said records shall not be public records and shall be available only upon a court

order. The attorney general shall retain said records and documents for seven years after receipt thereof.

Approved July 23, 1979.

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Chap. 12. RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY BY A SPECIAL COMMISSION RELATIVE TO THE OPERATION, REGULATION, FINANCING AND CONTROL OF ALL MEANS OF TRANSPORTATION IN THE COMMONWEALTH.

Resolved, That a special commission to consist of the members of the joint legislative committee on transportation, the secretary of transportation and construction, the commissioner of the department of public works, the chairman of the Massachusetts Port Authority, the chairman of the Massachusetts Turnpike Authority, the chairman and chief executive officer of the Massachusetts Bay Transportation Authority, and one member to be appointed by the governor, who shall be an administrator of a regional transit authority, is hereby established for the purpose of making an investigation and study of the laws of the commonwealth pertaining to the development and improvement of the transportation systems of the commonwealth with a view toward reorganizing and improving the structure of the several offices, departments, agencies, commissions and authorities now responsible for transportation policy making, capital improvements or delivery of services.

Said commission shall consider the feasibility of establishing within the commonwealth a unified department of transportation, consolidating all matters concerning the operation, regulation, financing and control of all means of transportation in the air, on land or in the water, under one central management.

Said commission may involve in advisory roles such persons, organizations, or public and private institutions as it may determine as appropriate and may travel within and without the commonwealth. Said commission may call upon officials of the commonwealth or its various subdivisions and may also call upon officials of the federal government and its various agencies and departments for such information as it may desire in the course of its investigation and study. Said commission 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 first Wednesday of December, nineteen hundred and eighty.

Approved August 3, 1979.

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Chap. 13. REVIVING, CONTINUING AND INCREASING THE SCOPE OF THE SPECIAL COMMISSION ESTABLISHED TO MAKE AN INVESTIGATION AND STUDY RELATIVE TO THE FEASIBILITY OF PROVIDING FINANCIAL ASSISTANCE BY THE COMMONWEALTH TO SUSTAIN AND EXPAND THE PERFORMING ARTS IN MASSACHUSETTS.

Resolved, That the special commission, established by chapter sixty-three of the resolves of nineteen hundred and seventy-three and most recently revived and continued under the provisions of chapter six of the resolves nineteen hundred and seventy-eight is hereby revived and continued until the fourth Wednesday of January, nineteen hundred and eighty-four. Said commission shall, in the course of its investigation and study, consider the subject matter of the visual arts in Massachusetts.

Approved August 3, 1979.

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Chap. 14. 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 nineteen of the resolves of nineteen hundred and seventy, chapter six of the resolves of nineteen hundred and seventy-two, chapters sixty-three, ninety-eight, one hundred and thirty-six and one hundred and fifty-seven of the resolves of nineteen hundred and seventy-three, chapter fifty-two of the resolves of nineteen hundred and seventy-four, chapters fifty-eight and sixty-five of the resolves of nineteen hundred and seventy-five, chapter four of the resolves of nineteen hundred and seventy-six, chapters thirteen, sixteen, eighteen, twenty, twenty-four, twenty-seven, thirty-three, thirty-six and thirty-nine of the resolves of nineteen hundred and seventy-seven, and chapter twenty-three of the resolves of nineteen hundred and seventy-eight are hereby revived and continued.

Approved August 20, 1979.

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Chap. 15. RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY BY THE DEPARTMENT OF PUBLIC WORKS RELATIVE TO CERTAIN FLOODING AT THE METHUEN-HAVERHILL TOWN LINE.

Resolved, That the department of public works is hereby authorized and directed to investigate and study the conditions leading to the continual flooding of state highway Route 110 adjacent to the Methuen-Haverhill town line, and certain private properties along said route. Said department shall report to the general court the results of its investigation and study, and its recommendations, if any, together with drafts of legislation necessary to carry its recommendations into effect, by filing the same with the clerk of the house of representatives on or before the last Wednesday of December, nineteen hundred and seventy-nine.

Approved August 20, 1979.

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Chap. 16. RESOLVE IN FAVOR OF ERECTING A PLAQUE OUTSIDE THE DOORS OF THE MASSACHUSETTS HOUSE OF REPRESENTATIVES.

Resolved, That a bronze plaque be erected outside the doors

of the chamber of the house of representatives commemorating the service to the commonwealth and the United States of America performed by Charles L. Mitchell and Edwin Garrison Walker, who served in said chamber as members of the Massachusetts house of representatives for one full term in office in the year eighteen hundred and sixty-seven and who were the first black officials elected to the general court. The cost of said plaque shall not exceed the amount of six hundred dollars.

Approved October 2, 1979.

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Chap. 17. RESOLVE IN FAVOR OF LANDS' TOWING SERVICE  
IN THE CITY OF MARLBOROUGH.

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 Lands' Towing Service in the city of Marlborough the sum of six hundred and seventy-five dollars for services rendered to the department of public safety for the removal of parked cars.

Approved October 4, 1979.

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Chap. 18. RESOLVE PROVIDING FOR AN INVESTIGATION  
AND STUDY BY A SPECIAL COMMISSION RELATIVE  
TO ESTABLISHING STANDARDS OF ETHICS  
IN POLITICAL ADVERTISING IN THE NEWS  
MEDIA.

Resolved, That a special commission, to consist of three members of the senate, six members of the house of representatives, and four persons to be appointed by the governor, two of whom shall be newspaper editors, one of whom shall be a general manager or executive officer of a television station and one of whom shall be a general manager or executive officer of a radio station, is hereby established for the purpose of making an investigation and study relative to establishing guidelines and standards of ethics in political advertising in the news media.

Approved October 4, 1979.

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Chap. 19. RESOLVE INCREASING THE SCOPE OF THE  
SPECIAL COMMISSION ESTABLISHED TO MAKE  
AN INVESTIGATION AND STUDY RELATIVE TO  
THE PROBLEMS CONCERNING ARSON.

Resolved, That the special commission, established by chapter four of the resolves of nineteen hundred and seventy-six and most recently revived and continued under the provisions of chapter fourteen of the resolves of nineteen hundred and seventy-nine shall, in the course of its investigation and study, consider the subject matter of current house document numbered 5479, relative to the disbursement of proceeds of certain insurance policies. Said commission shall also study the feasibility of ascertaining the uniform value of property destroyed as a result of fire in order to facilitate the payment of insurance claims. Said

commission may seek, accept and expend any grants or gifts of money, professional services, consultant services, clerical and other services and supplies from the federal government or any other private or public sources in the course of its investigation and study.

Approved October 5, 1979.

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Chap. 20. RESOLVE PROVIDING FOR AN INVESTIGATION  
AND STUDY BY THE WATER RESOURCES  
COMMISSION RELATIVE TO THE WATER SUPPLY  
SYSTEM OF THE CITY OF PITTSFIELD.

Resolved, That the water resources commission is hereby authorized and directed to make an investigation and study relative to the water supply needs of the city of Pittsfield. Said commission shall explore the feasibility of utilizing available water resources, the extent and condition of said sources in said city, the current condition and future needs of the supply and distribution system of said city, the costs and methods of financing improvements and additions to the present system including all available state, federal, or regional financial assistance available to the city for improving and extending its water supply 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 such recommendations into effect, by filing the same with the clerk of the house of representatives on or before the first Wednesday of October, nineteen hundred and eighty-one.

Approved October 5, 1979.

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Chap. 21. RESOLVE PROVIDING FOR AN INVESTIGATION  
AND STUDY BY THE DEPARTMENT OF ENVIRON-  
MENTAL MANAGEMENT RELATIVE TO THE ECO-  
NOMIC AND ENVIRONMENTAL IMPORTANCE OF  
THE PUBLIC SHADE TREE RESOURCE.

Resolved, That the department of environmental management is hereby authorized and directed to make an investigation and study relative to the role of shade trees as a public resource with particular reference to their economic and environmental importance, to the management problems relative to the maintenance of the public shade trees, to the evaluation of the role of the Bureau of Insect Pest Control in providing a significant level of state assistance, to the investigation of all federal and state funding alternatives and to recommend any needed policy changes relative to the role of various public agencies within the commonwealth in this program area. Said department shall enlist the aid of such agencies as the University of Massachusetts shade tree laboratories, the department of public works, the metropolitan district commission as well as the Massachusetts Tree Wardens and Foresters Association to effectuate the purpose of this resolve. Said department shall report to the general court the results of its study, and its recommendations, if any, together with drafts of such legislation as may be necessary to carry such recommendations

into effect, by filing the same with the clerk of the house of representatives on or before the last Wednesday of December, nineteen hundred and seventy-nine.

Approved October 27, 1979.

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Chap. 22. RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY RELATIVE TO THE IMPACT OF SEWAGE TREATMENT FACILITIES ON CITIES AND TOWNS.

Resolved, That the metropolitan district commission is hereby authorized and directed to make an investigation and study relative to the impact of sewage treatment facilities upon cities and towns. Said commission may expend, subject to appropriation, funds for expert services and expense to accomplish the purposes of this resolve. Said investigation shall include but not be limited to a study of composting and incineration. 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 December, nineteen hundred and eighty.

Approved November 14, 1979.

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Chap. 23. RESOLVE IN FAVOR OF HELEN E. LABBS.

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 Helen E. Labbs of Woodstock, Connecticut, administratrix of the estate of Tom Labbs, also known as Tom Labovites, late of Worcester, the sum of twenty-nine thousand four hundred and fifty-six dollars and thirteen cents as compensation in satisfaction of the balance of an execution of a judgment entered November twenty-fourth, nineteen hundred and seventy-eight against the commonwealth and its employee, Thomas L. McLaughlin, by the Worcester county superior court.

Approved November 15, 1979.

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Chap. 24. RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY BY THE EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS RELATIVE TO A COMPREHENSIVE MANAGEMENT PLAN FOR THE ADMINISTRATION OF SLUDGE TREATMENT IN THE COMMONWEALTH.

Resolved, That the executive office of environmental affairs is hereby authorized and directed to make an investigation and study relative to a comprehensive management plan for the administration of sludge treatment in the commonwealth. 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 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 June, nineteen hundred and eighty.

Approved November 15, 1979.

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Chap. 25. RESOLVE ESTABLISHING A SPECIAL COMMISSION  
TO PREPARE A DEVELOPMENT PROGRAM FOR  
BOSTON HARBOR.

Resolved, That a special commission to consist of two members of the senate; three members of the house of representatives; and seventeen members to be appointed by the governor, one of whom shall represent the Massachusetts Port Authority, one of whom shall represent the metropolitan district commission, one of whom shall represent the executive office of environmental affairs, one of whom shall represent the office of coastal zone management, one of whom shall represent the department of environmental management, one of whom shall represent the executive office of transportation and construction, one of whom shall represent the division of waterways within the department of environmental quality engineering, and three of whom shall represent major economic interests using Boston harbor, and two of whom shall represent environmental interests concerned with the harbor, and five of whom shall represent, and be appointed from nominees named by, the Bay State Boat Owners Association, the Massachusetts Bay Yacht Club Association, the Boston Shipping Association, and the Massachusetts Marine Trades Association; and four members, to be appointed by the mayor of Boston, to represent agencies or neighborhoods bordering on the harbor; and one member each who shall represent the cities of Chelsea, Everett and Quincy, appointed by the mayor of each said city; and one member each who shall represent the towns of Hingham, Hull, Weymouth and Winthrop, appointed by the board of selectmen of each said town; is hereby established for the purpose of preparing a program for the economic, social and environmental development of Boston harbor.

Said commission shall prepare a development program for Boston harbor and shall define the boundaries of the area to be included in said program. In the development of said program, the commission shall consider, but not be limited to, establishing an inventory of existing public and private lands and natural resources in Boston harbor, and suggesting usage of such lands with emphasis on waterfront employment and water dependent development, providing public access to the waterfront, balancing local and regional interests, protecting existing natural resources and communities from disruption by development, reviewing the management roles of the various state and municipal agencies with jurisdiction in Boston Harbor, and examining the effectiveness of the coastal zone management program in improving management of the harbor.

Said commission shall report its findings and recommendations, along with any proposed legislation, to the clerk of the senate and house of representatives no later than June thirtieth, nineteen hundred and eighty-one.

Said commission may accept and expend any appropriations,



grants or gifts of money, professional services, consultant services, clerical and other services and supplies from the federal and state government, or any other private source in the course of its investigation and study.

Said commission may travel within and without the commonwealth in the course of its duties and may employ a director of research and such other assistants as it may deem necessary.

Approved November 15, 1979.

NUMBER OF ACTS & RESOLVES APPROVED, APPROVAL WITHHELD, ACTS VETOED BY THE GOVERNOR, PASSED OVER HIS VETO & ACTS DECLARED EMERGENCY LAWS BY THE GOVERNOR UNDER AUTHORITY OF THE CONSTITUTION.

The General Court during its first session held in 1979 passed 807 Acts & 25 Resolves of which 791 Acts & 24 Resolves received executive approval. 16 Acts from which executive approval was withheld became law by virtue of Chapter 1, Section 1, Article II of the Constitution of the Commonwealth.

Sixteen (16) Acts entitled, respectively, "An Act authorizing the County Commissioners of Worcester County to expend a sum of money for the purpose of installing fire doors at Worcester County Hospital." (Chapter 50); "An Act granting permanent civil service status to certain employees of the School Department of the City of Northampton." (Chapter 74); "An Act exempting the Office of Town Accountant in the Town of Hamilton from the provisions of the civil service law." (Chapter 90.); "An Act relative to the removal of the score of any group intelligence tests from the record of a student." (Chapter 91); "An Act directing the Board of Registration of Hairdressers to issue a hairdressing license to Jeannette Cozzaglio." (Chapter 92); "An Act relative to call of the military forces of the Commonwealth in case of public catastrophe or natural disaster." (Chapter 134); "An Act requiring certain insurers to pay certain insurance premiums to independent licensed insurance agents." (Chapter 149); "An Act prohibiting the Department of Public Utilities from authorizing a rate or charge for directory service." (Chapter 218); "An Act relative to the disposition of unclaimed or abandoned property." (Chapter 221); "An Act authorizing the appointment of Eileen Rodgeron as a Police Officer in the City of Boston notwithstanding certain maximum age requirements for such appointment." (Chapter 318); "An Act making appropriations for the fiscal year nineteen hundred & eighty for the maintenance of the Worcester County Hospital." (Chapter 392); "An Act relative to the funding of salaries payable during the months of July & August to teachers & other professional employees of the School Department in the Town of Billerica." (Chapter 489); "An Act to regulate the Coggins test & to control quarantine procedures." (Chapter 566); "An Act relative to the rates charged by convalescent, nursing, & rest homes." (Chapter 567); "An Act allowing the maintenance of a certain sign on Route 7 in the Town of Lanesborough." (Chapter 628); "An Act directing the Collector of Taxes for the City of Peabody to file a discharge on a certain lien." (Chapter 646); & one (1) Resolve "Resolve authorizing the State Treasurer to pay to the Flintkote Company for certain highway work authorized by the Department of Public Works of the Commonwealth." (Chapter 7) 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 & Resolve have the force of law, under the provisions of the

Constitution governing such cases & have been so certified.

The Governor returned 6 Acts with his objections thereto in writing. Upon said 5 Acts his objections were sustained & upon 1 Act his objections were not sustained.

One (1) Act, entitled "An Act prohibiting the Department of Public Utilities from authorizing a rate or charge for directory service." (Chapter 218), was passed & 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 & said Act has thereby the force of law.

Five (5) Acts, entitled, respectively, "An Act directing the Commissioner of Public Health to issue a certificate of need to the Ludlow Hospital for a kidney dialysis unit."; "An Act relative to the licensing of insurance advisors."; "An Act granting permanent civil service status to Leslie M. Wilson, Sr. as a Worcester City Hall Special Police Officer."; "An Act exempting certain Police Officers from certain educational requirements." & "An Act providing economic incentives for consumers to return used beverage containers & to encourage the conservation of materials & energy through the recycling & reuse thereof." were passed & laid before the Governor for his approval, were returned by him with his objections thereto, to the Branch in which they respectively originated, were reconsidered & the vote being taken on their passage, the objections of the Governor thereto notwithstanding, they were rejected, & said Acts thereby became void.

Twenty-three (23) Acts, Chapters 15, 95, 106, 158, 330, 365, 382, 490, 519, 521, 522, 554, 611, 613, 621, 626, 635, 677, 725, 791, 792, 802 & 807 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.

Nineteen (19) Acts, having been passed by the General Court & 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 Sunday, November 4, 1979 @ eight o'clock & thirteen minutes, A.M., the Session having occupied 306 days.

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## **APPENDIX**

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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-NINE.\*†

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### **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).

SECT. 14 added, 1979, 153 (designating the Boston terrier as the dog or dog emblem of the commonwealth).

SECT. 15 added, 1979, 333 (designating rhodonite as the gem or gem emblem of the commonwealth).

### **Chapter 3. — The General Court.**

SECT. 1 revised, 1946, 130 § 1.

SECT. 5 amended, 1937, 364 § 1; 1939, 508 § 1; 1956, 31.

SECT. 6 revised, 1937, 364 § 2; amended, 1939, 424 § 1; repealed, 1943, 549 § 2. (See 1939, 424 § 3.)

SECT. 6A added, 1939, 424 § 2 (imposing restrictions on the granting of authority to use the designation of junior college); repealed, 1943, 549 § 2. (See 1939, 424 § 3.)

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; fifth sentence revised, 1979, 159; section revised 1979, 677 § 1. (See 1948, 655 §§ 3, 4; 1949, 784 § 3, 801 § 2; 1950, 247 § 2; 1951, 803 § 2; 1956, 742 §§ 2, 3; 1960, 783 § 3; 1963, 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; first paragraph revised, 1979, 686 § 1; second paragraph revised, 1979, 686 § 2. (See 1963, 506 §§ 5-7; 1969, 19 § 7; 1979, 686 § 4.) 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. 4B added, 1979, 518 § 1 (establishing a procedure for the rescission of certain statutes). (See 1979, 518 § 2).

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; subclause (i) revised, 1979, 230; 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 §§ 9-40; 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.

SECT. 19 amended, 1979, 218.

### **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; section revised, 1979, 677 § 2. (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; section revised, 1979, 677 § 3. (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); paragraph added, 1979, 636.

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. 15LL added, 1979, 8 (relative to the annual observance of Licensed Practical Nurse Week).

SECT. 15MM added, 1979, 244 (relative to the annual observance of Vietnam Veterans Day).

SECT. 15NN added, 1979, 331 (relative to the annual observance of State Walking Sunday).

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; 1979, 482. (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. 167, definition of "Criminal offender record information" revised, 1977, 691, § 2; definitions of "Evaluative information," and "Intelligence information" added, 1977, 691, § 2.

SECT. 168, first paragraph amended, 1978, 478 § 5; revised, 1979, 702 § 1; paragraph added, 1973, 961 § 1; third paragraph revised, 1979, 702 § 2; fourth paragraph, third sentence stricken out and three sentences inserted, 1979, 702 § 3; sixth and seventh paragraphs stricken out and paragraph inserted, 1979, 702 § 4.

SECT. 169, paragraph added, 1973, 961 § 2; section repealed 1979, 702 § 5.

SECT. 170, paragraph added, 1973, 961 § 3; first paragraph revised, 1979, 702 § 6.

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.)

SECT. 178, revised, 1979, 702 § 7.

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; revised, 1979, 796 § 2. (See 1970, 862 § 6; 1973, 1168 § 40; 1979, 796 § 35.)

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; paragraph added, 1979, 677 § 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; first paragraph revised, 1979, 702 § 8. (See 1972, 802 § 76; 1974, 806 § 41.)

SECT. 19 amended, 1973, 1141 § 2; 1974, 806 § 9. (See 1974, 806 § 41.)

SECT. 19A added, 1979, 480 § 25 (relative to certain demonstration projects and programs for the purpose of energy conservation).

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; third paragraph, clause (6) revised, 1979, 567; paragraph inserted after fourth paragraph, 1979, 675 § 1. (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);

SECT. 37, paragraph inserted after second paragraph, 1979, 675 § 2.

### **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 amended, 1979, 677 § 5; 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; 1979, 677 § 14.)

SECT. 4B amended, 1968, 492 § 1; revised, 1974, 835 § 6; 1979, 677 § 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. first paragraph amended, 1979, 677 § 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; 1979, 702 § 9. (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.)

SECT. 5, amended, 1979, 677 § 8.

SECTS. 5A AND 5B added, 1953, 612 § 4 (establishing a division of building construction); repealed, 1962, 757 § 4. (See 1953, 612 §§ 10-13; 1962, 757 § 75.)



SECT. 6 revised, 1948, 610 § 3; 1950, 824; amended 1951, 558; revised, 1962, 757 § 4; repealed, 1969, 704 § 9. (See 1948, 610 §§ 6, 7; 1962, 757 § 75; 1969, 704 § 60.)

SECT. 6A added, 1941, 433 § 3 (providing for the appointment of the postmaster and assistant postmaster of the central mailing room by the Commission on Administration and Finance); revised, 1950, 547 § 1. (See 1941, 433 § 4; 1950, 547 § 2.)

SECT. 6B added, 1951, 440 § 1 (establishing first aid facilities in the state house); amended, 1962, 757 § 9. (See 1951, 440 §§ 2, 3.)

SECTS. 6C AND 6D added, 1953, 636 § 1 (relative to hospital expenses for public welfare and other public assistance patients). (See 1953, 636 §§ 6-9.)

SECT. 6C repealed, 1962, 757 § 5.

SECT. 6D amended, 1962, 757 § 10; third paragraph amended, 1956, 198; repealed, 1968, 492 § 2.

SECT. 6E added, 1971, 557 (establishing the office of state office buildings physician).

SECT. 6F added, 1974, 500 § 1 (providing for a coordinator of flexible hours within the bureau of personnel).

SECT. 7 amended, 1945, 457; revised, 1948, 610 § 5; first paragraph stricken out, 1962, 757 § 6; paragraph added at end, 1949, 448; same paragraph amended, 1950, 512; 1951, 455; revised, 1953, 526; stricken out, 1954, 680 § 1; paragraph added at end, 1960, 808. (See 1948, 610 §§ 6, 7.)

SECT. 7A added, 1950, 698 (authorizing the commissioner of administration to enter into agreements with certain towns for fire protection of certain state institutions); amended, 1962, 757 § 11.

SECT. 8 amended, 1962, 757 § 12.

SECT. 9 amended, 1962, 757 § 13; revised, 1979, 542.

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. 13A added, 1979, 393 § 60 (requiring the comptroller to prepare an annual report of certain grants). (See 1979, 393 § 73.)

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. 28B added, 1979, 775 (establishing a certain employee assistance program).

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; revised, 1979, 677 § 9. (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; revised, 1979, 677 § 10. (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. 9A added, 1979, 798 § 24 (requiring the forwarding of certain debt statements).

SECT. 11 revised, 1939, 499 § 2; amended, 1945, 292 § 2; revised, 1959, 612 § 1. (See 1959, 612 § 10.)

SECT. 15, second sentence revised, 1979, 717 § 1.

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. paragraph added, 1979, 790 § 1.

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.)

SECT. 35A added, 1979, 790 § 2 (establishing the State Arts Lottery Fund).

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; revised, 1979, 677 § 11. (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; fifth and sixth sentences revised, 1979, 760.

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; revised, 1979, 677 § 12. (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. 3E added, 1979, 806 § 2 (relative to certain mental health training programs).

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.)

SECTS. 8-8K stricken out and sections 8-8M inserted, 1979, 716.

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. 11H added, 1979, 801 § 1 (relative to the protection of civil rights).

SECT. 11I added, 1979, 801 § 1 (relative to the protection of civil rights).

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; amended, 1979, 393 § 61. (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; 1979, 393 § 73).

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; first paragraph amended, 1979, 58 § 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; fourth sentence revised, 1979 348 § 1; fifth sentence revised, 1977, 111; amended, 1979, 348 § 2. (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 1963.**

**The following references are to chapter 16, as so inserted:**

SECT. 2, first paragraph amended, 1967, 844 § 8; second paragraph revised, 1978, 514 §§ 5A, 5B; second sentence stricken out, 1979, 677 § 13; 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; eighth paragraph revised, 1979, 25.

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; 1979, 770 § 1; § 2; 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; 1979, 770 YSM 4.)

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; subsection (D) added, 1979, 393 § 62; second paragraph revised, 1979, 765 § 3. (See 1973, 1168 § 40; 1979, 393 § 73; 765 § 4.)

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.**

SECT. 4 revised, 1979, 795 § 1.

SECT. 20 added, 1979, 795 § 2 (relative to the advancement of certain funds).

### **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 sentence stricken out and two sentences inserted, 1979, 806 § 1; 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, first paragraph revised, 1979, 189 § 1; 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; first sentence revised, 1979, 189 § 2. (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.)

SECT. 4, third paragraph, clause (c) revised, 1977, 538.

**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; 1979, 393 § 63; third paragraph, clause (p) added, 1979, 320. (See 1979, 393 § 73.)

**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. 8A added, 1979, 800 § 1 (relative to the cooperative survey program for groundwater assessments).

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); revised, 1979, 557 § 1; definition of "Hazardous material" inserted, 1979, 705 § 1.

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; clause (14) revised, 1979, 705 § 2.

SECT. 28, subsection (a) revised, 1967, 873 § 3; 1973, 1074 § 1; subsection (b) amended, 1973, 1074 § 2; subsection (c) amended, 1973, 1074 § 3; subsection (e) added, 1979, 557 § 2.

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, second sentence stricken out, 1979, 557 § 3.

SECT. 30A added, 1967, 873 § 5 (authorizing governmental units to construct and operate water pollution abatement facilities); amended, 1973, 546 § 4; revised, 1979, 557 § 4.

SECT. 31 amended, 1979, 557 § 5.

SECT. 32 amended, 1967, 873 § 6; 1973, 546 § 5; paragraph added, 1972, 601 § 3.

SECT. 33 revised, 1967, 873 § 7; 1973, 546 § 6; 1979, 557 § 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. 34 revised, 1979, 557 § 7.

SECT. 35, sixth and seventh paragraphs stricken out, 1979, 557 § 8.

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; paragraph added, 1979, 705 § 3.

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. 52 repealed, 1979, 704 § 1. (See 1979, 704 § 10.)

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.

SECTS. 57-58 repealed, 1979, 704 § 1. (See 1979, 704 § 10.)

### **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; sentence added, 1979, 294. (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 21C. — Massachusetts Hazardous Waste Management Act**

**New Chapter inserted, 1979, 704 § 2.**

### **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; criminal information a narcotics unit); revised, 1974, 639 § 1.

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, eighth sentence revised, 1979, 374 § 1.

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; subparagraph (2) revised, 1979, 297.

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. 9T added, 1979, 655 § 1 (relative to the salary of superior officers in the division of state police).

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; third paragraph amended, 1979, 661. (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; fifth sentence revised, 1979, 374 § 2. (See 1939, 261 § 25; 1969, 704 § 60.)

SECT. 5 amended, 1935, 479 § 3; third sentence stricken out, 1979, 374 § 3. (See 1935, 479 § 7.)

SECT. 7 revised, 1973, 1192 § 2; sentence added, 1979, 393 § 65. (See 1979, 393 § 73.)

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. 5, second paragraph amended, 1979, 62.

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.

SECT. 35, paragraph (b) amended, 1979, 787 § 1.

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; first paragraph revised, 1979, 617 § 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). paragraph inserted after first paragraph, 1979, 796 § 3. (See 1975, 684 § 97; 1979, 796 § 35.)

### **Chapter 25A. — Executive Office Of Energy Resources**

**New Chapter inserted, 1979, 796 § 4. (See 1979, 796 § 35.)**

### **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; last paragraph revised, 1979, 384. (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; revised, 1979, 505; 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; third sentence revised, 1979, 374 § 4. (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); first paragraph stricken out and two paragraphs inserted, 1979, 393 § 66; fourth paragraph revised, 1969, 704 § 28; 1973, 1230 § 2; stricken out and two paragraphs inserted, 1979, 393 § 67. (See 1969, 704 § 60; 1979, 393 § 73.)

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. 20B added, 1979, 268 § 1 (relative to the use of state funds for certain abortions).

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); clause (1) revised, 1979, 519.

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. 9G added, 1979, 690 (authorizing leaves of absence for certain employees).

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; 1979, 795 § 3; 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; 1979, 795 § 5.)

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; amended, 1979, 77 § 1; 577 § 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. 1979, 77 § 2; 1979, 577 § 2.)

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 § 2; 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; second paragraph amended, 1979, 543; 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.)

SECT. 26, paragraph added, 1979, 265; revised, 1979, 554.

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; first sentence stricken out and two sentences inserted, 1979, 196. (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 preceeding section changed, 1957, 29.

SECT. 47A added, 1941, 195 (providing that certain employees in the classified public service shall not be subject to a probationary period); revised, 1945, 701 § 3; second paragraph amended, 1946, 59; first two paragraphs revised, 1948, 278; first paragraph amended, 1967, 74 § 4; second paragraph amended, 1967, 74 § 5; first and second paragraphs revised, 1974, 835 § 132; third paragraph amended, 1971, 152; 1974, 835 § 133; paragraph added, 1950, 376 § 1; 1970, 49. (See 1950, 376 § 2; 1974, 835 § 185.)

SECT. 47B added, 1941, 290 (relative to the classification and establishment of seniority of certain civil service employees); revised, 1945, 701 § 5; paragraph inserted after first paragraph, 1956, 49; second paragraph amended, 1967, 74 § 6; third paragraph amended, 1967, 74 § 7; fourth paragraph amended, 1960, 73.

SECTS. 47C AND 47D added, 1941, 402 § 1 (establishing a merit system, substantially similar to the civil service system, for certain officers and employees of local boards of public welfare). (See 1941, 402 §§ 4-9.)

SECT. 47C, paragraph (1) revised, 1941, 588 § 1; 1950, 793 § 1; 1951, 741 § 3; amended, 1963, 432 § 2; revised, 1965, 387 § 1; paragraph (3)



revised, 1965, 580 § 3; 775 § 3; section repealed, 1967, 658 § 1A. (See 1941, 588 § 3; 1950, 793 § 2.)

SECT. 47D, first sentence revised, 1965, 387 § 2; section repealed, 1967, 658 § 1A.

SECT. 47E added, 1951, 537 (providing annual step-rate increases for municipal public welfare employees); second paragraph stricken out, 1961, 529; section revised, 1962, 579 § 1; second paragraph revised, 1964, 702; section repealed, 1967, 658 § 1A. (See 1962, 579 §§ 2, 3.)

SECT. 48 revised, 1945, 701 § 6; first paragraph amended, 1953, 306; 1954, 90; 1967, 246 § 1; revised, 1970, 162 § 1; paragraph added, 1947, 239; section amended, 1974, 835 § 134. (See 1974, 835 § 185.)

SECT. 48A added, 1967, 857 (relative to residency requirements for appointment of police officers); amended, 1968, 746; 1969, 16; 1972, 226; revised, 1974, 650; amended, 1974, 835 § 135; 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.)

SECT. 62, paragraph added, 1979, 648 § 1.

SECT. 62A added, 1979, 648 § 2 (relative to punishment duty for police officers and firefighters).

### **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; revised, 1979, 681; 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; 1979, 485 § 1; 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; amended, 1979, 485 § 2; 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; paragraph added, 1979, 556 § 1; 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 ½) added, 1971, 1012 § 6; amended, 1978, 523 § 4; subdivision (4 ½) added,

1967, 597 § 14; paragraph (b) amended, 1978, 523 § 5; paragraph (g) added, 1979, 136 § 1; subdivision (4  $\frac{3}{4}$ ) added, 1973, 1003 § 11; paragraph (b) amended, 1978, 523 § 6; subdivision (4  $\frac{7}{8}$ ) added, 1978, 487 § 10; subdivision (5), paragraph (b) amended, 1956, 422 § 2; paragraph (c) revised, 1956, 609 § 3; paragraph (h) amended, 1979, 267 § 1; 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; 1979, 136 § 2.)

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 (3A) inserted, 1979, 393 § 68; 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; 1979, 393 § 73.)

SECT. 23, subdivision (1), paragraph (b), second sentence revised, 1957, 533; stricken out, 1961, 441 § 1; paragraph amended, 1975, 487; 768 § 1; paragraph (c) amended, 1979, 267 § 2; paragraph (d) added, 1961, 441 § 2; introductory paragraph amended, 1979, 342 § 18; 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 (e) amended, 1979, 267 § 3; paragraph (f) added, 1960, 744 § 2; subdivision (3) added, 1976, 269 § 2. (See 1978, 566 § 6; 1979, 342 § 19.)

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. 65D, paragraph (f) revised, 1979, 556 § 2.

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); amended, 1979, 791.

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; first sentence revised, 1979, 698; 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; two sentences inserted after first sentence, 1979, 268 § 2.

**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; two sentences inserted after first sentence, 1979, 268 § 3; 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; first paragraph, two sentences inserted after first sentence, 1979, 268 § 4.

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; two sentences inserted after first sentence, 1979, 268 § 5.

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; fourth paragraph, two sentences inserted after first sentence, 1979, 268 § 6.

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; two sentences inserted after first sentence, 1979, 268 § 7; second paragraph amended, 1975, 806 § 4.

SECT. 3A added, 1977, 900 (relative to self-insurers); two sentences inserted after first sentence, 1979, 268 § 8.

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 fire-fighters); 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); first paragraph, two sentences inserted after first sentence, 1979, 268 § 9; 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; first paragraph, clause (3) added, 1979, 268 § 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. 41 revised, 1979, 134 § 1.

SECT. 42 repealed, 1979, 134 § 2.

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. 135 revised, 1979, 513.

SECT. 137 added, 1977, 972 § 1 (providing for a Massachusetts national guard education assistance program); first paragraph, second sentence revised, 1979, 511. (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; first sentence revised, 1979, 679. (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; two sentences added, 1979, 325.

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; section amended, 1979, 485 § 3. (See 1978, 478 § 343.)

SECT. 22A added, 1975, 27 (further regulating the depositing of funds by county officers and employees); revised, 1978, 478 § 24; amended, 1979, 485 § 4. (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; first paragraph revised, 1979, 485 § 5; 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; seventh sentence stricken out, two sentences inserted,

1979, 391; 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; first sentence revised, 1979, 199; 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; 1979, 281; paragraph inserted, 1971, 952; 1972, 25; 1973, 6; 1974, 693; 1975, 46; paragraph added, 1969, 758 § 4; 1977, 421; 1978, 575; 1979, 796 § 5. (See 1932, 271 § 7; 1951, 798 § 8; 1957, 227 § 2; 1969, 849 § 79; 1979, 796 § 35.)

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; first paragraph, sentence added, 1979, 206; 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 (21A) revised, 1979, 211; 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); second paragraph amended, 1979, 552 § 1.

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; last sentence revised, 1979, 260.

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).

SECT. 56 added, 1979, 797 § 1 (relative to the taxation of real property by usage classification).

### 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; fourth paragraph, sentence inserted after first sentence, 1979, 106.

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; fourth paragraph, sentence inserted after first sentence, 1979, 106.

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; third sentence revised, 1979, 117; 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. 2A added, 1979, 654 (regulating the participation of municipalities in regional districts).

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; paragraph (*l*) revised, 1979, 787 § 2; 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; second paragraph, third sentence stricken out, 1979, 787 § 3.

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.**

SECT. 10 added, 1979, 807 (relative to the procedures of the Massachusetts Technology Development Corporation).

#### **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); revised, 1979, 467.

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. 30B added, 1979, 797 § 2 (relative to joint assessing agreements). (See 1979, 797 § 25.)

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 "Drainage" inserted, 1979, 534; 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; 1979, 311; 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. 97B, paragraph added, 1979, 217.

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. 100G½ added, 1979, 477 (relative to certain meetings of the Massachusetts police association).

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; 1979, 478.

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. 6, paragraph added, 1979, 68 § 1.

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; 1979, 68 § 2.

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; sentence inserted after first sentence, 1979, 782 § 1. (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.

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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; paragraph inserted after second paragraph, 1979, 668. 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 (3B) added, 1979, 796 § 6; 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; clause (26) added, 1979, 796 § 7. (See 1936, 224 § 11, 12; 1965, 206 §§ 2, 3, 581 § 2; 1968, 228 § 2; 1969, 849 § 79; 1976, 11 § 2; 1979, 796 § 35.)

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; 1979, 191.

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; 1979, 194 § 1; 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; section revised, 1979, 98 § 1.

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; fourth and fifth sentences stricken out, one sentence inserted, 1979, 782 § 2.

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; 1979, 673 § 1.

SECT. 16A added, 1979, 673 § 2 (relative to the handling of slash).

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; first sentence revised, 1979, 435. (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; amended, 1979, 431; 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; revised, 1979, 145.

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; second sentence revised, 1979, 664 § 1; third sentence revised, 1971, 920 § 1; last sentence revised, 1975, 600 § 6. (See 1971, 920 § 11; 1979, 664 § 3.)

### **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; 1979, 745 § 1.

SECT. 7 amended, 1933, 254 § 16; sentence inserted, 1936, 2 § 2; section revised, 1936, 4 § 1; amended, 1937, 25 § 1; 1938, 341 § 5; first paragraph, first and second sentences revised, 1943, 334 § 3; first sentence revised, 1968, 112; 1971, 512 § 1; 1974, 200 § 1; 1976, 306; second sentence revised, 1968, 114; last three sentences revised, 1954, 183 § 2; 1963, 210; last sentence amended, 1968, 488; paragraph added, 1971, 512 § 2; amended, 1974, 169; paragraph added, 1974, 63; 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; first sentence revised, 1979, 745 § 2; 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; first sentence revised, 1979, 100; 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.

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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; second and third sentences stricken out, sentence inserted, 1979, 602 § 1.

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; 1979, 190 § 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; second sentence revised, 1979, 602 § 2.

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; 1979, 745 § 3. (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; first paragraph revised, 1979, 336 § 1; 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; first sentence revised, 1979, 745 § 4. (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); second paragraph revised, 1979, 745 § 5.

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; first sentence revised, 1979, 336 § 2. (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; second paragraph, second, third and fourth sentences revised, 1979, 664 § 2. (See 1979, 664 § 3.)

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. 72 revised, 1979, 745 § 6

SECT. 72A added, 1933, 313 § 6 (relative to caucuses before regular city elections in cities having absent voting); revised, 1937, 77 § 5; 1945, 1.

SECT. 76, paragraph added, 1946, 537 § 3. (See 1946, 537 § 12.)

SECT. 87, paragraph added, 1946, 537 § 4. (See 1946, 537 § 12.)

SECT. 112 amended, 1935, 59 § 2.

SECT. 117 amended, 1932, 141 § 2.

SECT. 121 added, 1932, 141 § 3 (authorizing the nomination by caucuses other than those of political or municipal parties of two candidates for each town office); revised, 1936, 204.

**Chapter 54. — Elections.**

For legislation relative to absent voting by members of the armed forces during time of war, see 1948, 531.

SECT. 1 revised, 1965, 424; 1971, 820 § 3; 1972, 735 § 3; 1975, 10 § 5.

SECT. 2 amended, 1943, 411 § 1; 1971, 820 § 4; 1972, 735 § 4; second paragraph amended, 1975, 10 § 6.

SECT. 3 repealed, 1971, 820 § 5.

SECT. 4 revised, 1935, 482 § 2; amended, 1936, 185; revised, 1937, 412; amended, 1971, 820 § 6; revised, 1973, 38; 1975, 10 § 7.

SECT. 5 revised, 1943, 209 § 1.

SECT. 6 revised, 1943, 411 § 2; amended, 1971, 820 § 7; revised, 1972, 735 § 5; 1975, 10 § 8; paragraph inserted after first paragraph, 1975, 365 § 2.

SECT. 7 revised, 1943, 411 § 3; amended, 1947, 267 § 1; amended, 1971, 820 § 8; revised, 1972, 735 § 6.

SECT. 7A added, 1947, 267 § 3 (authorizing the division of precincts in certain towns for the sole purpose of facilitating voting therein).

SECT. 9 amended, 1971, 820 § 9; revised, 1972, 735 § 7; amended, 1975, 10 § 9.

SECT. 9A added, 1937, 267 § 1 (relative to the use of precincts in certain towns in the formation of representative districts); revised, 1947, 267 § 2; 1966, 282; 1971, 820 § 10; second and fourth paragraphs stricken out, 1972, 735 § 8; section revised, 1975, 10 § 10.

SECT. 11 amended, 1932, 76 § 1; 1934, 158 § 1; 1937, 27; 1938, 341 § 6; revised, 1941, 432 § 1; first sentence amended, 1964, 186; two sentences inserted after first sentence, 1962, 437 § 29.

SECT. 11A added, 1932, 76 § 2 (dispensing with the appointment of deputy election officers in certain cities).

SECT. 11B added, 1941, 432 § 2 (relative to the appointment of election officers in certain cities); revised, 1943, 230; 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; sentence added, 1979, 234.

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, first paragraph revised, 1979, 635 § 1; 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; first three paragraphs revised, 1979, 635 § 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; 1979, 190 § 2; revised, 1979, 745 § 7; 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; 1979, 190 § 3 last paragraph amended, 1943, 411 § 12; first sentence revised, 1970, 869 § 6; amended, 1972, 97; second sentence revised, 1962, 437 § 38; 1976, 109 § 2; sentence added, 1970, 424 § 1.

SECT. 42A added, 1947, 138 § 1 (relative to questions appearing upon ballots at state and municipal elections).

SECT. 42A added, 1974, 820 (relative to questions of public policy on official election ballots); stricken out and section 42B added, 1975, 182.

SECT. 43 revised, 1932, 135 § 1.

SECT. 43A added, 1957, 126 § 1 (placing the office of United States senator ahead of state constitutional officers on ballots, ballot labels and voting machines at state elections and primaries); first paragraph revised, 1959, 298; 1962, 358; 1970, 869 § 7; amended, 1972, 400 § 6; third paragraph revised, 1970, 869 § 8; amended, 1972, 400 § 7.

SECT. 44 amended, 1943, 411 § 13; third and fourth sentences stricken out and sentence inserted, 1957, 126 § 2.

SECT. 45, first sentence revised, 1943, 281 § 1; paragraph added, 1943, 281 § 2; revised, 1967, 564 § 9; third paragraph revised, 1977, 709.

SECT. 48 amended, 1943, 290; sentence inserted after third sentence, 1967, 564 § 10; fifth sentence revised, 1979, 602 § 3.

SECT. 49 amended, 1943, 411 § 14; sentence added, 1962, 437 § 39.

SECT. 52 revised, 1977, 667; first three sentences revised, 1979, 745 § 8.

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; section revised, 1979, 233; first sentence revised, 1979, 602 § 4. (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.

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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; first sentence revised, 1979, 635 § 3; 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; seventh paragraph revised, 1979, 295. (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. 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. 18, two paragraphs added, 1979, 335 § 1. (See 1979, 335 § 4.)

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; repealed, 1979, 335 § 2. (See 1979, 335 § 4.)

SECT. 21 repealed, 1979, 335 § 3. (See 1979, 335 § 4.)

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. 1 stricken out and sections 1 and 1A inserted, 1979, 797 § 3. (See 1979, 797 § 25.)

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; section revised, 1979, 797 § 4. (See 1933, 254 § 66; 1963, 660 § 9; 1975, 684 § 97; 1977, 992 § 5; 1978, 580 § 40; 1979, 797 § 25.)

SECT. 4, first sentence revised, 1978, 580 § 4. (See 1978, 580 § 40.)

SECT. 4 stricken out and sections 4, 4A, 4B and 4C inserted, 1979, 797 § 5. (See 1979, 797 § 25.)

SECT. 6, first sentence revised, 1978, 580 § 5. section revised, 1979, 797 § 6. (See 1978, 580 § 40; 1979, 797 § 25.)

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.)

SECTS. 7A-7E repealed, 1979, 797 § 7. (See 1979, 797 § 25.)

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; section revised, 1979, 797 § 8. (See 1968, 256 § 2; 1978, 514 § 287, 580 § 40; 1979, 797 § 25.)

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. 10A, last sentence revised, 1979, 283 § 1.

SECT. 10B, first sentence revised, 1979, 283 § 2.

SECT. 10C, paragraph added, 1979, 383 § 1.

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; 1979, 797 § 9. (See 1945, 592 § 2; 1959, 412 § 2; 1961, 468 § 2; 1978, 514 § 287, 580 § 40; 1979, 797 § 25.)

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; 1979, 527 § 1. (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; revised, 1979, 713 § 2; amended, 1979, 797 § 9A; 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; 1979, 713 § 5; 1979, 797 § 25.)

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; tenth sentence revised, 1979, 383 § 2. (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. 12C added, 1979, 383 § 3 (relative to appeals to the appellate tax board).

SECT. 13 revised, 1933, 321 § 7; first sentence revised, 1956, 630; 1957, 522; sentence inserted after third sentence, 1969, 692; fifth sentence stricken out, 1954, 681 § 5; sentence inserted after fourth sentence, 1968, 120 § 2; sixth sentence amended, 1953, 654 § 27; 1954, 681 § 5; revised, 1968, 120 § 3; sentence inserted after sixth sentence, 1954, 681 § 5; stricken out, 1968, 120 § 4; eighth sentence amended, 1953, 654 § 27; fifteenth sentence revised, 1933, 350 § 8; amended, 1935, 218 § 1; 1939, 366 § 1; 1953, 654 § 27; revised, 1965, 597 § 3A; section revised, 1973, 1114 § 5; section revised, 1978, 514 § 72; first sentence revised, 1978, 580 § 15; 1979, 527 § 2; 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.)

SECT. 14 added, 1979, 797 § 10 (relative to disproportionate assessments.) (See 1979, 797 § 25.)

**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. 2A-2B added, 1979, 797 § 11 (relative to the classification of real property by use). (See 1979, 797 § 25.)

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 (2) revised, 1979, 777 § 1 (see 1979, 777 § 2); 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 § 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-fifth A added, 1979, 367; clause Forty-sixth added, 1977, 964; clause Forty-seventh added, 1979, 339 § 1; (see 1979, 339 § 2); clause Forty-eighth added, 1979, 713 § 3; (see 1979, 713 § 5).

\*See 1971, 1110 § 11.

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.)

SECTS. 5C-5F added, 1979, 797 § 12 (relative to valuation of real property). (See 1979, 797 § 25.)

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.)

SECTS. 12A-12F added, 1979, 797 § 13 (relative to certain assessments). (See 1979, 797 § 25.)

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. revised, 1979, 797 § 14. (See 1979, 797 § 25.)

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; section revised 1979, 797 § 15. (See 1978, 514 § 287; 576 § 2; 1979, 797 § 25.)



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.)

SECTS. 38D-38E added, 1979, 797 § 16 (authorizing assessors to require certain written returns and testimony under oath); (See 1979, 797 § 25.)

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; 1979, 797 § 17. (See 1973, 671 § 3; 1978, 580 § 40; 1979, 797 § 25.)

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; 1979, 503 § 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; 1979, 503 § 5.)

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. 78A added, 1979, 797 § 18 (relative to certain apportionments). (See 1979, 797 § 25.)

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.)**

SECT. 42 revised, 1979, 578 § 1.

### **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; third, fourth and fifth sentences stricken out, two sentences inserted, 1979, 797 § 19. (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; 1979, 797 § 25.)

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. 20 revised, 1979, 88.

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. 57A added, 1979, 282 (providing for a penalty for tendering an insufficient funds check in payment of certain taxes).

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; revised, 1979, 503 § 2; 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; 1979, 503 § 5.)

SECT. 63 amended, 1933, 325 § 11; revised, 1936, 392 § 3; third sentence amended, 1970, 235 § 2; 1976, 250 § 4; revised, 1979, 503 § 3. (See 1970, 235 § 4; 1976, 250 § 6; 1979, 503 § 5.)

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; second sentence revised, 1979, 503 § 4; paragraph added, 1935, 354 § 1. (See 1935, 224 § 6, 354 § 3; 414 § 4; 1966, 363 § 3; 1970, 235 § 4; 1976, 250 § 6; 1979, 503 § 5.)

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 sentence revised, 1979, 162 § 1; 1979, 451; third paragraph amended, 1963, 201; 1966, 114 § 1; sentence added, 1968, 353 § 1; fourth paragraph stricken out, two paragraphs added, 1979, 162 § 2. (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; fourth paragraph revised, 1979, 797 § 20; fifth paragraph, fourth sentence amended, 1978, 514 § 89. (See 1943, 461 §§ 4 and 5; 1969, 873 § 5; 1978, 514 § 287; 1979, 797 § 25.)

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. 4, paragraph added, 1979, 797 § 21. (See 1979, 797 § 25.)

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 61B. — Classification and Taxation of Recreational Land**

**New Chapter inserted, 1979, 713 § 1. (See 1979, 713 § 5.)**

**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 revised, 1979, 408 § 1; 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; subsection (k) stricken out, 1979, 409 § 1; (See 1945, 735 § 5; 1954, 679 § 7; 1957, 445 § 3, 491 § 2; 1958, 554 § 2; 1977, 599 § 11; 1978, 514 § 287; 1979, 408 § 2; 409 § 7.)

SECT. 2, subsection (a), paragraph (2), subparagraph (F) revised, 1977, 599 § 2; subparagraph (G) added, 1979, 796 § 8; subsection (c), paragraph (3) added, 1979, 409 § 2; subsection (d), paragraph (3) revised, 1977, 599 § 3; subsection (d) paragraphs (9)-(11) added, 1977, 599 § 4; (See 1977, 599 § 11; 1979, 409 § 7; 1979, 796 § 35.)

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; paragraph revised, 1979, 409 § 3; subparagraph (2), subsection (A) revised, 1979, 409 § 6; (See 1977, 599 § 11; 1979, 409 § 7.)

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; subsection (d) added, 1979, 796 § 9; 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; 1979, 796 § 35.)

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. section repealed, 1979, 409 § 4. (See 1958, 576 § 3; 1977, 599 §§ 8, 11; 1979, 409 § 7.)

SECTS. 7A AND 7B added, 1935, 438 § 1 (relative to income taxation of gains from certain transactions in real property).

SECT. 7A revised, 1959, 461; paragraph added, 1967, 526.

SECT. 7B amended, 1953, 654 § 42.

SECT. 8, paragraph (a) revised, 1951, 800 § 5; 1969, 533 § 1; paragraph (d) revised, 1957, 644 § 1; 1966, 698 § 14; paragraph (e) revised, 1954, 560; paragraph (g) amended, 1947, 83 § 2; 1952, 555; revised, 1962, 576 § 1; amended, 1966, 557 § 1; paragraph (h) added, 1945, 625 § 4; paragraphs (i) and (j) added, 1947, 485 § 2; revised, 1969, 629 § 1; paragraph (k) added, 1954, 443; paragraph (l) added, 1957, 677 sw-1 § 7; paragraph (m) added, 1968, 278 § 1; (See 1947, 485 § 3; 1951, 800 § 6; 1953, 208; 1957, 644 § 5, 677 § 8; 1962, 576 § 2; 1966, 557 § 2; 1968, 278 § 5; 1969, 533 § 2; 629 § 2.)

SECTS. 1-8 revised, 1971, 555 § 5, 1973, 723 § 2. (See 1971, 555 § 67; 1973 723 § 19.)

SECT. 1, subsection (c) revised, 1979, 408 § 1; subsection (e) revised, 1973, 723 § 16; subsection (k) stricken out, 1979, 409 § 1. (See 1973, 723 § 19; 1979, 408 § 2; 409 § 7.)

SECT. 2, subsection (a), paragraph (2), subparagraph (F) revised, 1975, 684 § 38; paragraph (G) added, 1979, 796 § 8; subsection (b), paragraph (1), subparagraph (A) revised, 1974, 77 § 1; subsection (c), paragraph (3) added, 1979, 409 § 2; subsection (d) revised, 1975, 684 § 39. (See 1974, 77 § 2; 1975, 684 § 97; 1979, 796 § 8; 1979, 409 § 7.)

SECT. 3, subsection B, paragraph (a), subparagraph (7) added, 1974, 848, § 1; paragraph (b) revised, 1979, 409 § 3; subparagraph (2), subsection (A) revised, 1979, 409 § 6. 684 § 40. (See 1974, 848 § 2; 1975, 684 § 97; 1979, 409 § 7.)

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; subsection (d) added, 1979, 796 § 9. (See 1976, 415 § 116; 1978, 403 § 2; 1979, 796 § 35.)

SECT. 6C added, 1975, 774 § 4 (providing for a one dollar contribution to the state election campaign fund). (See 1975, 774 § 5.)

SECT. 7 repealed, 1979, 409 § 4. (See 1979, 409 § 7.)

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.)

SECT. 78 added, 1979, 277.

### 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; three sentences added, 1979, 796 § 10; 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; 1979, 796 § 35.)

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; 1979, 481 § 1. (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; 1979, 481 § 13.)

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 (relativeto 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; section revised, 1979, 481 § 2. (See 1971, 497 § 15; 1977, 356 § 12; 1979, 481 § 13.)

### **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; first two sentences revised, 1979, 481 § 3. (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; 1979, 481 § 13.)

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; section revised, 1979, 481 § 4. (See 1969, 361 § 5; 1971, 245 § 4; 1976, 415 § 116; 1979, 481 § 13.)

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; 1979, 481 § 5. (See 1956, 718 §§ 14, 15; 1960, 411 § 3; 1965, 451 §§ 8, 9A, 10; 1969, 546 § 34; 1971, 497 § 15; 1976, 415 § 116; 1979, 481 § 13.)

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; 1979, 481 § 6. (See 1971, 497 § 15; 1979, 481 § 13.)

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; 1979, 481 § 7; 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; 1979, 481 § 13.)

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; 1979, 481 § 8. (See 1956, 718 §§ 14, 15; 1960, 375 § 3; 1971, 497 § 15; 1976, 415 § 116; 1979, 481 § 13.)

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; 1979, 481 § 9. (See 1971, 497 § 15; 1979, 481 § 13.)

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; line (1) amended, 1979, 700; 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; paragraph (ee) added, 1979, 555; paragraph (ff) added, 1979, 590 § 1; paragraph (gg) added, 1979, 757; paragraph (gg) added, 1979, 796 § 11. (See 1968, 87 § 2; 1971, 555 § 67; 1975, 684 § 97; 1978, 367 § 72, 514 § 287; 1979, 796 § 35.)

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).

SECT. 33 added, 1979, 658 (regulating the activities of paid solicitors of funds from the public for charitable, political or civic purposes).

### **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; 1979, 692.

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; 1979, 81.

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; 1979, 259.

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; paragraph added, 1979, 132. (See 1969, 849 § 79; 1974, 492 § 24.)

SECT. 16B½ added, 1979, 738 § 1 (limiting the amount which a school district may maintain in its excess and deficiency fund). (See 1979, 738 § 2.)

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. 26A revised, 1979, 717 § 2.

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. 29 repealed, 1979, 717 § 3.

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. 33 repealed, 1979, 439 § 1.

SECT. 34 revised, 1939, 294; third sentence revised, 1979, 194 § 2.

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; sentence inserted after first sentence, 1979, 400.

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; section revised, 1979, 717 § 4. (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; second sentence revised, 1979, 361. (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).

SECT. 87 added, 1979, 91 (relative to the removal of the score of any group intelligence tests from the record of a student).

### **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. 5B added, 1979, 342 § 14 (relative to vocational education programs). (See 1979, 342 § 19.)

SECT. 6 amended, 1938, 446 § 5; 1952, 630 § 5; revised, 1957, 599 § 4; 1978, 475 § 3. (See 1938, 446 § 14.)

SECT. 7 amended, 1938, 446 § 6; 1952, 630 § 6; revised, 1957, 599 § 5; amended, 1978, 475 § 4, 552 § 22; revised, 1979, 717 § 5. (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; sentence added, 1979, 641. (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, 446 § 14; 1956, 602 §§ 17-20.)

SECT. 22A amended, 1938, 446 § 12; revised, 1947, 652 § 12; two sentences added, 1955, 700 § 1; section repealed, 1956, 602 § 10. (See 1938, 446 § 14; 1956, 602 §§ 17-20.)

SECT. 22B, first paragraph amended, 1948, 360; section repealed, 1956, 602 § 10. (See 1956, 602 §§ 17-20.)

SECT. 22C added, 1945, 561 (authorizing the division of the blind to use federal funds available in a program of rehabilitation of the blind); repealed, 1966, 535 § 6.

SECT. 22D added, 1946, 552 § 3 (providing for co-operation by the commonwealth with the veterans' administration in the administration of federal laws and regulations relating to the rehabilitation of disabled veterans of World War II); amended, 1965, 572 § 24. (See 1946, 552 §§ 4, 5.)

SECT. 22E added, 1950, 206 (relative to tenure of teachers elected for vocational education); revised, 1969, 233.

SECT. 23 repealed, 1933, 102 § 3.

SECT. 24 revised, 1963, 24.

SECT. 24A added, 1947, 497 (relative to the appointment of veterans as teachers in state aided approved vocational schools); revised, 1958, 154; repealed, 1967, 50.

SECT. 25 revised, 1962, 419 § 2.

SECT. 26 revised, 1962, 419 § 3.

SECT. 28 revised, 1939, 501 § 6; amended, 1945, 158 § 6; first sentence revised, 1969, 849 § 73. (See 1969, 849 § 79.)

SECT. 30 amended, 1937, 41; revised, 1962, 419 § 4.

SECT. 31 revised, 1964, 498.

SECT. 31A added, 1934, 65 (authorizing the trustees of the Essex county agricultural school to pay transportation costs of certain pupils attending said school); amended, 1943, 42; revised, 1954, 63; 1962, 419 § 5.

SECT. 31B added, 1960, 481 (relative to athletic and other organizations of county agricultural school pupils); first sentence revised, 1962, 419 § 5A; third sentence revised, 1970, 69; fourth sentence amended, 1974, 31.

SECT. 31C added, 1963, 323 (authorizing the county commissioners of Essex county to appropriate money for insurance coverage for students at the Essex Agricultural and Technical Institute who are injured while participating in athletic activities); amended, 1964, 512.

SECT. 33 revised, 1962, 419 § 6; two sentences added, 1970, 548; 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; first paragraph amended, 1979, 660.

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. 52 revised, 1979, 717 § 6.

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; section revised, 1979, 717 § 7. (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); amended, 1979, 30.

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; first sentence amended, 1979, 163 § 1.

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); revised, 1979, 671.

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. 7B added, 1979, 119 (prohibiting the piling, pushing or plowing of snow onto a state highway).

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; amended, 1979, 552 § 2.

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; revised, 1979, 459 § 1; (See 1979, 459 § 2.)

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; ten definitions added, 1979, 761 § 1. (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; 1979, 761 § 8.)

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; fourth sentence revised, 1979, 678; 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; second sentence revised, 1979, 572 § 1; third sentence revised, 1975, 259; last sentence stricken out, 1979, 572 § 2. (See 1947, 401 § 3; 1951, 736 § 5; 1967, 736 § 11.)

SECT. 5A added, 1943, 409 § 2 (relative to the use of a general distinguishing mark or number on all motor vehicles under the control of the military forces); revised, 1948, 304.

SECT. 5B added, 1961, 423 (relative to the registration of certain motor vehicles by residents of the commonwealth who are in the military service of the United States).

SECT. 6, first sentence revised, 1939, 436 § 2; 1965, 700 § 2; second sentence revised, 1968, 293; sentence added, 1971, 207.

SECT. 6A added, 1948, 432 § 3 (providing for special registration plates for antique motor cars).

SECT. 6B added, 1953, 2 § 2 (permitting the issuance of one number plate for each motor vehicle); first sentence revised, 1966, 537. (See 1953, 2 §§ 1, 3.)

SECT. 6C added, 1963, 472 (requiring the reposessor of a motor vehicle to return the number plates issued to the former owner).

SECT. 7 amended, 1932, 123 § 1; 1933, 51; second sentence amended, 1933, 109; stricken out and two sentences inserted, 1965, 627 § 1; two sentences inserted after second sentence, 1959, 618 § 1; third sentence, as so inserted, revised, 1964, 411; third sentence stricken out and two sentences inserted, 1967, 623 § 1; fourth sentence stricken out and two sentences inserted, 1966, 204; sentence added after fourth sentence, 1939, 153; revised, 1972, 112; sixth sentence (as appearing in 1933, 51) revised, 1960, 242; amended, 1966, 81; 1967, 168; revised, 1968, 309; seventh sentence (as so appearing) revised, 1962, 116, 395 § 1; stricken out and two sentences inserted, 1962, 709 § 1; said two sentences stricken out and one sentence inserted, 1963, 409 § 1; ninth sentence revised, 1949, 260; amended, 1951, 235; revised, 1966, 149 § 1; 1975, 621; sentence inserted, 1969, 260; sentence inserted after ninth sentence, 1951, 370; 1968, 109; eleventh sentence revised, 1952, 253; 1971, 175; twelfth and thirteenth sentences stricken out and one sentence inserted, 1955, 124; twelfth sentence (as appearing in 1933, 51) revised, 1968, 110; sentence inserted after twelfth sentence, 1971, 206; stricken out, 1971, 934; first paragraph, sentence added, 1954, 570 § 1; 1963, 826 § 1; 1973, 1019; 1965, 69 § 1; 1967, 13; amended, 1968, 225; revised, 1969, 170; sentence added, 1972, 149; 1974, 445; 1975, 59; paragraph 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; 1979, 61 § 1; 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; section revised, 1979, 761 § 2. (See 1974, 766 § 2; 1979, 761 § 8.)

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). amended, 1979, 428.

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; 1979, 761 § 3. (See 1970, 635 § 2; 1971, 687 § 2; 1979, 761 § 8.)

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).

SECTS. 7S-7U added, 1979, 579 § 1 (regulating motorcycle sound emission levels). (See 1979, 579 § 2.)

SECTS. 7V-7Z added, 1979, 761 § 4. (See 1979, 761 § 8.) (See 1979, 761 § 8.)

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; 1956, 388 § 1; 1957, 351; paragraph added, 1950, 655; (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; amended, 1979, 188; 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).

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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; revised, 1979, 232; 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 sentence revised, 1979, 61 § 2; 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; section revised, 1979, 706. (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; paragraph inserted after first paragraph, 1979, 761 § 5. (See 1975, 494 § 15; 1977, 427 § 2; 1979, 761 § 8.)

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; paragraph added, 1979, 173. (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; (2) (b) amended, 1964, 200 § 4; subdivision (2) (c) amended, 1937, 117; 1955, 198 § 3; 1964, 200 § 5; 1966, 191 § 1; 1969, 163; 1971, 1007; 1973, 227. (See 1937, 230 § 2; 1971, 1071 § 9; 1974, 647 § 3.)

SECT. 24A revised, 1970, 321.

SECT. 24B added, 1960, 249 (providing a penalty for the altering, forging, or counterfeiting of a license to operate a motor vehicle or of a certificate of registration); revised, 1962, 23; amended, 1965, 224; first paragraph revised, 1971, 176; 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; amended, 1979, 116; 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, amended, 1933, 197 § 3; first paragraph amended, 1934, 364 § 1; section revised, 1943, 427 § 2; amended, 1962, 603 § 1; 1979, 653. (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; 1979, 611 § 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; 1979, 611 § 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; 1979, 611 § 3.)

SECT. 34B, second paragraph revised, 1933, 83 § 1; 1935, 302; fourth paragraph revised, 1933, 83 § 2; fifth paragraph revised, 1949, 571 § 2. (See 1933, 83 § 3.)

SECT. 34C amended, 1932, 180 § 13; 1949, 571 § 3.

SECT. 34D revised, 1935, 459 § 3; 1949, 571 § 4; first sentence amended, 1959, 282 § 4; 1961, 177 § 4; revised, 1963, 358 § 3; amended, 1964, 517 § 3; 1970, 670 § 3; last sentence revised, 1950, 162 § 3; 1954, 126 § 3. (See 1935, 459 § 5; 1964, 517 § 4; 1970, 670 § 10.)

SECT. 34E revised, 1949, 571 § 5.

SECT. 34F revised, 1949, 571 § 6.

SECT. 34H, first paragraph amended, 1933, 119 § 4; revised, 1971, 939 § 1; second paragraph amended, 1948, 39; second paragraph stricken out and two paragraphs inserted, 1960, 332; paragraph inserted after third paragraph, 1933, 119 § 5. (See 1933, 119 § 6; 1971, 939 § 7.)

SECT. 34I revised, 1949, 571 § 7.

SECT. 34J, sentence added, 1959, 282 § 5.

SECT. 34K added, 1960, 360 (relative to the cancellation of compulsory motor vehicle liability insurance); first sentence revised, 1971, 939 § 2. (See 1971, 939 § 7.)

SECT. 34L added, 1966, 260 (requiring that protection on account of injuries to the insured caused by operators of uninsured motor vehicles shall be included in compulsory motor vehicle liability insurance policies); repealed, 1968, 643 § 6.

SECTS. 34M-34N added, 1970, 670 § 4 (providing for personal injury protection under motor vehicle liability insurance and bonds and for an assigned claims plan). (See 1970, 670 § 10.)

SECT. 34M, fourth paragraph, first sentence revised, 1972, 313; two sentences added, 1972, 319; sixth paragraph, first sentence amended, 1972, 339.

SECT. 34O added, 1971, 978 § 1 (providing for compulsory property protection for all registered motor vehicles); second paragraph, subparagraph (1) amended, 1971, 1079 § 2; 1974, 503 § 1; subparagraph (2) amended, 1974, 503 § 2; third paragraph stricken out and two paragraphs inserted, 1973, 953 § 1; seventh paragraph revised, 1973, 917 § 1; sentence added, 1973, 1069 § 2; paragraph added, 1971, 1079 § 3; section revised, 1975, 707 § 1; 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; subsection (e) added, 1979, 551 § 1.

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; clause (m) revised, 1979, 551 § 2. (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; 1979, 551 § 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; definition of "Recreational vehicle" revised, 1979, 551 § 4. (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; paragraph added, 1979, 551 § 5.

SECT. 26, fourth paragraph amended, 1971, 264; seventh paragraph amended, 1970, 732 § 1.

SECT. 32, first sentence amended, 1975, 706 § 122; second sentence amended, 1979, 551 § 6. (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; 1979, 252 § 1; paragraph added, 1979, 252 § 2; 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.

SECT. 49A added, 1979, 608 (requiring retail trade reporting agencies which have disclosed certain information concerning certain retail trade business to provide said businesses upon their request the information so disclosed).

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); revised, 1979, 531.

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; revised, 1979, 72 § 1; 406 § 1; paragraph (3), last sentence revised, 1979, 406 § 2; paragraph (3a) inserted, 1978, 478 § 46; paragraph (5) added, 1970, 736 § 2; paragraphs (6)-(8) added, 1973, 939. (See 1978, 478 § 343; 1979, 72 § 4.)

SECT. 10 amended, 1972, 614 § 1.

SECT. 11 added, 1972, 614 § 2 (further regulating unfair trade practices); first paragraph amended, 1978, 478 § 47; revised, 1979, 72 § 2; paragraph inserted after third paragraph, 1978, 478 § 48; sixth paragraph revised, 1978, 459 § 3. (See 1978, 478 § 343; 1979, 72 § 4.)

### **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. 6 revised, 1979, 261.

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 93F. — Regulating Certain Business Practices Between Motion Picture Distributors and Exhibitors

New Chapter inserted, 1979, 630 § 1.

### 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 clippings") added, 1957, 581 § 1; stricken out, 1959, 611 § 1; paragraph in lines 170-173 (defining "Article of bedding") stricken out, 1959, 611 § 1; paragraph (defining "New") revised, 1957, 581 § 2; stricken out, 1959, 611 § 1; paragraph in lines 177-181 revised, 1939, 196 § 1; stricken out, 1959, 611 § 1; paragraph (defining "Used or used material") added, 1957, 581 § 3; stricken out, 1959, 611 § 1; paragraph in lines 182-185 (defining "Article of upholstered furniture") stricken out, 1959, 611 § 1; paragraph (defining "Commercial feeding stuff") stricken out, 1972, 365 § 1; paragraphs defining "Cattle feed", "Crude protein" and "Feeding stuff" stricken out, 1973, 44; paragraphs defining "Agricultural line", "Available phosphoric acid", "Brand", "Commercial fertilizer", "Commissioner", "Fertilizer", "Fertilizer grade", "Gypsum or land plaster", "Importer", "Package", "Phosphoric acid", "Potash" and "Tag" stricken out, 1973, 607 § 2; definition of "Commissioner" inserted, 1975, 706 § 137; 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 "chiropracist (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); repealed, 1979, 796 § 12. (See 1973, 955 § 3; 1979, 796 § 35.)

SECT. 298 amended, 1934, 109 § 1.

SECT. 299 amended, 1934, 109 § 2.

SECTS. 298-299 revised, 1979, 253.

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; Class D, paragraph (b), clauses (2), (3) and (4) added 1979, 379.

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 — 105, subsection (2) revised, 1979, 512 § 1. (See 1979, 512 § 16.)

SECT. 1 — 201, subsection (4) revised, 1963, 188 § 24; subsection (9) revised, 1979, 512 § 2; subsection (27) amended, 188 § 1; subsection (30) revised, 1958, 542 § 1; subsection (33) revised, 1958, 542 § 2; subsection (37) revised, 1979, 512 § 3. (See 1979, 512 § 16.)

SECT. 1 — 209 added, 1979, 512 § 5 (relative to subordinated obligations). (See 1979, 512 § 16.)

SECT. 2 — 107, subsections (1) and (2) revised, 1979, 512 § 4. (See 1979, 512 § 16.)

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 — 416, subsection (7) added, 1979, 310; subsection (7) stricken out, 1979, 575 § 1. (See 1979, 575 § 3.)

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. 5 — 116, subsection (2) revised, 1979, 512 § 6. (See 1979, 512 § 16.)

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.

ARTICLE 9 revised, 1979, 512 § 7. (See 1979, 512 § 16.)

### **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.)

SECT. 32 added, 1979, 313 (relative to foreign limited partnerships).

**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; definition of "Nuclear reactor" added, 1979, 796 § 13. (See 1979, 796 § 35.)

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. 5H added, 1979, 796 § 14 (relative to rules and regulations pertaining to nuclear reactors). (See 1979, 796 § 35.)

SECT. 5I added, 1968, 560 (authorizing the regulation of the use of laser equipment).

SECT. 5J added, 1979, 529 (requiring certain precautions before administering radiation treatment).

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. 24C added, 1979, 268 § 11 (relative to providing medical assistance, counseling and financial support to pregnant women).

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; section revised, 1979, 131. (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; definition of "Clinic" revised, 1979, 674 § 1; definition of "Practitioner" added, 1979, 674 § 2.

SECT. 53 amended, 1943, 16 § 2; revised, 1967, 891 § 3; amended, 1973, 1186 § 4; last sentence revised, 1979, 674 § 3.

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; paragraph added, 1979, 674 § 4.

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.)

SECT. 70E added, 1979, 214 (providing certain rights to patients and residents in hospitals, clinics and certain other facilities); amended, 1979, 720.

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; section revised, 1979, 571 § 1; third paragraph stricken out, 1979, 773 § 1; sixteenth paragraph revised, 1979, 773 § 2. (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; first and second paragraph revised, 1979, 571 § 2. (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; first paragraph revised, 1979, 571 § 3.

SECT. 73A added, 1967, 891 § 11A (further regulating the licensing of hospitals, clinics, infirmaries, and nursing homes).

SECT. 73B added, 1976, 400 (exempting facilities operated for the religious of the Roman Catholic Church from inspection by the department of public health).

SECT. 74 amended, 1941, 72.

SECT. 76 revised, 1951, 562 § 3; 1952, 270 § 3; repealed, 1961, 608 § 1. (See 1951, 562 § 11; 1952, 270 § 10; 1961, 608 §§ 12-14.)

SECTS. 77 AND 78 stricken out and two sections inserted, 1961, 608 § 2. (See 1961, 608 §§ 12-14.)

SECTS. 78-90 affected (as to district of Chelsea, Revere and Winthrop), 1934, 78.

SECT. 78, first paragraph, fifth and sixth sentences stricken out and new sentence inserted, 1968, 492 § 7; amended, 1973, 1229 § 4D. (See 1973, 1229 § 13.)

SECT. 78A added, 1959, 529 (providing that county tuberculosis hospitals may under certain conditions admit persons suffering with chronic diseases as patients); third sentence revised, 1968, 492 § 8; amended, 1973, 1229 § 4E. (See 1973, 1229 § 13.)

SECTS. 79-83A stricken out and sections 79-83B inserted, 1961, 608 § 2. (See 1961, 608 §§ 12-14.)

SECT. 79, first paragraph, third sentence stricken out and two sentences inserted, 1968, 492 § 9; third sentence amended, 1973, 1229 § 4F. (See 1973, 1229 § 13.)

SECT. 80, first paragraph revised, 1968, 492 § 10; amended, 1973, 1229 § 46; second paragraph amended, 1965, 362. (See 1973, 1229 § 13.)

SECT. 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); first paragraph amended, 1979, 224.

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; revised, 1979, 380; 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; last sentence revised, 1979, 55; 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. 142J added, 1979, 761 § 6 (relative to establishing rules and regulations setting motor vehicle emission standards). (See 1979, 761 § 8.)

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 (a), second paragraph amended, 1979, 589; subsection (b), first paragraph amended, 1975, 410.

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; revised, 1979, 597 § 1. (See 1973, 328 § 2.)

SECT. 10 revised, 1979, 597 § 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; first paragraph amended, 1979, 58 § 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; section revised, 1979, 643.

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); sentence added, 1979, 216.

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.

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.)

SECTS. 16A-16C added, 1979, 329 (providing for the limited registration of podiatrists).

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; ninth and tenth sentences stricken out, 1979, 57. (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; subsection (2), clause (f) added, 1979, 687. (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; third and fourth paragraphs stricken out, paragraph inserted, 1979, 107. (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; 1979, 758.

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. 121, sentence added, 1979, 216.

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; paragraph inserted after third paragraph, 1979, 403.

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; stricken out, 1979, 342 § 8A. (See 1974, 623 § 4; 1975, 684 § 97; 1979, 342 § 19.)

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; amended, 1979, 393 § 69. (See 1973, 1210 § 39; 1979, 393 § 73.)

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; sentence added, 1979, 599. (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; third paragraph revised, 1979, 334.

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; first sentence amended, 1979, 312 § 1; third paragraph, sentence added, 1977, 501; paragraph inserted after fourth paragraph, 1978, 215 § 1. (See 1978, 215 § 3; 1979, 312 § 2.)

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; fourth paragraph, second sentence revised, 1979, 344 § 1. (See 1978, 478 § 343; 1979, 344 § 51.)

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. 4, clause (e), third sentence stricken out and two sentences inserted, 1979, 669 § 2.

SECT. 5, sixth paragraph amended, 1971, 565 § 1; 1974, 426; first sentence revised, 1979, 707.

SECT. 11, paragraph (m) stricken out and paragraphs (m) and (n) inserted, 1970, 851 § 2. paragraph (o) added, 1979, 183.

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; fourth sentence stricken out, two sentences inserted, 1979, 669 § 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); revised, 1979, 453.

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; third sentence stricken out and two sentences inserted, 1979, 669 § 2; 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; second sentence revised, 1979, 714 § 3; fourth sentence revised, 1979, 714 § 4.

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; fourth paragraph revised, 1979, 468. (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. 2 amended, 1979, 485 § 6.

SECT. 4, sentence added, 1957, 192.

SECT. 8A added, 1979, 485 § 7 (relative to the chief administrative officer of a house of correction).

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; 1979, 485 § 8.

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 amended, 1979, 485 § 9. (See 1955, 770 §§ 117, 118, 123.)

SECT. 25 amended, 1979, 485 § 10.

SECT. 26 amended, 1979, 485 § 11.

SECT. 27 revised, 1971, 399.

SECT. 30 amended, 1979, 485 § 12.

SECT. 33 amended, 1979, 485 § 12A.

SECT. 34 amended, 1979, 485 § 13.

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; section amended, 1979, 485 § 14. (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. 5 amended, 1979, 485 § 15.

SECT. 6 amended, 1955, 770 § 15; revised, 1957, 777 § 8; amended, 1979, 485 § 16. (See 1955, 770 §§ 117, 118, 123.)

SECT. 8 amended, 1979, 485 § 17.

SECT. 9 amended, 1979, 485 § 18.

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. 13 amended, 1979, 485 § 19.

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; amended, 1979, 485 § 20. (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; amended, 1979, 485 § 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; 1979, 485 § 22. (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; amended, 1979, 485 § 23. (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; 1979, 485 § 24. (See 1955, 770 §§ 119, 123.)

SECT. 52 revised, 1955, 770 § 36; amended, 1979, 485 § 25. (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); amended, 1979, 485 § 26. (See 1955, 770 §§ 117, 123.)

SECT. 67 amended, 1955, 770 § 41; revised, 1957, 777 § 21; amended, 1979, 485 § 27. (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; 1979, 485 § 28. (See 1955, 770 §§ 117, 123.)

SECT. 69 amended, 1955, 770 § 43; revised, 1957, 777 § 22; amended, 1979, 485 § 29. (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; amended, 1979, 485 § 30. (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; amended, 1979, 485 § 31. (See 1941, 436 § 2; 1955, 770 §§ 117, 123.)

SECT. 73 revised, 1955, 770 § 46; amended, 1957, 777 § 25; revised, 1979, 485 § 32. (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; 1979, 485 § 33. (See 1955, 770 §§ 117, 123.)



SECT. 88 amended, 1955, 770 § 51; revised, 1957, 777 § 28; amended, 1979, 485 § 34. (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; amended, 1979, 485 § 35. (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; amended, 1979, 485 § 36. (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; revised, 1979, 266. (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; revised, 1979, 390 § 1. (See 1946, 543 § 6; 1955, 770 §§ 117, 123.)

SECT. 135, last sentence revised, 1954, 567 § 6; section revised, 1960, 765 § 6; amended, 1979, 485 § 37. (See 1954, 567 § 10.)

SECT. 136 revised, 1946, 543 § 5; amended, 1955, 770 § 74; amended, 1973, 647 § 2; paragraph added, 1973, 647 § 3; second paragraph revised, 1979, 390 § 2. (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; section revised, 1979, 485 § 37A.

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; 1979, 485 § 38.

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; fourth sentence amended, 1979, 485 § 39.

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; amended, 1979, 485 § 40.

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. 11 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).

SECT. 44A added, 1979, 566 (regulating the Coggin's test).

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; fifth paragraph, first sentence revised, 1979, 315 § 1. (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 (3) revised, 1979, 614 § 1; clause (10) amended, 1975, 706 § 222; clause (12) amended, 1975, 706 § 223; clause (13A) added, 1979, 726 § 1; clause (15) added, 1968, 718. (See 1973, 1071 § 11; 1975, 706 § 312.)

SECT. 5, first paragraph revised, 1979, 614 § 2; paragraph inserted after first paragraph, 1972, 422; second and third paragraphs revised, 1975, 706 § 224; fourth paragraph revised, 1979, 614 § 3. (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; paragraph revised, 1979, 767 § 1; third paragraph amended, 1973, 206; two sentences added, 1976, 178; paragraph revised, 1979, 767 § 2; fourth paragraph, second sentence revised, 1979, 767 § 3; sixth paragraph revised, 1979, 767 § 4; paragraph inserted after sixth paragraph, 1974, 420 § 1; seventh paragraph amended, 1973, 430 § 10; revised, 1976, 381; 1979, 767 § 5. (See 1977, 983 § 3; 1979, 767 § 8.)

SECT. 12 amended, 1972, 706 § 2; first sentence revised, 1975, 706 § 226; section revised, 1978, 113. (See 1975, 706 § 312.)

SECT. 13, second paragraph revised, 1979, 767 § 6; paragraph inserted after second paragraph, 1974, 420 § 2; paragraph added, 1968, 550; (See 1979, 767 § 8.)

SECT. 14, first paragraph amended, 1973, 925 § 52; clause (c) revised, 1973, 156 § 1; 1975, 217; paragraph revised, 1979, 767 § 7; second paragraph amended, 1975, 706 § 227; sentence added, 1979, 740; fourth paragraph revised, 1971, 60; 1973, 156 § 2. (See 1973, 925 § 84; 1975, 706 § 312; 1979, 767 § 8.)

SECT. 16 amended, 1972, 706 § 3; 1979, 587.

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; revised, 1979, 726 § 2. (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; revised, 1979, 110.

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, second sentence stricken out and three sentences inserted, 1979, 598; 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; second sentence revised, 1979, 122 § 1; fifth sentence revised, 1978, 95 § 1; eighth sentence revised, 1978, 95 § 2; fourteenth paragraph revised, 1978, 248; paragraph inserted after fourteenth paragraph, 1979, 200; fifteenth and sixteenth paragraphs revised, 1975, 706 § 242; seventeenth paragraph revised, 1975, 363 § 2; 1979, 693; eighteenth paragraph, second sentence stricken out, two sentences inserted, 1975, 363 § 3; third sentence revised, 1979, 122 § 2; 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; fifth paragraph amended, 1979, 315 § 2; 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. 75 revised, 1979, 404.

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, 1979, 726 § 3; eighth 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 § 1; repealed, 1956, 657 § 16.

SECT. 26D revised, 1952, 489 § 1; 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; sentence added, 1979, 221.

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 (29) revised, 1979, 296; 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; definition of "Minor" stricken out, 1979, 15 § 1. (See 1941, 637 § 3; 1972, 155 § 5; 1979, 15 § 12.)

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; 1979, 15 § 2; 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; third sentence amended, 1979, 15 § 3; 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; seventh paragraph amended, 1979, 721; eighth paragraph stricken out, 1975, 396. (See 1943, 542 § 20; 1973, 241 § 4; 1979, 15 § 12.)

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; 1979, 15 § 4; paragraph added, 1935, 440 § 11. (See 1973, 241 § 4; 1979, 15 § 12.)

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; 1979, 764; 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; first paragraph, first sentence revised, 1979, 481 § 10; last paragraph, sentence added, 1979, 481 § 11. (See 1936, 411 § 2; 1939, 367 § 2; 1941, 637 § 3; 1947, 625 §§ 3, 4; 1966, 14 § 27, 698 § 87; 1978, 514 § 287; 1979, 481 § 13.)

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; section revised, 1979, 15 § 5. (See 1979, 15 § 12.)

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); revised, 1979, 350.

SECT. 33B added, 1979, 350 (relative to the sale of alcoholic beverages on certain Sundays).

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; 1979, 15 § 6. (See 1972, 155 § 5; 1979, 15 § 12.)

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; 1979, 15 § 7. (See 1979, 15 § 12.)

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; first two paragraphs revised, 1979, 15 § 8; third paragraph stricken out and two paragraphs inserted, 1967, 556. (See 1972, 155 § 5; 1979, 15 § 12.)

SECT. 34C added, 1966, 317 § 2 (prohibiting the transportation of alcoholic beverages by minors); sentence inserted after first sentence, 1967, 377; section revised, 1979, 15 § 9. (See 1979, 15 § 12.)

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; second sentence revised, 1979, 15 § 10. (See 1979, 15 § 12.)

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.

SECT. 21A revised, 1979, 358 § 1.

SECT. 21C revised, 1979, 358 § 2.

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, first sentence amended, 1979, 228; 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; two paragraphs inserted

after first paragraph, 1979, 474 § 1; second paragraph amended, 1956, 78 § 1; last two sentences stricken out, 1956, 44 § 1.

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); first paragraph revised, 1979, 474 § 2.

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; first paragraph stricken out and five paragraphs inserted, 1979, 358 § 3. 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. 182, first sentence revised, 1979, 358 § 4.

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; second paragraph revised, 1979, 708.

### **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 stricken out, 1979, 111 § 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; subsection stricken out, 1979, 111 § 2; subsections (*cc*), (*dd*) and (*ee*) added, 1978, 559 § 1. (See 1979, 111 § 10.)

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 stricken out, 1979, 111 § 3; subsection (*i*) added, 1972, 229 § 1; subsection (*j*) added, 1975, 592 § 3; stricken out, 1977, 52 § 8; subsection (*k*) added, 1978, 75; subsection stricken out, 1979, 340. (See 1979, 111 § 10.)

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; stricken out, 1979, 111 § 4; subsection (*c*) revised, 1973, 802 § 4; clause (1) revised, 1977, 52 § 11; clause (2 ½) inserted, 1978, 480 § 5; stricken out, 1979, 111 § 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; first sentence revised, 1979, 111 § 6; clause (4) revised, 1978, 559 § 5; clause (7) stricken out, 1979, 111 § 7. (See 1975, 592 § 12; 1979, 111 § 10.)

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. 6F added, 1979, 160 § 1 (relative to the transfer of a depositor's funds by a bank or credit union).

SECT. 7, subsection (a) amended, 1975, 592 § 8; revised, 1977, 52 § 17; paragraph added, 1979, 271 § 1; subsection (b), clause (3) amended, 1974, 713 § 1; clause (7) revised, 1974, 17 § 3; clause (8) added, 1978, 559 § 7; first paragraph revised, 1979, 271 § 2; 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 (g) revised, 1979, 111 § 8; (See 1979, 111 § 10.) subsection (n) revised, 1977, 52 § 20; subsection (o) revised, 1972, 229 § 3; subsection (p) added, 1972, 229 § 4; subsection (q) added, 1977, 52 § 21; revised, 1979, 111 § 8.

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); revised, 1979, 111 § 9. (See 1979, 111 § 10.)

SECT. 10, subsection (b) amended, 1972, 229 § 9; subsections (e), (f) and (g) added, 1975, 592 § 11; subsection (h) added, 1977, 429.

SECT. 10A added, 1979, 575 § 2 (requiring notices to certain guarantors). (See 1979, 575 § 3.)

### **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; sentence added, 1979, 109.

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; paragraph added, 1979, 617 § 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

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; third sentence revised, 1979, 479. (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); third sentence revised, 1979, 158.

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; paragraph inserted after first paragraph, 1979, 550.

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; revised, 1979, 516.

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. 26D-26F added, 1979, 712 § 1 (requiring the installation of smoke detectors in certain residential buildings and structures). (See 1979, 712 § 2.)

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; sentence added, 1979, 195. (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 fireworks); amended, 1945, 256, 710 § 15.

SECT. 40 amended, 1945, 710 § 16; sentence added, 1948, 550 § 29.

SECT. 42, sentence added, 1951, 184.

SECT. 46 amended, 1945, 710 § 17; revised, 1973, 1028 § 2.

SECT. 47 repealed, 1973, 1028 § 3.

SECTS. 48 AND 49 repealed, 1946, 282.

SECT. 49A added, 1934, 182 § 1 (relative to the inspection of kerosene or any product thereof kept for sale for illuminating, heating or cooking purposes); repealed, 1946, 282.

SECT. 50 amended, 1943, 291 § 3.

SECT. 52A added, 1950, 258 (prohibiting the sale of exploding matches); revised, 1967, 178.

SECT. 53 repealed, 1943, 291 § 4.

SECT. 54 revised, 1948, 370 § 2; amended, 1952, 254.

SECT. 56, first sentence revised, 1962, 168 § 1, 338 § 22; second sentence revised, 1961, 397; last sentence amended, 1957, 172; sentence added, 1965, 444; revised, 1972, 1141 § 6. (See 1962, 168 §§ 2, 3, 338 §§ 23, 24.)

SECT. 57 added, 1969, 86 (prohibiting the installation of certain siding without an electrical permit).

SECT. 58 added, 1978, 112 (regulating the installing and servicing of certain fire extinguishers); first paragraph, clause (c), revised, 1979, 82.

#### **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); revised, 1979, 796 § 15. (See 1979, 796 § 35.)

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; paragraph inserted, 1979, 633; 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).

SECT. 179C added, 1979, 484 (providing that certain labor contracts shall continue in effect and be binding upon successor employers).

SECT. 181 added, 1979, 537 (providing a penalty for the failure of certain employers to make payments into retirement or health and welfare funds).

### **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; revised, 1979, 393 § 71; 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; 1979, 393 § 72.)

SECT. 4, first paragraph sentence added, 1978, 562.



SECT. 7, first paragraph amended, 1974, 589 § 1; section revised, 1976, 480 § 21; 1977, 278 § 4; paragraph (a) amended, 1979, 342 § 13B; paragraphs (b) and (c) revised, 1977, 937 § 3; paragraph (d) revised, 1978, 478 § 77. (See 1978, 478 § 343; 1979, 342 § 19.)

SECT. 8 amended, 1978, 393 § 39. (See 1978, 393 § 45.)

SECT. 9 revised, 1977, 347 § 1; fifth paragraph revised, 1979, 594 § 1.

SECT. 10, paragraph (b) revised, 1974, 589 § 2.

SECT. 11, fourth paragraph amended, 1974, 589 § 3; third paragraph, eighth sentence stricken out and three sentences inserted, 1977, 788.

SECT. 12, second sentence stricken out and two paragraphs inserted, 1977, 903.

**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; paragraphs (1) and (2) revised, 1979, 788; 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. subsection (a), second paragraph amended, 1979, 642 § 1. (See 1971, 940 § 22; 1977, 720 § 38.)

SECT. 14C, subsection (j) amended, 1979, 642 § 2;

SECT. 15, subsection (a) amended, 1950, 232; 1972, 465 § 1; subsection (b) revised, 1948, 603 § 6; subsection (c) revised, 1943, 373; 1979, 642 § 3; subsection (d) amended, 1978, 478 § 78; subsection (e) added, 1968, 533; amended, 1969, 174; paragraph (2) revised, 1979, 642 § 4. (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; second paragraph amended, 1979, 642 § 5.

SECT. 22, sentence added, 1945, 625 § 2; last sentence stricken out, 1979, 746.

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; subsection (e) added, 1979, 642 § 6. (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; paragraph (a) amended, 1979, 642 § 7. (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. 72 first paragraph revised, 1979, 642 § 8.

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; subsection 15 added, 1979, 710 § 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; amended, 1979, 710 § 2; 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; 1979, 483. (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); repealed, 1979, 67.

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; third sentence revised, 1979, 66. (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; sentence added, 1979, 155.

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 (b) revised, 1979, 739; 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 (b) revised, 1979, 454 § 1; clause (c), subclause (4) revised, 1979, 454 § 2; clause (d) amended, 1978, 514 § 207; clauses (d), (e) and (f) stricken out and clauses (d) and (e) inserted, 1979, 454 § 3. (See 1978, 514 § 287.)

SECT. 101 amended, 1978, 514 § 208; revised, 1979, 454 § 4. (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; amended, 1979, 454 § 5. (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; second sentence revised, 1979, 324. (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. 19 amended, 1979, 218.

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.

SECT. 17 added, 1979, 588 (providing a penalty for wrongfully interfering with the operation of certain motor vehicles).

### **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. 7 amended, 1979, 480 § 23.

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. 163B added, 1979, 148 § 2 (relative to safety doors and windows in railroad passenger cars).

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 (*f*) amended, 1979, 480 § 13; 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; subsection (*n*) added, 1979, 345; subsection (*o*) added, 1979, 545 § 2. (See 1969, 574 § 2; 1973, 1140 § 30.)

SECT. 5A added, 1979, 731 (relative to the sale of prepaid monthly passes for use on mass transit facilities).

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; amended, 1979, 393 § 70. (See 1973, 1140 § 30; 1979, 393 § 73.)

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; revised, 1979, 480 § 14; 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; 1979, 480 § 15; 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; amended, 1979, 796 § 16; second sentence revised, 1979, 796 § 17; fifth sentence revised, 1979, 796 § 18; fifth paragraph, clause (3) revised, 1975, 617 § 3; clause (4) revised, 1974, 852 § 5; 1975, 617 § 3. (See 1979, 796 § 35.)

SECT. 69H ½ added, 1979, 804 (facilitating the development of hydropower generation).

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; last sentence revised, 1979, 796 § 19; 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. (See 1979, 796 § 35.)

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; fourth paragraph revised, 1979, 796 20. (See 1979, 796 § 35.)

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. 69M, last paragraph revised, 1979, 796 § 21. (See 1979, 796 § 35.)

SECT. 69O, first paragraph, sentence added, 1976, 468 § 7; second sentence revised, 1979, 796 § 22; second paragraph, clause (1) revised, 1974,

852 § 13; clause (3) revised, 1974, 852 § 14; 1975, 617 § 12. (See 1979, 796 § 35.)

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; 1979, 774.

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; 1979, 802 § 1.

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. 124F added, 1979, 802 § 2 (relative to the discontinuance of utility service).

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 (a) revised, 1979, 670 § 1; 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; first two paragraphs revised, 1979, 670 § 2.

SECT. 2A, third sentence amended, 1972, 96 § 2; section revised, 1979, 670 § 3.

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; last sentence revised, 1979, 249 § 1.

SECT. 8, first sentence revised, 1972, 402 § 1; second and third sentences stricken out and three sentences inserted, 1979 249 § 2.

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; two sentences added, 1979, 249 § 3; 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. 11C amended, 1979, 40.

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; section revised, 1979, 755.

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; second and third sentences revised, 1979, 46.

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; second sentence stricken out, two sentences inserted, 1979, 672 § 1; 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; second sentence stricken out and two sentences inserted, 1979, 672 § 1. (See 1979, 672 § 2.)

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; third paragraph, last sentence revised, 1979, 21.

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); first sentence revised, 1979, 144. (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; 1979, 160 § 2.

SECT. 68 added, 1976, 445 (relative to the disposition of retirement plan benefits); sentence added, 1979, 326.

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; section revised, 1979, 293 § 1. (See 1957, 1 § 7; 1972, 684 § 136; 1973, 1149 § 33.)

SECT. 7 revised, 1979, 31; 613.

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; paragraph 2, first sentence revised, 1979, 125 § 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; clause (b) revised, 1979, 360 § 1.

SECT. 23 revised, 1956, 244 § 1; 1975, 348 § 1.

SECT. 24, first sentence revised, 1979, 19 § 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; 1979, 121; third paragraph

revised, 1960, 804 § 2; 1971, 92 § 1; sentence added, 1967, 312; stricken out, 1971, 455 § 2; paragraph amended, 1974, 843 § 1; paragraph revised, 1979, 51 § 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; revised, 1979, 69; 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; 1979, 69; 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; 1979, 99; second sentence amended, 1972, 129 § 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; third sentence revised, 1979, 35; 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; revised, 1979, 629 § 2; paragraph 11A added, 1979, 181; 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); revised, 1979, 138.

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; 1979, 231 § 1.

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; 1979, 231 § 2; 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; clauses (i) and (j) added, 1979, 51 § 2.

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; paragraph revised, 1979, 19 § 2.

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. 65B added, 1979, 629 § 1 (relative to mortgage loans by savings banks).

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); revised, 1979, 51 § 3.

SECT. 66B added, 1972, 116 (authorizing savings banks to act as trustees under certain retirement plans); revised, 1975, 685 § 2; 1979, 125 § 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; paragraph revised, 1979, 139; 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. 6, first paragraph, third sentence revised, 1979, 95 § 1; second paragraph, clause (*h*) added, 1979, 95 § 2.

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. 10, second paragraph, first sentence revised, 1979, 41.

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; 1979, 293 § 2; paragraph added, 1967, 157 § 2; revised, 1976, 168 § 1; first sentence revised, 1979, 293 § 3. (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; third sentence revised, 1979, 28 § 1; 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 (3), paragraph (*b*), first sentence revised, 1979, 28 § 2 paragraph (*d*) revised, 1979, 28 § 3; 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; 1979, 360 § 2; provision 1A inserted, 1976, 120; revised, 1977, 202; subsection 4, paragraph (a) amended, 1965, 373 § 3; paragraph (c) revised, 1979, 28 § 4. (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; 1979, 56; 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 revised, 1979, 279 § 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; 1979, 279 § 2; 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); revised, 1979, 549.

SECT. 25 amended, 1968, 184 § 4; first sentence revised, 1979, 32.

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; last sentence revised, 1979, 289; 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 revised, 1979, 286; 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; stricken out and two sentences inserted, 1979, 287; 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; section revised, 1979, 20; first paragraph, second sentence revised, 1979, 278.

SECT. 31, first paragraph amended, 1956, 38; 1962, 110; revised, 1964, 211; last sentence stricken out, 1979, 54.

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; second paragraph stricken out and two paragraphs inserted, 1979, 293 § 4.

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. 3A added, 1979, 694 (permitting credit unions to collect payments on utility company bills).

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. second paragraph, clause (b) revised, 1979, 360 § 3.

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. 14, fifth sentence revised, 1979, 59 § 1; two sentences added, 1979, 59 § 2.

SECT. 15, first paragraph, first sentence revised, 1952, 94; 1979, 71; 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; first sentence revised, 1979, 39.

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; second paragraph, paragraph (*p*) revised, 1979, 38; third paragraph, paragraph (*l*) revised, 1978, 65 § 1; 1979, 309; 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 4 revised, 1979, 43; paragraph 6, third sentence revised, 1978, 49; paragraph 7 added, 1977, 23; subsection (b), paragraph 8 amended, 1972, 356; 1974, 54; revised, 1979, 27; 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 (D) revised, 1979, 317; subdivision (E), clauses (c) and (d) revised, 1979, 26; 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; first paragraph, sentence inserted after first sentence, 1979, 293 § 5; 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; first sentence revised, 1979, 293 § 6; paragraph (b) revised, 1979, 293 § 7; 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; 1979, 101.

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; paragraph A, first paragraph revised, 1979, 288; 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 D revised, 1979, 293 § 8; subsection F added, 1968, 610 § 4. (See 1973, 1149 § 33.)

SECT. 44 amended, 1979, 238.

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; clause (a) revised, 1979, 42.

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. 52 revised, 1979, 96.

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 B revised, 1979, 470; 629 § 3; 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); subsection 2, clauses (b) and (c) revised, 1979, 354 § 1. (See 1979, 354 § 2.)

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; 1979, 558 § 1; paragraph Sixth added, 1961, 368 § 2; subdivision 2, paragraph First revised, 1960, 323 § 1; paragraph (a) revised, 1979, 558 § 2; clause First revised, 1979, 558 § 3; paragraph (b) revised, 1979, 558 § 4; 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 3 and 4 stricken out and subdivisions 3, 3A and 4 inserted, 1979, 558 § 5; subdivisions 5-11, inclusive, stricken out and subdivisions 5-13, inclusive, inserted, 1961, 368 § 6; subdivisions 6 and 7 revised, 1979, 558 § 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. 22I added, 1979, 776 (allowing insurers to offset unpaid premiums from amounts owed on claims).

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; 1979, 332; 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; subdivision (d) revised, 1979, 304; 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; third sentence revised, 1979, 303 § 1; sixth sentence revised, 1979, 303 § 2; 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; paragraph 7, last sentence revised, 1977, 286.

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.)

SECT. 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; fourteenth paragraph revised, 1979, 471 § 1; clause Thirteenth added, 1974, 498 § 1; clause Thirteenth stricken out, 1979, 471 § 2; 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); amended, 1979, 743 1; second sentence stricken out, 1979, 743 § 1; fourth sentence stricken out, and two sentences inserted, 1979, 743 § 1.

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; second sentence revised, 1979, 401; 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; two paragraphs inserted after first paragraph 1979, 197 § 1; 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; eighth paragraph revised, 1979, 473. (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); third paragraph, sentence added, 1979, 192; 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; 1979, 182 § 1; tenth and eleventh paragraphs stricken out, 1979, 182 § 2. (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; first sentence revised, 1979, 375 § 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; paragraph (b) revised, 1979, 558 § 7; subdivision 7 revised, 1961, 368 § 8; subdivision 9 revised, 1979, 558 § 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. 144A added, 1979, 558 § 9 (relative to delivery of contracts of annuity).

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. 162D added, 1979, 149 (relative to payment of expense premium commissions).

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; seventh sentence revised, 1979, 405. (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; paragraph inserted after fourth paragraph, 1979, 197 § 2.

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; second paragraph revised, 1979, 399 § 1; fourth paragraph revised, 1979, 399 § 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; third paragraph revised, 1979, 399 § 3.

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); section amended, 1979, 743 § 2.

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; definition of "Medical Service" revised, 1979, 365 § 1.

SECT. 2, second paragraph amended, 1957, 698 § 14; third paragraph amended, 1978, 514 § 216. (See 1978, 514 § 287.)

SECT. 3, first paragraph, first sentence revised, 1979, 365 § 2; 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. 4A stricken out and section 4A½ inserted, 1979, 526.

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); amended, 1979, 743 § 3.

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.**

SECT. 17, paragraph added, 1979, 171.

**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; 1979, 64.

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; revised, 1979, 372.

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. 22 revised, 1979, 65.

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; two sentences added, 1979, 585. (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, paragraph inserted after second paragraph, 1979, 256; 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. 6B added, 1979, 469 § 1 (relative to recording documents in the land court or registry of 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; paragraph added, 1979, 239 § 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.

SECT. 30, sentence inserted after first sentence, 1979, 307.

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. 61A added, 1979, 469 § 2 (relative to recording documents in the land court or registry of deeds).

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.**

- SECT. 3, first paragraph revised, 1979, 72 § 3. (See 1979, 72 § 4.)

**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; sentence inserted after first sentence, 1979, 251; second sentence stricken out and two sentences inserted, 1977, 494 § 2.

SECT. 13 first sentence amended, 1973, 256 § 2; revised, 1976, 294; 1979, 730 § 1; 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; first sentence revised, 1979, 730 § 2.

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. 1979, 756 § 1; (See 1939, 32 § 5; 1970, 119 § 5; 1973, 487 § 5; 1974, 750 § 5; 1975, 407 § 5; 1978, 392 § 5.)

SECT. 2 amended, 1979, 756 § 2.

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; 1979, 248.

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; 1979, 756 § 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.)

SECTS. 14-15 repealed, 1979, 402 § 1.

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; 1979, 546 § 1. (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.)

SECT. 13 revised, 1979, 546 § 2.

### **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); revised, 1979, 546 § 3. (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); clause (1) revised, 1979, 546 § 4. (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; 1979, 209; 744 § 1; 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. 16A added, 1979, 744 § 2 (providing for the administration of a small estate in which an executor is named in a will).

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; third paragraph revised, 1979, 546 § 6. (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. 7, first paragraph, third sentence revised, 1979, 546 § 7.

SECT. 9 amended, 1933, 221 § 4; 1954, 552 § 1; revised, 1971, 548 § 1; 1972, 256; 1976, 515 § 15; paragraph added, 1979, 546 § 5. (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 199A. — General Provisions Regarding Certain Foreign Fiduciaries.**

**New chapter inserted, 1976, 515 § 22. (See 1976, 515 § 35.)**

SECT. 2, third paragraph revised, 1979, 546 § 6.

SECT. 7, first paragraph, third sentence revised, 1979, 546 § 7.

#### **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.)

SECTS. 19-20 revised, 1979, 718 § 1.

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.

SECTS. 21-22 repealed, 1979, 376.

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; 1979, 718 § 2.

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, first paragraph amended, 1979, 362 § 1; third paragraph amended, 1977, 531 § 1; revised, 1979, 362 § 2.

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; paragraph added, 1979, 522 § 1. (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; section revised, 1979, 727.

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. 12 repealed, 1979, 306.

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; 1979, 756 § 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 revised, 1979, 522 § 2.

SECT. 32F 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. 10 revised, 1979, 344 § 2. (See 1979, 344 § 51.)

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; two paragraphs inserted after first paragraph, 1979, 762 § 1; last paragraph revised, 1979, 762 § 2. (See 1978, 478 § 343; 1979, 762 § 19.)

SECT. 2 revised, 1978, 478 § 115; second paragraph revised, 1979, 762 § 2A; fourth paragraph, third sentence revised, 1979, 762 § 3. (See 1978, 478 § 343; 1979, 762 § 19.)

SECT. 3 amended, 1973, 1114 § 51; first paragraph stricken out and two paragraphs inserted, 1979, 762 § 4. (See 1973, 1114 § 351; 1979, 762 § 19.)

SECT. 4, clause (e) revised, 1979, 762 § 5; clause (j) revised, 1979, 762 § 6; clause (m) added, 1979, 762 § 7. (See 1979, 762 § 19.)

SECT. 5 amended, 1979, 762 § 8; paragraph added, 1979, 762 § 9. (See 1979, 762 § 19.)

SECT. 6 amended, 1953, 319 § 24; first sentence revised, 1978, 478 § 117. second paragraph amended, 1979, 762 § 10; fourth paragraph stricken out, two paragraphs inserted, 1979, 762 § 11. (See 1953, 319 §§ 39, 40; 1978, 478 § 343; 1979, 762 § 19.)

SECT. 8 revised, 1973, 1114 § 52; third sentence revised, 1975, 599 § 3. section amended, 1979, 762 § 12. (See 1973, 1114 § 351; 1979, 762 § 19.)

SECT. 8A, second paragraph revised, 1979, 762 § 13. (See 1979, 762 § 19.)

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; 1979, 762 § 14. (See 1978, 478 § 343; 1979, 762 § 19.)

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. 3, subsections (12) and (13) added, 1979, 495.

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; sentence added, 1979, 522 § 3. (See 1973, 1114 § 351; 1975, 400 § 79.)

SECT. 34A added, 1967, 439 (providing for service of contempt citations for non support be served by certified mail); second and third sentences revised, 1968, 562; two sentences added, 1970, 602; section revised, 1975, 400 § 68. (See 1975, 400 § 79.)

SECT. 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; 1979, 741.

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;\*

\*Void for non-acceptance.

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 § 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 Dukes 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; second paragraph under caption "*Franklin*" revised, 1979, 343 § 1; 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; second paragraph under caption "*Worcester*" revised, 1979, 343 § 2; 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. 2, second paragraph under caption "*Worcester*" revised, 1979, 343 § 2.

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; paragraph (*d*), first sentence revised, 1979, 344 § 3; paragraph (*g*), third sentence revised, 1979, 344 § 4. (See 1972, 620 § 2; 1978, 478 § 343; 1979, 344 § 51.)

SECT. 29 amended, 1932, 55; repealed, 1964, 308 § 10.

SECT. 30 amended, 1941, 194 § 19; 1970, 888 § 25; second sentence stricken out, 1979, 344 § 5. (See 1970, 888 § 31; 1979, 344 § 51.)

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,\*

\*Void for non-acceptance.

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.)

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; first paragraph amended, 1979, 562. (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. 57 revised, 1979, 612 § 1.



SECT. 58 amended, 1932, 40 § 1; first sentence amended, 1973, 1114 § 81; 1975, 377 § 18; section revised, 1979, 612 § 2. (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. 1979, 612 § 3. (See 1978, 478 § 343.)

SECT. 62 revised, 1979, 612 § 4.

SECT. 62A revised, 1973, 1114 § 82; 1978, 478 § 249; 1979, 612 § 5. (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 bale 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; paragraph inserted after second paragraph under caption "*SUPERIOR COURT DEPARTMENT FOR CIVIL BUSINESS IN THE COUNTY OF SUFFOLK*", 1979, 701. (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; 1979, 164 § 1. (See 1971, 801 § 2; 1972, 440 § 2; 1979, 164 § 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; amended, 1979, 502. (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; section revised, 1979, 172.

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. 3 revised, 1979, 344 § 7. (See 1979, 344 § 51.)

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. 20H revised, 1979, 344 § 8. (See 1979, 344 § 51.)

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; sentence inserted after second sentence, 1979, 255 § 1; third sentence amended, 1949, 347 § 4. (See 1949, 347 § 5.)

SECT. 26A repealed, 1979, 344 § 9. (See 1979, 344 § 51.)

SECT. 26B amended, 1965, 355 § 1; 1967, 285; first paragraph amended, 1979, 344 § 9A; paragraph added, 1979, 255 § 2. (See 1965, 355 § 2; 1979, 344 § 51.)

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; section revised, 1979, 344 § 10. (See 1945, 428 § 3; 1955, 485 § 2; 1979, 344 § 51.)

SECT. 31 repealed, 1979, 344 § 11. (See 1979, 344 § 51.)

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.)**

SECT. 2, fifth sentence revised, 1979, 393 § 46. (See 1979, 393 § 73.)

#### **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; first sentence revised, 1979, 756 § 4. (See 1939, 32 § 5; 1970, 119 § 5; 1973, 487 § 5; 1974, 750 § 5; 1975, 407 § 5; 1978, 392 § 5.)

SECT. 31, first sentence revised, 1979, 168.

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 repealed, 1979, 402 § 2.**

**For prior changes see Table of Changes contained in Acts and Resolves of 1978.**

### **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 revised, 1960 463 § 1; amended, 1973, 488; revised, 1975, 377 § 123; revised, 1977, 636. (See 1960 463 #YSM 2; 1975, 377 § 164.)

SECT. 2A added, 1969, 701 § 2 (providing a defense for certain tenants in summary process actions); revised, 1972, 99 § 2; amended, 1973, 858 § 4; revised, 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; second sentence revised, 1979, 198 § 1; fifth paragraph, last sentence revised, 1979, 198 § 2.

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 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. 25 revised, 1979, 344 § 12. (See 1979, 344 § 51.)  
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.)  
SECTS. 1-2 repealed, 1979, 344 § 13. (See 1979, 344 § 51.)  
SECTS. 9-12 repealed, 1979, 344 § 13. (See 1979, 344 § 51.)  
SECT. 13 revised, 1979, 344 § 14. (See 1979, 344 § 51.)  
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 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.

SECTS. 44-47 revised, 1979, 722.

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; subsection (f) added, 1979, 166. (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 lienec).

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; sentence added, 1979, 47.

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  $\frac{1}{2}$  inserted, 1975, 90 § 6; revised, 1979, 252 § 3; 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 B, clause (6) revised, 1979, 252 § 4; 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.

SECT. 12 added, 1979, 1 § 1 (relative to claims against the commonwealth not arising in tort). (See 1979, 1 § 3.)

SECT. 13 added, 1979, 396 § 1 (indemnifying certain elected or appointed municipal officials). (See 1979, 396 § 3.)

**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.)

SECTS. 23-27 repealed, 1979, 402 § 3.

SECT. 31A added, 1956, 258 § 2 (limiting the time for bringing proceedings to enforce certain possibilities of reverter to which a fee simple or fee simple determinable is subject); amended, 1961, 448 § 5; first paragraph amended, 1975, 377 § 158; third paragraph amended, 1968, 496. (See 1975, 377 § 164.)

SECT. 32 revised, 1973, 1114 § 340. (See 1973, 1114 § 351.)

SECTS. 33-35 added, 1957, 370 (providing for a limitation of mortgage foreclosures and to protect land titles against obsolete mortgages).

SECT. 33 amended, 1975, 377 § 159. (See 1975, 377 § 164.)

SECT. 35 amended, 1975, 377 § 160. (See 1975, 377 § 164.)

SECT. 36 added, 1973, 1114 § 341 (providing for limitation of counterclaims). (See 1973, 1114 § 351.)

### Chapter 261. — Costs in Civil Actions.

SECT. 4 amended, 1937, 44 § 1; revised, 1973, 1114 § 342. (See 1937, 44 § 2; 1943, 296 §§ 3, 6; 1973, 1114 § 351.)

SECT. 8 amended, 1971, 843 § 19; 1973, 591 § 18. (See 1971, 843 § 27; 1973, 591 § 22.)

SECT. 9 amended, 1975, 377 § 161. (See 1975, 377 § 164.)

SECT. 10 amended, 1973, 1114 § 343. (See 1973, 1114 § 351.)

SECT. 12 repealed, 1973, 1114 § 344. (See 1973, 1114 § 351.)

SECT. 13 revised, 1973, 1114 § 345. (See 1973, 1114 § 351.)

SECT. 23 revised, 1973, 1114 § 346. (See 1973, 1114 § 351.)

SECT. 25 repealed, 1973, 1114 § 347. (See 1973, 1114 § 351.)

SECT. 25A revised, 1957, 497; amended, 1965, 410.

SECT. 26 revised, 1975, 377 § 162. (See 1975, 377 § 164.)

SECT. 27 repealed, 1975, 377 § 162. (See 1975, 377 § 164.)

SECTS. 27A-27G added, 1974, 694 § 3 (relative to fees and costs other than attorneys' fees incurred by certain indigent persons). (See 1974, 694 § 6.)

SECT. 27B, first paragraph amended, 1977, 142; section revised, 1978, 478 § 268; 1979, 344 § 15. (See 1978, 478 § 343; 1979, 344 § 51.)

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; paragraph added, 1979, 344 § 16. (See 1979, 344 § 51.)

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; paragraph added, 1979, 344 § 17. (See 1953, 319 §§ 39, 40; 1971, 843 § 27; 1973, 591 § 22; 1979, 344 § 51.)

SECT. 4A added, 1934, 358 (expediting the arraignment of persons charged with crimes not punishable by death by permitting them to waive indictment proceedings); revised, 1979, 344 § 18. (See 1979, 344 § 51.)

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; 1979, 344 § 19. (See 1933, 24 § 2; 1971, 843 § 27; 1973, 591 § 22; 1979, 344 § 51.)

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; first two sentences stricken out and sentence inserted, 1979, 488 § 2; 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; amended, 1979, 465 § 1.

SECT. 26A added, 1979, 465 § 2 (imposing a penalty for custodial interference).

SECT. 27 amended, 1979, 465 § 3.

SECT. 27A added, 1979, 465 § 4 (relative to trial venue).

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).

SECT. 37 added, 1979, 801 § 2 (protecting the civil rights of persons in the commonwealth).

### **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; revised, 1979, 184.

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; 1979, 792.

SECT. 139A 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; amended, 1979, 485 § 41. (See 1955, 770 §§ 117, 123.)

SECT. 27 amended, 1934, 328 § 25.

SECT. 28 amended, 1955, 770 § 85; revised, 1957, 777 § 34; 1965, 407; amended, 1979, 485 § 42. (See 1955, 770 §§ 117, 123.)

SECT. 29 amended, 1934, 328 § 26; 1955, 770 § 86; amended, 1979, 485 § 43. (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; amended, 1979, 485 § 44. (See 1955, 770 §§ 117, 123.)

SECT. 32 amended, 1970, 278; paragraph added, 1979, 205.

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. 20, third paragraph amended, 1979, 135.

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 (d) 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; 1979, 381. (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; first paragraph revised, 1979, 105; last paragraph, first sentence stricken out and two sentences inserted, 1979, 103.

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); repealed, 1979, 704 § 3. (See 1979, 704 § 10.)

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; paragraph inserted after first paragraph, 1979, 373.

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; 1979, 280; 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.

SECTS. 4A-4B added, 1979, 676 (establishing a mandatory prison term for one who induces a minor to become a prostitute).

SECT. 5 revised, 1948, 137; 1977, 588; 1979, 305.

SECT. 6 revised, 1978, 379 § 5; 1979, 472.

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; revised, 1979, 220.

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. 80G added, 1979, 426 (requiring the operator of a motor vehicle which strikes and injures or kills a dog to report it).

SECT. 80G added, 1979, 439 § 2 (regulating the use of live vertebrate for experimental or exhibitional purposes in certain schools).

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; amended, 1979, 595 § 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; 1979, 595 § 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; paragraph added, 1979, 522 § 4; two sentences inserted after first sentence, 1979, 621 § 1.

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; sentence inserted after second sentence, 1979, 621 § 2.

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 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; paragraph added, 1979, 522 § 4; two sentences inserted after first sentence, 1979, 621 § 1.

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; sentence inserted after second sentence, 1979, 621 § 2.

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. 1 definition of "State" revised, 1979, 452.

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.

SECTS. 12-14 repealed, 1979, 344 § 6. (See 1979, 344 § 51.)

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; 1979, 728.

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; revised, 1979, 344 § 20. (See 1979, 344 § 51.)

SECT. 24 revised, 1973, 566; 1979, 344 § 21. (See 1979, 344 § 51.)

SECT. 25 revised, 1967, 338; 1968, 698; 1979, 344 § 22. (See 1979, 344 § 51.)

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; repealed, 1979, 344 § 23. (See 1979, 344 § 51.)

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; first sentence revised, 1979, 344 § 24. -For prior legislation, see G.L. chapter 277 §§ 48, 49, repealed, 1932, 180 § 44. (See 1978, 478 § 343; 1979, 344 § 51.)

SECT. 39 repealed, 1979, 344 § 25. (See 1979, 344 § 51.)

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. 50 repealed, 1979, 344 § 25. (See 1979, 344 § 51.)



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. 82 amended, 1979, 344 § 26. (See 1979, 344 § 51.)

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; second paragraph revised, 1979, 393 § 71A. (See 1949, 783 §§ 3, 4; 1951, 774 § 3; 1955, 735 § 3; 1956, 263, 731 §§ 29-33; 1970, 875 § 8; 1978, 367 § 72, 478 § 343; 1979, 393 § 73.)

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; amended, 1979, 393 § 71B; § 71C; 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; 1979, 393 § 73.)

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. 99D added, 1979, 393 § 71D (relative to the salaries of chief probation officers). (See 1979, 393 § 72.)

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; first sentence revised, 1979, 344 § 27. (See 1964, 326 §§ 3-5; 1966, 415 §§ 6, 7; 1973, 464 § 6; 1977, 315 § 5; 1979, 344 § 51.)

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; 1979, 130 § 1; 344 § 28 (See 1966, 415 §§ 6, 7; 1979, 344 § 51.)

SECT. 2A revised, 1966, 235 § 3, 415 § 3; sentence added, 1977, 415 § 310; first sentence amended, 1979, 344 § 29. (See 1966, 415 §§ 6, 7; 1977, 415 § 14; 1979, 344 § 51.)

SECT. 2B added, 1964, 326 § 2 (providing that grand jurors in Middlesex county shall serve for a term of six months); revised, 1966, 235 § 4, 415, § 4; 1977, 415 § 11. (See 1964, 326 §§ 3-5.) (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); amended, 1979, 344 § 30. (See 1973, 464 § 6; 1979, 344 § 51.)

SECT. 2D added, 1975, 809 § 2 (providing that grand jurors in Plymouth county serve for four months); amended, 1979, 344 § 31. (See 1979, 344 § 51.)

SECT. 2E added, 1977, 315 § 2 (providing that grand jurors in Worcester county serve for six months); revised, 1978, 518 § 1; 1979, 130 § 2; amended, 1979, 344 § 32. (See 1977, 315 § 5; 1978, 518 § 2; 1979, 344 § 51.)

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); amended, 1979, 344 § 32. (See 1979, 344 § 32.)

SECT. 2G added, 1978, 323 § 2 (relative to issuing writs of venire facias); revised, 1979, 344 § 32A. (See 1979, 344 § 51.)

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. 4 sentence added, 1977, 415 § 13. (See 1977, 415 § 14.)

SECTS. 7-10 repealed, 1979, 344 § 33. (See 1979, 344 § 51.)

SECTS. 12 AND 13 repealed, 1979, 344 § 33. (See 1979, 344 § 51.)

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. 17 repealed, 1979, 344 § 33. (See 1979, 344 § 51.)

SECT. 34 revised, 1979, 344 § 34. (See 1979, 344 § 51.)

SECT. 35A repealed, 1979, 344 § 35. (See 1979, 344 § 51.)

SECT. 38 amended, 1957, 660 § 5; revised, 1971, 1071 § 8. amended, 1979, 344 § 36. (See 1957, 660 §§ 6, 7; 1971, 1071 § 9; 1979, 344 § 51.)

SECT. 39, definition of "adultery" revised, 1978, 379 § 8; definition of "fornication" revised, 1978, 379 § 9; definition of "Rape" revised, 1974, 474 § 7.

SECT. 40 repealed, 1979, 344 § 37. (See 1979, 344 § 51.)

SECT. 46 repealed, 1979, 344 § 37. (See 1979, 344 § 51.)

SECT. 47, amended, 1979, 344 § 38. (See 1979, 344 § 51.)

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; revised, 1979, 344 § 39. (See 1965, 617 §§ 2, 3, 756 § 3; 1978, 478 § 343; 1979, 344 § 51.)

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. 51 AND 52 repealed, 1979, 344 § 40. (See 1979, 344 § 51.)

SECT. 53 revised, 1979, 344 § 41. (See 1979, 344 § 51.)

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. 69 repealed, 1979, 344 § 42. (See 1979, 344 § 51.)

SECT. 70A repealed, 1979, 344 § 42. (See 1979, 344 § 51.)

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; amended, 1979, 485 § 45.

SECT. 71-72A repealed, 1979, 344 § 42. (See 1979, 344 § 51.)

SECT. 73 revised, 1978, 478 § 300. (See 1978, 478 § 343.)

SECT. 74-77 repealed, 1979, 344 § 42. (See 1979, 344 § 51.)

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 on 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); repealed, 1979, 344 § 43. (See 1979, 344 § 51.)

SECT. 3 repealed, 1979, 344 § 43. (See 1979, 344 § 51.)

SECT. 6 repealed, 1979, 344 § 43. (See 1979, 344 § 51.)

SECT. 11, two paragraphs added, 1963, 569; second paragraph amended, 1964, 108 § 1; third paragraph amended, 1964, 108 § 2; section revised, 1979, 344 § 43A. (See 1979, 344 § 51.)

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; repealed, 1979, 344 § 43B. (See 1978, 478 § 343; 1979, 344 § 51.)

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; repealed, 1979, 344 § 43B. (See 1979, 344 § 51.)

SECT. 28 revised, 1979, 344 § 44. (See 1979, 344 § 51.)

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# The Commonwealth of Massachusetts

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DEPARTMENT OF THE STATE SECRETARY, BOSTON, MAY 12, 1980

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 State*



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